

# LEGISLATIVE COUNCIL OF VICTORIA

## MINUTES OF THE PROCEEDINGS Nos. 1, 2 and 3

### No. 1 — Tuesday, 25 February 2003

- 1 The Council met pursuant to the Proclamation of the Governor dated 4 February 2003, which Proclamation was read by the Clerk and is as follows:

#### PROCLAMATION

I, John Landy, AC, MBE, Governor of the State of Victoria, acting under section 8 and 20 of the *Constitution Act 1975* and all other powers vested in me, fix 25 February 2003 at 11.00 a.m. as the time for the commencement and holding of the First session of the Fifty-fifth Parliament of Victoria for the dispatch of business, at the Parliament Houses, Melbourne. The Honourable the Members of the Legislative Council and the Members of the Legislative Assembly are required to attend at that time and place.

GIVEN under my Hand and the Seal of the State of Victoria,  
at Melbourne, this fourth day of February 2003  
JOHN LANDY  
Governor

(L.S.)

By His Excellency's Command  
STEVE BRACKS  
Premier

- 2 **INTRODUCTION OF COMMISSIONERS** — The Honourables the Chief Justice, and Mr Justice John Spence Winneke, the Commissioners from the Governor appointed to open the Parliament, having been introduced to the Council Chamber by the Usher of the Black Rod, the Honourable the Chief Justice desired the Usher of the Black Rod to request the presence of the Members of the Legislative Assembly in the Legislative Council Chamber to hear the Commission read for the commencement and holding of this present Session of Parliament.

The Members of the Legislative Assembly having presented themselves, the Honourable the Chief Justice said —

HONOURABLE MEMBERS OF THE LEGISLATIVE COUNCIL AND MEMBERS OF THE LEGISLATIVE ASSEMBLY:

The Governor, not thinking fit to be present in person, has been pleased to cause a Commission to issue under the Seal of the State constituting us his Commissioners to do in his name all that is necessary to be performed in this Parliament. This will more fully appear from the Commission which will now be read by the Clerk.

The Commission was then read and is as follows:

BY HIS EXCELLENCY JOHN LANDY AC, MBE,  
GOVERNOR OF VICTORIA  
TO THE HONOURABLE MR JUSTICE JOHN HARBER PHILLIPS, AC,  
CHIEF JUSTICE OF VICTORIA

AND  
 TO THE HONOURABLE MR JUSTICE JOHN SPENCE WINNEKE, AO,  
 PRESIDENT OF THE COURT OF APPEAL  
 GREETING:

Acting under all available powers and with the consent of the Premier, I commission each of you, on my behalf, to open the first session of the Fifty-fifth Parliament at 11.00 am in the morning on Tuesday, the twenty-fifth day of February 2003 and to do all other things that it is necessary or usual for me to do on the opening of a new Parliament.

GIVEN under my hand and the seal of Victoria,  
 on this nineteenth day of February 2003  
 JOHN LANDY  
 Governor

(L.S.)  
 By His Excellency's Command,  
 STEVE BRACKS  
 Premier

Then the Honourable the Chief Justice said —

HONOURABLE MEMBERS OF THE LEGISLATIVE COUNCIL AND MEMBERS OF THE LEGISLATIVE ASSEMBLY:

I have it in command from the Governor to let you know that later this day the Governor will declare to you in person in this place the reasons for calling this Parliament together; and, as it is necessary before you proceed to the despatch of business that a President of the Legislative Council and a Speaker of the Legislative Assembly be chosen, the Governor requests that you, in your respective Chambers, proceed to the choice of proper persons to be such President and Speaker.

The Members of the Legislative Assembly then withdrew.

The Honourable the President of the Court of Appeal withdrew.

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

BY HIS EXCELLENCY JOHN LANDY AC, MBE,  
 GOVERNOR OF VICTORIA  
 TO THE HONOURABLE MR JUSTICE JOHN HARBER PHILLIPS, AC,  
 CHIEF JUSTICE OF VICTORIA  
 GREETING:

Acting under section 23 of the *Constitution Act 1975* I authorise you, in the Parliament Houses, Melbourne, on the twenty-fifth day of February 2003, to administer the prescribed Oath or Affirmation of allegiance to Members of the Legislative Council.

GIVEN under my hand and the seal of Victoria,  
 on this nineteenth day of February 2003  
 JOHN LANDY  
 Governor

(L.S.)  
 By His Excellency's Command  
 STEVE BRACKS  
 Premier

- 4 RETURNS TO WRITS** — The Clerk announced that a Writ issued under the hand of the Governor on 5 November 2002 for the election of Members to serve in each of

twenty-two Provinces had been received from the Governor, and by the endorsements on that Writ it appeared that the following Members had been elected:

- The Honourable John Martin McQuilten for the Ballarat Province.
- The Honourable Robert George Mitchell for the Central Highlands Province.
- Mr Matthew Shaw Viney for the Chelsea Province.
- The Honourable Monica Mary Gould for the Doutta Galla Province.
- The Honourable David McLean Davis for the East Yarra Province.
- Mr Adem Somyurek for the Eumemmerring Province.
- The Honourable John Hamdi Eren for the Geelong Province.
- The Honourable Peter Ronald Hall for the Gippsland Province.
- Mr Noel Francis Pullen for the Higinbotham Province.
- The Honourable Theo Charles Theophanous for the Jika Jika Province.
- The Honourable Helen Elizabeth Buckingham for the Koonung Province.
- Mr Gavin Wayne Jennings for the Melbourne Province.
- Ms Candy Celeste Broad for the Melbourne North Province.
- The Honourable Sang Minh Nguyen for the Melbourne West Province.
- Mr Johan Emiel Scheffer for the Monash Province.
- The Honourable Wendy Ann Lovell for the North Eastern Province.
- The Honourable Damian Kevin Drum for the North Western Province.
- The Honourable Carolyn Dorothy Hirsh for the Silvan Province.
- The Honourable Lidia Serafina Argondizzo for the Templestowe Province.
- Mr John Lenders for the Waverley Province.
- The Honourable John Adrian Vogels for the Western Province.
- The Honourable John Geoffrey Hilton for the Western Port Province.

The Clerk also announced that on 5 November 2002 the President received the following communication:

Tuesday, 5<sup>th</sup> November 2002

The Honourable Bruce Chamberlain, MLC,  
President of the Legislative Council,  
Parliament House,  
MELBOURNE 3000

Dear Mr. President,

I enclose letters of resignation received by me this day from the Hon. M.A. Birrell, MLC, and the Hon. R.M. Hallam, MLC, resigning their seats of East Yarra and Western respectively in the Legislative Council.

Yours sincerely,

John Landy  
Governor

5 November 2002

John Landy AC, MBE  
Governor of Victoria  
Government House  
MELBOURNE 3004

Dear Governor

I hereby formally tender my resignation as the member for East Yarra Province in the Legislative Council effective forthwith.

It has been a great pleasure and honour to have represented East Yarra Province since 1983.

I have acted promptly, at the same time as the Premier's announcement, to facilitate the holding of a by-election for my seat in conjunction with the general election.

Yours sincerely

Hon. Mark Birrell, MLC

\* \* \* \*

5 November 2002

His Excellency John Landy AC, MBE  
Governor of Victoria  
Government House  
Melbourne 3004

Dear Governor

I write to tender my resignation as the Member for Western Province effective forthwith.

I have acted promptly on the Premier's announcement of the general election date to ensure that a by-election for my seat can be conducted concurrently with the general election thus avoiding the cost of a separate by-election.

I tender this resignation with mixed emotions as I have thoroughly enjoyed my role as the representative of the electors of Western Victoria ... indeed I regard myself to be extremely fortunate to have been granted the trust which allowed me to follow a chosen career. However all good things must come to an end, and I know that it is time to pass on the baton.

With my very best wishes

Yours faithfully

ROGER M HALLAM MLC  
MEMBER FOR WESTERN PROVINCE

The Clerk further announced that Writs issued under the hand of the President on 5 November 2002 for the election of Members to serve for the relevant Provinces in the place of those persons had now been returned, and by the endorsements on those Writs it appeared that the following Members had been elected:

The Honourable Richard Dalla-Riva for the East Yarra Province.

The Honourable David Koch for the Western Province.

- 5 DECLARATION OF ALLEGIANCE** — The Honourables Lidia Argondizzo, Helen Buckingham, Richard Dalla-Riva, David Davis, Damian Drum, Monica Gould, Peter Hall, Carolyn Hirsh and David Koch, Mr John Lenders, the Honourable Wendy Lovell, Mr Noel Pullen, the Honourable Theo Theophanous, Mr Matthew Viney, the Honourable John Vogels, Ms Candy Broad, the Honourables John Eren and Geoff Hilton, Mr Gavin Jennings, the Honourables Robert Mitchell, John McQuilten and Sang Nguyen, Mr Johan Scheffer and Mr Adem Somyurek approached the Table, and took and subscribed the oath or affirmation required by law.

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

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

Mr John Lenders, addressing the Clerk, proposed to the Council for their President, the Honourable Monica Mary Gould and moved, That the Honourable Monica Mary Gould do take the Chair of the Council as President, which motion was seconded by Mr Gavin Jennings.

The Honourable Monica Mary Gould, addressing the Clerk, indicated her acceptance of the nomination.

The Council then calling the Honourable Monica Mary Gould to the Chair, she was taken out of her place by Mr John Lenders and Mr Gavin Jennings and conducted to the Chair; and, standing on the dais, she returned her acknowledgements to the Council for the high honour that had been conferred upon her and thereupon took the Chair of the President and read the prayer.

Mr John Lenders, the Honourables Philip Davis and Peter Hall, Mr Gavin Jennings and the Honourable Andrea Coote then congratulated the President.

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

*[Sitting suspended from 11.38 a.m. until 2.30 p.m.]*

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

A fanfare was sounded.

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

HONOURABLE PRESIDENT AND HONOURABLE MEMBERS OF THE LEGISLATIVE COUNCIL;

HONOURABLE SPEAKER AND MEMBERS OF THE LEGISLATIVE ASSEMBLY

The November 30th election resulted in the return of the Australian Labor Party with a substantial majority in both Houses of Parliament. The Leader of the Australian Labor Party, Mr Steve Bracks was offered and given the commission to govern.

I have called you together today for the first session of the 55th Parliament to outline the policy directions for the second term of the Government - and the legislation the Government will bring before this Parliament.

Before doing so, I would like to reflect on the way the Victorian community has drawn together in response to the tragedies and crises of the past six months.

In the terrible events in Bali – and in the bushfires here at home – we have seen Victorians at their very best.

We have seen acts of true courage and heroism.

We have seen acts of compassion and selflessness.

We have seen people prepared to set aside their own concerns and step forward to help others.

I thank those who played such an important part in responding to the tragedy in Bali: the police, forensic experts, coronial officers, medical officers, doctors, nurses, counsellors and countless others.

I thank the men and women of our firefighting and emergency services – a great many of whom are volunteers and who have turned out day after day, week after week, to save lives, property and entire communities.

I also thank the many Victorians who contributed in other ways to the firefighting effort.

From those who provided food and medical assistance to our firefighters - to those who rescued and cared for injured wildlife.

It has been an extraordinary community effort and one of which Victorians can be very proud.

The Government – indeed the whole Parliament and the Victorian community – is committed to assisting in the recovery of those parts of the State that have been damaged socially, economically and environmentally by the bushfires and the current drought.

To begin this recovery, the Government has established a Ministerial Task Force to support our many bushfire-affected communities - and the businesses that sustain them.

And just last week, the Government launched the 2003 Victorian Bushfire Recovery Appeal Fund for the collection and distribution of aid for bushfire relief.

Our firefighters will receive practical support through new legislation, giving them protection from civil litigation, and protection from discrimination in employment.

And a new offence will be created with a maximum penalty of 15 years for persons who intentionally or recklessly cause a bushfire.

Over the next four years the Government will continue to invest in communities across Victoria – improving the delivery of government services to all Victorians, and continuing to develop the whole of the State.

The Government will deliver on its promises to the people of Victoria - including important initiatives in water, the environment, families and children, health, education and community safety.

It will give particular attention to the needs of Victoria's regions and Melbourne's rapidly growing outer suburbs.

These commitments will be underpinned by sound financial management, ensuring that Victoria's financial position remains strong and secure.

The Government will continue to listen to the views of all Victorians, and give Victorians every opportunity to have their say in government decisions and policies.

The Government fully appreciates the honour and privilege of being given a strong mandate for its policies by the people of Victoria.

The Government now intends to meet its commitments to the people of Victoria - and implement that policy agenda.

Over the next four years, the Government's priorities will be to:

- improve community safety;
- restore our environment and secure Victoria's future water needs;
- strengthen the Victorian economy and provide good financial management;

- improve our services and community facilities; and
- complete the task of restoring democracy to Victoria by reforming the Parliament, in particular the Legislative Council.

### **Democracy and reform of the Legislative Council**

The Government's first action in the first sitting of the new Parliament will be to reintroduce legislation to bring about long promised parliamentary reforms.

The Government's new *Constitution (Parliamentary Reform) Bill 2003* - will deliver a parliamentary system that is fairer, more accountable and more representative of the views of Victorians.

The Bill will implement the recommendations of the Constitution Commission to introduce fixed four year terms, improve the relationship between Victoria's two Houses of Parliament - and reform the Upper House to make it a more effective house of review and more representative of the diversity of views within the Victorian community.

This legislation represents the most significant reform of Victoria's parliamentary system since it was established in 1856.

The reforms will mean that in future, elections will be held on a fixed date every four years – the last Saturday in November.

Under this legislation the next election will be held on November 25, 2006 – the 150<sup>th</sup> anniversary of the first meeting of the Victorian Parliament.

At that election, the size of the Legislative Council will be reduced to 40 members, elected by proportional representation from 8 regions with 5 members in each region.

The Government has chosen this model because it delivers the highest possible level of representation for country Victoria while still being consistent with the democratic principle of 'one vote one value'.

The Bill also explicitly removes the Legislative Council's power to block supply - and provides for a deadlock process to resolve disputes between the Houses.

These changes will make the Legislative Council more democratic, more representative of the Victorian community and a much more effective and active house of review.

The Bill also gives Victorians a say in their Constitution for the first time, by introducing a requirement for a referendum on changes to core provisions in the Constitution.

The Government will also be moving revised sessional orders - to modernise the working of Parliament and adopt practices more in line with the Federal Parliament.

These changes will make the Parliament more productive and allow more debate on issues of substance.

In other reforms, the Government will legislate to strengthen Local Government and establish a common election day for all municipalities across Victoria.

### **Terrorism and community safety**

The surge in terrorism around the world, and the devastating explosions in Bali, have heightened our sense of vulnerability.

The Government has responded by providing additional resources to Victoria's police and emergency services – and it will now legislate to give law enforcement agencies the powers they need to protect the public - and to implement Victoria's commitment to an effective national framework to combat terrorism.

The Government is equally committed to combating major crime, and to improving the safety of the Victorian community as a whole.

Victoria has taken a lead role in negotiations to establish the new Australian Crime Commission – and the Government will introduce legislation in this Parliament to enable the confiscation of assets, and other measures targeting major crime.

Gun control is another matter of great community concern, particularly in the wake of the senseless shootings at Monash University last year.

The Government will introduce legislation that implements the Council of Australian Government Firearms Trafficking Agreement.

This will include a ban on certain handguns, further restrictions on access to guns - and a new buyback program to reduce the number of guns in the community.

The Government will pursue a range of other issues requiring law reform through the Parliament and the Law Reform Commission.

Sentencing will be reformed through the establishment of judicial Sentencing Guidelines – and the Government will build two major new prisons and complete its reform of the Victorian corrections system.

The Government will further step up the fight against crime by recruiting an additional 600 police and implementing 'smarter crime fighting' approaches, using state of the art forensic techniques.

In addition, the Government will build 68 new police stations and develop a new legislative framework for the police force.

### **The environment and securing Victoria's future water needs**

While community safety is the most immediate issue facing the Government, the most important long-term challenge for Victoria is preserving a healthy environment - and ensuring a secure future water supply.

Victoria must take action now to save our environment from the dangers of salinity, land clearing and climate change.

The Government is strongly committed to promoting the sustainable use of Victoria's resources, and to working with the Victorian community to protect our environment and natural assets.

The Government has established a new Department of Sustainability and Environment, to strengthen and coordinate its focus on these objectives.

In this Parliamentary term, the Government will legislate to establish the Victorian Water Trust.

The Trust will provide long-term funding for major projects aimed at reducing the wastage of water - and increasing the environmental flows in our major rivers.

The Trust will contribute to projects which include converting open irrigation channels into pipelines, reducing causes of irrigation wastage, promoting water conservation and the use of recycled water and restoring the health of Victoria's rivers.

The Government will also introduce legislation to enshrine in the Victorian Constitution the public ownership of water authorities, dams and major pipe works.

The Government will establish VicForests as an independent body to manage Victoria's public forests in a sustainable way that balances economic, environmental and social goals.

The Otway Ranges are one of Victoria's most important and unique environments.

Recognising the beauty and environmental value of the Otways, the Government will reduce wood chipping and logging in the Otways - leading to a total end to logging and wood chipping in native forests in the Otways, by 2008.

A single new Otways National Park will be created, extending from Anglesea to Cape Otway. The Park will protect key parts of the Otways, including some of Victoria's most significant rainforest areas.

Legislation will be introduced to establish a Commissioner for Environmental Sustainability, who will report on the state of the environment in Victoria and monitor the effectiveness of environmental programs.

The Government will tackle the issue of climate change, by joining with other State leaders to convene a national Climate Change Leaders Forum to develop a national approach.

The Government will promote sustainability across-the-board through a wide ranging program - including the Victorian Greenhouse Strategy, the development of wind power, better urban design, greater use of public transport and improved waste minimisation.



These significant initiatives demonstrate the Government's determination to lead the way in managing Victoria's natural resources wisely and responsibly – and laying down the groundwork for a long-term, sustainable future for Victoria.

### **Economic development**

One of the Government's key priorities is the improved delivery of community services.

The Government recognises this is only possible in a climate of economic growth and prudent financial management.

Sound financial management, continuing budget surpluses and the maintenance of Victoria's triple-A rating will remain at the centre of the Government's policy objectives – and the Government will build on these strong economic fundamentals to continue to drive growth across the State.

The Government views innovation as one of the main drivers of economic growth and has invested heavily in innovation, education, science and technology since coming to office.

The Government will continue this investment.

It will encourage new regional innovation clusters and build on existing strengths in the key industry sectors, of information and communication technology, design, biotechnology, health, food and agriculture.

Key innovation projects will include the development of the Australian National Synchrotron at Monash - and the development of the Bio21 precinct, adjacent to Melbourne University.

Other major projects to be undertaken in the next four years include:

- the new Southern Cross interchange at Spencer Street and the fast rail projects to regional Victoria;
- a number of major road projects including the beginning of construction of the Mitcham to Frankston freeway;
- redevelopment of the Melbourne Showgrounds as a year round event centre;
- further stages of development at Docklands and commencement of developments at the 13 designated transit cities; and
- the Commonwealth Games athletes' village and sporting venues associated with the Games.

Victorian small business will be supported to grow and thrive in a fair marketplace – through the establishment of a Small Business Commissioner.

The Government will introduce a range of legislative measures designed to achieve fairness and safety at work – balanced with the need to create jobs and secure Victoria's economic future.

This will include legislation to apply the federal awards safety net to all vulnerable Victorian workers, legislation to protect outworkers and payroll tax exemptions for paid maternity and adoption leave.

### **Health**

The Government believes a quality, public health care system is a fundamental building block of any decent society.

Over the next four years, the Government will continue to rebuild Victoria's hospital system - and work to improve the overall health of Victorians through disease prevention and early intervention initiatives.

The Government's key objectives are to:

- treat 35,000 more hospital patients each year and employ 900 extra nurses and health workers;
- treat more elective surgery waiting list patients, by building a dedicated 100-bed elective surgery centre at the Alfred Hospital, expand elective surgery capacity at Moorabbin Hospital, and increase support for rural patients;

- build three new super clinics in outer metropolitan Melbourne;
- build three new rehabilitation facilities for older people;
- complete major hospital developments currently underway; and
- commence the expansion or redevelopment of 10 more hospitals across the State.

In addition, the Government will meet its commitment to improve maternal and child health care services, expand dental health and mental health services – and increase the range of health and support services for older Victorians.

### **Education**

The Government believes that every Victorian should have access to quality education – irrespective of where they live.

Over the next four years, the Government will make schools more accountable to parents and the community. More information will be available on literacy, numeracy and student performance in Years 11 and 12 and the destination of students post-Year 12.

Fifteen new schools will be funded, and a major program implemented to replace portables.

Funding will be provided to develop facilities and enable schools to specialise in particular areas. Extra teachers will also be provided to develop these specialisations.

The Government will provide extra funding for non-government schools in need, and will work with non-government schools to assist them provide quality education.

New funding for TAFE will be used to develop and deliver more flexible and innovative vocational education and training programs.

The Government recognises that one of the greatest challenges facing our community, is to engage those young people who do not currently complete Year 12 or its equivalent.

The Government will continue to support programs designed to improve education and training pathways for young people – and will implement a new OnTrack program, which will follow-up all young Victorians six months after they leave school.

### **Strong regions**

The Government will continue to improve the delivery of services and infrastructure to country Victoria - to help meet the Government's goal of growing Victoria's regions.

The Government has renewed the Regional Infrastructure Development Fund and established Regional Development Victoria to generate jobs and economic development in our regions.

Many regional and rural communities will benefit from the extension of natural gas, and local community projects will assist small towns become more self-reliant and attract jobs.

The restoration of regional services will continue – with the Government establishing two new Rural Learning campuses and building better health facilities in regional areas.

Transport links will be modernised with the completion of major road projects and regional Fast Rail lines that will link regional communities to Melbourne – and regional products to global markets.

Funding has been provided to re-open four country rail passenger lines between Melbourne and Mildura, Leongatha, Bairnsdale and Ararat, and for the upgrading of the Warrnambool rail line.

The Government has adopted a new population target for regional Victoria, and will provide incentives to attract more skilled and semi skilled migrants into regional centres.

The Government will promote sustainable agriculture, and assist the rural sector to recover from the current drought – now entering its sixth year.

Resources for biosecurity will be increased to protect animal herds and crops from imported disease.

Measures will be taken to expand exports, and boost the contribution of Victoria's agricultural research institutes to the development of the State's food industry and the Government's initiatives in innovation.

### **Stronger Outer Suburbs**

Melbourne is recognised as the world's most liveable city - and the Government wants to keep it that way.

The Government has released a comprehensive plan, *Melbourne 2030*, for a more compact and sustainable city and will shortly consider public comment on the details of how to implement this plan.

The Government will work with local communities to promote a more sustainable structure for Melbourne, through investment in designated major activity centres.

Green Wedge Protection legislation will be introduced to protect Melbourne's suburbs from unrestrained growth.

The Government is also committed to providing first class services for Melbourne's growing suburbs – including new schools, hospitals, police stations and other community facilities to keep up with growing demand.

Public transport will be expanded, and infrastructure will keep pace with development.

As part of its continuing commitment to new growth suburbs, the Government is upgrading roads through a \$100 million Outer Metropolitan Road Fund.

Other major infrastructure projects like the Mitcham-Frankston Freeway will link Melbourne's growth corridors, creating new job and investment opportunities.

Many Victorian families are now choosing to live in these growth areas and they need more support and facilities, particularly to assist them care for children.

The Government will support local communities to better coordinate services for children, such as maternal and child health centres, immunisation services, childcare and kindergartens.

Up to thirty new Children's Centres will demonstrate how services can work together across a whole region to provide more accessible - and responsive support for families and children at critical times in their lives.

### **Victorian Communities**

The Government has established a new Department for Victorian Communities to advance another of its key objectives – building stronger communities and reducing disadvantage in the community.

The Government believes that communities face many complex problems that require different levels of government and community organisations to work together to find solutions.

The Government believes this partnership approach will enable it to achieve a number of important objectives, including:

- improved outcomes in health, education and justice for Aboriginal Victorians;
- more accessible services for people with a disability;
- improved services for problem gamblers; and
- increased assistance for newly arrived migrants and the promotion of the value to Victoria of a vibrant multicultural community.

Promoting equal opportunity for women continues to be a major goal for the Government.

In this term, the Government will implement a work/family balance strategy – and introduce \$1000 Return to Work grants for parents who have been out of the workforce looking after children.

The Government will encourage a vibrant arts sector.

It will support Victoria's major arts institutions - as well as encouraging grass roots community arts programs.

New jobs will be generated in our growing film industry including the establishment of a new film studio at Docklands.

The Government believes that sport and cultural pursuits also play a vital role in promoting a greater sense of community cohesion and pride.

The Department of Victorian Communities will aim to increase participation in sport – especially at the grass roots level.

In three years time, Melbourne will host the 2006 Commonwealth Games – the largest sporting and community event in our State's history.

The Government will ensure the Melbourne 2006 Games leave a positive legacy for Victoria - in the form of new community infrastructure, and a renewed interest in the positive influence of sport on health and general well being.

The Commonwealth Games will be an opportunity for Victoria to showcase itself to the world – and to demonstrate that we are putting into practice the Games' themes of multiculturalism, environmental sustainability and friendship.

### **Conclusion**

Victoria has a great deal to do to be ready for the Games – but we also have a great deal to do to secure our future beyond 2006 and into the decades ahead.

Over the next four years, the legislation, Budgets and issues that come before this Parliament will shape the way Victoria develops, and lays the framework for a sustainable and prosperous future.

In a time of so much uncertainty abroad, Victorians are fortunate to be able to look forward to a period of stable government - and to reforms that will make our parliamentary democracy even stronger and fairer.

In a time when many people around the world struggle to gain access to the most basic of human requirements, Victorians can look forward to further improvements in vital government services such as education and health care.

Recent events remind us not to be complacent about these things and to continue to work together to ensure Victoria continues to be a safe, supportive and healthy place in which to live, work and raise a family.

The Government's plans over the next four years are directed towards that goal – and to creating a strong, secure and sustainable future for Victoria.

The Government will now work towards implementation of these plans, ever mindful of the responsibility to provide good government in the interests of all Victorians.

### **Condolences for MPs who have recently passed away**

Finally, it is with deep regret that I advise Parliament of the deaths of three former members of the Legislative Assembly:

- the Honourable Vincent Patrick (known as Vin) Heffernan OAM, Member for Ivanhoe between 1985 and 1996, who served as Minister for Small Business and Minister responsible for Youth Affairs;
- the Honourable Cyril Thomas (known as Tom) Edmunds AM, Member for Moonee Ponds, Ascot Vale and then Pascoe Vale between 1967 and 1988 and Speaker of the House for several years; and
- Louis Frederick Cornu Garlick, Member for Mildura from 1945 to 1947.

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

**JOHN LANDY, AC MBE**

**Governor of Victoria**

February 25, 2003

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

The Legislative Assembly withdrew.

*[Sitting suspended from 3.10 p.m. until 5.03 p.m.]*

8 The President resumed the Chair.

9 **RECEPTION OF THE PRESIDENT BY THE GOVERNOR** — The President reported that, accompanied by Honourable Members, she had presented herself to the Governor as the choice of the Legislative Council, and that the Governor had addressed her in the following terms:

President

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

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

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

John Landy  
Governor of Victoria

Melbourne

25 February 2003

10 **THE LATE HONOURABLE VINCENT PATRICK HEFFERNAN, OAM** — Mr John Lenders moved, That this House expresses its sincere sorrow at the death, on 15 November 2002, of the Honourable Vincent Patrick Heffernan, OAM, and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a Member of the Legislative Assembly for the electoral district of Ivanhoe from 1985 to 1996 and as Minister for Small Business and Minister Responsible for Youth Affairs from 1992 to 1996.

And other Honourable Members and the President having addressed the House —

The question was put and, Honourable Members signifying their assent by rising in their places, unanimously resolved in the affirmative.

11 **THE LATE HONOURABLE CYRIL THOMAS EDMUNDS, AM** — Mr John Lenders moved, That this House expresses its sincere sorrow at the death, on 3 February 2003, of the Honourable Cyril Thomas Edmunds, AM, and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a Member of the Legislative Assembly for the electoral districts of Moonee Ponds from 1967 to 1976, Ascot Vale from 1976 to 1985 and Pascoe Vale from 1985 to 1988 and as Speaker of the Legislative Assembly from 1982 to 1988.

And other Honourable Members and the President having addressed the House —

The question was put and, Honourable Members signifying their assent by rising in their places, unanimously resolved in the affirmative.

12 **ADJOURNMENT** — Mr John Lenders moved, That as a further mark of respect to the memory of the late Honourable Vincent Patrick Heffernan, OAM, and the late Honourable Cyril Thomas Edmunds, AM, the House do now adjourn until tomorrow at 10.00 a.m.

Question — put and resolved in the affirmative.

And then the Council, at 6.23 p.m., adjourned until tomorrow at 10.00 a.m.

W.R. TUNNECLIFFE  
Clerk of the Legislative Council

## No. 2 — Wednesday, 26 February 2003

- 1 The President took the Chair and read the Prayer.
- 2 **COMMISSION TO ADMINISTER OATH OR AFFIRMATION TO MEMBERS** — The President announced that she had received from the Governor a Commission, which was read by the Clerk, and is as follows:

BY HIS EXCELLENCY JOHN LANDY, AC, MBE  
GOVERNOR OF VICTORIA  
TO THE HONOURABLE MONICA GOULD,  
PRESIDENT OF THE LEGISLATIVE COUNCIL OF VICTORIA  
GREETING:

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

GIVEN under my hand and the seal of Victoria on this 25th day of February 2003

JOHN LANDY  
Governor

(L.S.)

By His Excellency's Command  
STEVE BRACKS  
Premier

- 3 **PRIVILEGE BILL — STATUTE LAW REVISION BILL** — On the motion of Mr John Lenders, leave was given to bring in a Bill *to revise the statute law of Victoria*, and the said Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **CHAIR OF COMMITTEES** — Mr John Lenders moved, That Ms Glenyys Dorothy Romanes be appointed Chair of Committees of the Council.  
Question — put and resolved in the affirmative.
- 5 **TEMPORARY CHAIR OF COMMITTEES** — The President laid upon the Table the following Warrant nominating Temporary Chairs of Committees:

LEGISLATIVE COUNCIL  
VICTORIA

Pursuant to the provisions of Standing Order 2.11 of the Legislative Council, I hereby nominate —

The Honourable Barry Wilfred Bishop  
The Honourable Ronald Henry Bowden  
The Honourable Andrew Ronald Brideson  
The Honourable Helen Elizabeth Buckingham  
Ms Dianne Gladys Hadden  
The Honourable John Geoffrey Hilton  
The Honourable Robert Frederick Smith and  
The Honourable Christopher Arthur Strong —

to act as Temporary Chairs of Committees whenever requested to do so by the Chair of Committees or whenever the Chair of Committees is absent.

Given under my hand this twenty-sixth day of February 2003.

MONICA GOULD

President of the Legislative Council

**6 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03.

**7 SESSIONAL ORDERS** — Mr John Lenders moved, by leave, That unless otherwise ordered by the House, in each week of the present Session –

**Days and hours of meeting**

1. The days and hours of meeting of the Council will be:

- Tuesday at 2.00 p.m.
- Wednesday at 9.30 a.m.
- Thursday at 9.30 a.m.
- Friday at 9.30 a.m., but only for the purpose of completing the unfinished Government Business Program for that week in accordance with Sessional Order 23.

**Routine of Business**

2. The routine of business will be:

(a) On Tuesday —

Messages  
 Questions  
 Answers to Questions on Notice  
 Members' Statements (up to 15 Members)  
 Formal Business  
 Government Business  
 Adjournment (up to 15 Members)

(b) On Wednesday —

Messages  
 Formal Business  
 Members Statements (up to 15 Members)  
 General Business (for 3 hours)  
**At 2.00 pm** Questions  
 Answers to Questions on Notice  
 Government Business  
 Adjournment (up to 15 Members)

(c) On Thursday —

Messages  
 Formal Business  
 Members' Statements (up to 15 Members)  
 Motions to take note of reports and papers (30 minutes)  
 Government Business

**At 2.00 pm** Questions

Answers to Questions on Notice  
 Government Business (continues)  
 Adjournment (up to 15 Members)

(d) On Friday —

Government Business (to complete unfinished Government Business Program)

### **Government Business**

3. The transaction of Government Business will take precedence of all other business, except business governed by Standing Orders 1.24, 5.05 and 5.23 (a), (b), (c), (e) and (f), from the conclusion of Formal Business on Tuesday, from the conclusion of General Business on Wednesday and from the conclusion of debate on motions to take note of reports and other papers on Thursday.
4. If the Council sits on Friday, the only business to be transacted is the unfinished Government Business Program determined by the House for that week.

### **General Business**

5. The transaction of General Business will take precedence of all other business on Wednesday for 3 hours following Members' Statements, excluding any period of suspension of the sitting.

### **Questions**

6. Notwithstanding Sessional Order 3, the time appointed for the asking of questions without notice and the giving of answers to questions on notice will be 2.00 pm on Tuesday, Wednesday and Thursday, when any business before the House will be interrupted.
7. Notwithstanding the provisions of Standing Order 6.03, the asking of each question without notice will not exceed 1 minute and the answering of each question will not exceed 4 minutes.
8. At the conclusion of each answer the Member may ask a supplementary question of the Minister. The asking of each supplementary question will not exceed 1 minute and the answering of each supplementary question will not exceed 1 minute.

### **Statements by Members**

9. Standing Order 5.22 be suspended and that from the conclusion of Questions on Tuesday and from the conclusion of Formal Business on Wednesday and Thursday, up to 15 Members may speak and make statements on any topic of concern and any Member may be called by the Chair to make such statement for a period not exceeding 90 seconds: Provided that —
  - (a) Each Member be entitled to make only one such statement in each sitting week;
  - (b) A Member may assign her or his single entitlement to another Member provided that no individual Member may be called more than once each day; and
  - (c) Members from a party will no longer be called if in so doing a single party would have in excess of 50% of all the potential statements for that week.

### **Daily Adjournment of the Council**

10. Notwithstanding the right of a Minister to move a motion for the adjournment of the Council pursuant to Standing Order 3.06:
  - (a) At 10.00 pm on Tuesday and Wednesday and at 4.00 pm on Thursday, the President will interrupt the business before the House, or if the House is in Committee, the Chair of Committees will report progress and the President will then interrupt such business: Provided that in the



event that a division is in progress at the time of such interruption, the division will be completed and the result announced.

- (b) Upon such interruption of business:
    - (i) Before a motion for the adjournment of the Council under this Order is proposed by the President, a Minister may move that the sitting be continued; which motion will be put forthwith without amendment or debate and, if such motion is agreed to, the House or Committee will resume the proceedings at the point at which they had been interrupted; or
    - (ii) If a Minister does not move such motion, the President will forthwith propose the question "That the House do now adjourn" which question may not be amended but can be open to debate. At the conclusion of the debate, the President will adjourn the House without putting any question until the time of the next meeting.
  - (c) Any business under discussion and not disposed of at the time of the adjournment will be set down on the Notice Paper for the next sitting and any Member speaking at the time of interruption may, upon the resumption of debate thereon, continue their speech.
11. Standing Order 3.07 and the Rules of Practice relating to speeches on the daily adjournment be suspended to the extent necessary to allow up to 15 Members (other than Ministers) to speak on the motion "That the House do now adjourn" on Tuesday, Wednesday and Thursday.
12. Members may speak once only on a motion under Sessional Order 11 in each sitting week: Provided that —
- (a) A Member may assign her or his single entitlement to another Member, but no individual member may be called more than once each day; and
  - (b) Members from a party will no longer be called if in so doing a single party would have in excess of 50% of all the potential Adjournment speeches for that week.

#### **Motions to take note of reports and other papers**

13. Debate on motions to take note of reports and other papers which have been tabled in the House during the Session will take precedence of all other business on Thursday for a period of 30 minutes following Formal Business. Precedence shall be given to any business under this Order in the following order:
- (a) a notice of motion to take note of a report of the Auditor-General pursuant to sections 15, 16 and 16A of the Audit Act 1994 or an Order of the Day for the resumption of the debate on such a motion;
  - (b) a notice of motion to take note of a report of a parliamentary committee or an Order of the Day for the resumption of the debate on such a motion; and
  - (c) a notice of motion to take note of any other report or paper or the resumption of the debate on such a motion.

A Member may speak for a period not exceeding 5 minutes on any motion under this Order.

#### **Government Business Program**

14. The Standing Orders be suspended to the extent necessary to allow the following procedures to be implemented and followed for the programming of Government Business.

15. Before the House meets for business in any week, the Leader of the Government or his or her nominee may meet and consult with the Leaders of other parties or their nominees with a view to reaching agreement on the manner in which the House is to deal with Government Business in that week.
16. Before the calling on of Government Business on the first day of the sitting week the Leader of the Government or his or her nominee may move without leave a motion setting times and dates by which consideration of specified Bills or items of business have to be completed in that sitting week. Debate on that motion will not exceed 30 minutes and a Member may speak for not more than five minutes.
17. At a change of business, following the adoption of the Government Business Program, the Leader of the Government or his or her nominee may move without leave a motion to amend the resolution under Sessional Order 16. Debate on that motion will not exceed 30 minutes and a Member may speak for not more than five minutes. Any change to the program cannot come into operation until one hour after the motion is agreed to.
18. Amendments to be proposed in Committee of the Whole to a specified Bill may be circulated in the House during the debate on the question "That the Bill be now read a second time" after an announcement and request by a Minister or a Member (without leave but not when another Member is speaking) foreshadowing such amendments: Provided that those amendments are circulated two hours before the expiration of the completion time set under Sessional Order 16. Such announcement and request will not be debated.
19. On the expiration of the completion time set under Sessional Order 16 the Chair, in relation to a specified motion, will forthwith put the question on any amendment and/or motion already proposed from the Chair for the purpose of bringing to a conclusion any proceedings on the motion.
20. On the expiration of the completion time set under Sessional Order 16 the Chair, in relation to a specified Bill, will forthwith put the question on any amendment or motion already proposed from the Chair for the purpose of bringing to a conclusion any proceedings on the Bill and:
  - (a) as required, the remaining questions necessary for the passage of the Bill through the House will be combined (except in the case of a Bill that requires the second reading and third reading to be passed by an absolute majority of the whole number of the Members of the Legislative Council, the questions for the second and third readings will be put separately), the Committee stage of a Bill being dispensed with if no Government amendments have been circulated pursuant to Sessional Order 18; and
  - (b) in the case of the consideration of any Bill in Committee of the Whole or on any of the remaining stages at that time, the Chair will put a combined question or a number of questions (the form and number being at the discretion of the Chair) disposing of any clauses and schedules and any amendment and new clauses and schedules desired by the Government — copies of which have been circulated in the House pursuant to Sessional Order 18 — and any other questions required to dispose of the Bill (as the case may be) before the Committee of the Whole or the House. (No other amendments, new clauses or schedules will be proposed).

21. After the House has concluded the proceedings under Sessional Order 19 or 20 in the case of each remaining specified Bill or item of Government Business, the Chair will:
  - (a) in the case of a Bill, put in a combined question, as required, the questions necessary for the passage of the Bill through the House (including any amendments and new clauses and schedules desired by the Government which have been circulated pursuant to Sessional Order 18), the Committee stage being dispensed with; and
  - (b) in the case of a Bill that requires the second reading and third reading to be passed by an absolute majority of the whole number of the Members of the Legislative Council, put separately the questions necessary for the passage of the Bill through the House, (including a combined question relating to any amendments and new clauses and schedules desired by the Government which have been circulated pursuant to Sessional Order 18), the Committee stage being dispensed with; and
  - (c) in relation to any Bill being considered in the Committee of the Whole, put a combined question or a number of questions (the form and number being at the discretion of the Chair) disposing of any clauses and schedules and any amendment and new clauses and schedules desired by the Government — copies of which have been circulated in the House pursuant to Sessional Order 18 — and any other questions required to dispose of the Bill (as the case may be) before the Committee of the Whole or the House. (No other amendments, new clauses or schedules will be proposed); and
  - (d) in the case of a remaining item of business, other than a Bill, put a combined question (if required) which brings to a conclusion the proceedings.
22. If, on the expiration of the completion time set under Sessional Order 16, the House or Committee is considering a non-specified motion or Bill, and there are specified motions or Bills to be completed, the President will interrupt the business before the House, or if the House is in Committee of the Whole, the Chair of Committees will report progress and the President will then interrupt such business: Provided that in the event that a division is in progress such division will be completed and the result announced and if such division be upon a closure motion any question required to be brought to conclusion as a result of such division will be so brought to conclusion. The House will then consider such motions or Bills as required by Sessional Order 21. At the completion of such motions or Bills the House or Committee will immediately resume the interrupted business and any Member speaking at the time of interruption may, upon the resumption of debate thereon, continue their speech.

#### **Extension of Government Business Program**

23. (a) If the Government Business Program determined for the week under Sessional Order 16 is not completed by 4.00 pm on Thursday of that sitting week, a Minister may move without notice that the sitting be extended until 10.00 pm in order to complete the unfinished Government Business Program, which motion will be put without amendment or debate. At 10.00 pm the President will interrupt the business before the House, or if the House is in Committee of the Whole, the Chair of Committees will report progress and the President will then interrupt such business and will forthwith propose the question

"That the House do now adjourn" which question may not be amended but can be open to debate: Provided that in the event that a division is in progress at the time of such interruption, such division will be completed and the result announced.

- (b) At the conclusion of the adjournment debate, the President will adjourn the House without putting any question until 9.30 am on Friday of that sitting week for the sole purpose of completing the unfinished Government Business Program.
  - (c) At 4.00 pm on Friday, the Chair will put all relevant questions in accordance with Sessional Orders 19, 20 and 21 for the purpose of bringing to conclusion the Government Business Program for that week.
24. The Chair will not accept any points of order once the expiration of the completion time under Sessional Orders 16 or 23 has arrived and until all the required questions under Sessional Orders 19, 20 or 21 have been dealt with.
25. Standing Order 9.24 relating to the closure of debate (except for the use of the closure on dilatory motions) and/or Sessional Orders relating to closure of debate will not apply to any proceedings in respect of a specified Bill or item of business.

#### **Proceedings on presentation of report of Committee**

26. Standing Orders 14.25 (2) and 18.11 (2) be suspended and that the Member of the Committee presenting the report may then move without notice "That the Council take note of the report" and speak for not more than 5 minutes on that motion. With the leave of the Council, up to 2 additional Members may speak on that motion for not more than 2 minutes each.

#### **Disorderly Conduct of Members**

27. Standing Orders 10.04, 10.05, 13.03 and 13.15 be suspended to the extent necessary to allow the following procedure if the President or Chair of Committees consider the conduct of a Member to be disorderly:
- (a) If the President or Chair of Committees consider the conduct of a Member to be disorderly, they may order the Member to withdraw from the Chamber for up to a maximum period of 30 minutes which order will not be open to debate or dissent; and
  - (b) Such suspension will not prohibit a Member from returning to the Chamber for the purpose of voting in a division; and
  - (c) If a Member is ordered to withdraw under paragraph (a) and the sitting concludes before the expiration of the time ordered by the President or Chair of Committees, the Member will not take his or her seat in the Chamber on the next sitting day until after the remainder of the time has expired, to be calculated from the end of the ringing of the bells; and
  - (d) If a Member does not immediately withdraw from the Chamber when ordered to do so under paragraph (a), the President or Chair of Committees may name the Member and a motion may be moved forthwith (no amendment, adjournment, or debate being allowed) "That such Member be suspended from the service of the Council during the remainder of the sitting (or for such period as the Council or Committee of the Whole may think fit)".

#### **Condolences**

28. The procedure to be followed in relation to moving motions of condolence be as follows:

- (a) Precedence will ordinarily be given by courtesy to a motion of condolence in the event of the death of:
  - (i) a Member of the current Parliament; or
  - (ii) a past or present Governor, Premier, Presiding Officer or Minister; or
  - (iii) a person who had previous distinguished service in Victoria.
- (b) In relation to the death of former Members of the Council not referred to in paragraph (a), the period of time allowed for such motion will not exceed 15 minutes, unless otherwise ordered. At the conclusion of such motion, Members will be asked to rise in their places for 1 minute's silence as a mark of respect to the memory of the deceased and the President shall convey a message of sympathy from the House to the relatives of the deceased.

#### **Time limits on speeches**

29. Subject to other time limits specified in the Standing Orders and Sessional Orders the following time limits will apply to Members speeches:
- (a) Government Business motions, Second reading debates; General Business motions and Address-in-Reply:
    - (i) Lead Government and Opposition speakers – 60 minutes;
    - (ii) Lead Third Party speaker – 45 minutes: Provided that the President may swap the speaking times between the lead Opposition and Third Party speakers if she is satisfied that on a particular debate the lead Third party speaker is leading for the Non-Government side of the House;
    - (iii) Other Members – 15 minutes: Provided that after one-third of the Members of the Council have spoken, the time limit will be 10 minutes, and that after two-thirds of the Members of the Council have spoken, the time limit will be 5 minutes for each Member.
  - (b) Procedural motions – Debate on procedural motions and dilatory motions will not exceed 30 minutes and a Member may speak for not more than five minutes.
  - (c) Inaugural Speeches and Budget Speeches – Notwithstanding the time limits specified in paragraph (a), Members may speak for up to 30 minutes when making their inaugural speeches and up to 15 minutes when speaking on the motion to take note of the Budget Papers or on the second reading debate on the annual Appropriation Bill.

#### **Incorporation of Second Reading speeches in Hansard**

30. Standing Order 12.05 be suspended so that when a Bill originating in the Legislative Assembly has passed that House and is transmitted and introduced into the Legislative Council, on the Order of the Day being read for the second reading of that Bill, the Minister may make introductory remarks on the contents of the Bill, including a statement of any amendments made by the Legislative Assembly to the Bill which have been reflected in the second reading speech and may move a motion without notice for the incorporation of the second reading speech of that Bill into Hansard. Such motion may not be amended or debated.
31. On the Order of the Day being read for the second reading of a Bill originating in the Legislative Council, the Minister may make introductory remarks on the contents of the Bill and may move a motion for the incorporation of the second reading speech of that Bill into Hansard only with the leave of the Council.

### **Circulation of Amendments to Bills**

32. Amendments to be proposed in Committee of the Whole to a Bill may be circulated in the House during the debate on the question "That the Bill be now read a second time" after an announcement and request by a Member (without leave but not when another Member is speaking) foreshadowing such amendments. Such announcement and request will not be debated.

### **Third Reading of Bills**

33. Standing and/or Sessional Orders be suspended to the extent necessary to allow combined questions to be put "That the Bill be now read a third time and that the Bill do pass": Provided that where verbal or consequential amendments are to be moved pursuant to Standing Order 12.29 or in the case of a Bill that requires the third reading to be passed by an absolute majority of the whole number of the Members of the Legislative Council, the questions will be put separately.

### **Closure of debate in Committee of the Whole**

34. Standing Order 9.24 be suspended in relation to the proceedings in Committee of the Whole so that when the Chair of Committees is satisfied that the debate on a clause or amendment is repetitious or frivolous, the Chair may accept a motion without notice from a Minister "That the question be now put" which question on such motion will be put forthwith and decided without amendment or debate and no other motion will be made or question of order raised until such motion is disposed of.

### **Relationship to Standing Orders and Rules of Practice**

35. The provisions of this resolution, so far as they are inconsistent with the Standing Orders and Rules of Practice of the Council, will have effect notwithstanding anything contained in those Standing Orders and Rules of Practice.

Debate ensued.

The Honourable Peter Hall moved, as an amendment, That the expression "(up to 15 Members)" (where secondly occurring) be omitted in proposed Sessional Order 2(a).

Debate ensued.

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

The Council divided.

<p>AYES, 24</p> <p>The Hon. Lidia Argondizzo</p> <p>Candy Broad</p> <p>Helen Buckingham</p> <p>Elaine Carbines (<i>Teller</i>)</p> <p>Kaye Darveniza (<i>Teller</i>)</p> <p>John Eren</p> <p>Dianne Hadden</p> <p>Geoff Hilton</p> <p>Carolyn Hirsh</p> <p>Gavin Jennings</p> <p>John Lenders</p> <p>John McQuilten</p> <p>Justin Madden</p> <p>Jenny Mikakos</p>	<p>NOES, 19</p> <p>The Hon. Bruce Atkinson (<i>Teller</i>)</p> <p>W.R. Baxter</p> <p>Barry Bishop (<i>Teller</i>)</p> <p>Ron Bowden</p> <p>Andrew Brideson</p> <p>Andrea Coote</p> <p>Richard Dalla-Riva</p> <p>David Davis</p> <p>Philip Davis</p> <p>Damian Drum</p> <p>Bill Forwood</p> <p>Peter Hall</p> <p>David Koch</p> <p>Wendy Lovell</p>
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Robert Mitchell  
 Sang Nguyen  
 Noel Pullen  
 Glenyys Romanes  
 Johan Scheffer  
 Robert Smith  
 Adem Somyurek  
 Theo Theophanous  
 Marsha Thomson  
 Matt Viney

Andrew Olexander  
 G.K. Rich-Phillips  
 Graeme Stoney  
 C.A. Strong  
 John Vogels

And so it was resolved in the affirmative — Amendment negated.

The Honourable Peter Hall moved the following amendments:

- In proposed Sessional Order 2(b), omit “(up to 15 Members)” (where secondly occurring).
- In proposed Sessional Order 2(c), omit “(up to 15 Members)” (where secondly occurring).
- Omit proposed Sessional Order 11.
- Omit proposed Sessional Order 12.

Question — That the amendments be agreed to — put and negated.

The Honourable Peter Hall moved, as an amendment, That proposed Sessional Order 19 be omitted.

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

The Council divided.

AYES, 24  
 The Hon. Lidia Argondizzo  
 Candy Broad  
 Helen Buckingham  
 Elaine Carbines  
 Kaye Darveniza  
 John Eren  
 Dianne Hadden (*Teller*)  
 Geoff Hilton  
 Carolyn Hirsh  
 Gavin Jennings  
 John Lenders  
 John McQuilten (*Teller*)  
 Justin Madden  
 Jenny Mikakos  
 Robert Mitchell  
 Sang Nguyen  
 Noel Pullen  
 Glenyys Romanes  
 Johan Scheffer  
 Robert Smith  
 Adem Somyurek

NOES, 19  
 The Hon. Bruce Atkinson  
 W.R. Baxter (*Teller*)  
 Barry Bishop  
 Ron Bowden (*Teller*)  
 Andrew Brideson  
 Andrea Coote  
 Richard Dalla-Riva  
 David Davis  
 Philip Davis  
 Damian Drum  
 Bill Forwood  
 Peter Hall  
 David Koch  
 Wendy Lovell  
 Andrew Olexander  
 G.K. Rich-Phillips  
 Graeme Stoney  
 C.A. Strong  
 John Vogels

Theo Theophanous  
 Marsha Thomson  
 Matt Viney

And so it was resolved in the affirmative — Amendment negated.

The Honourable Peter Hall moved the following amendments:

- Omit proposed Sessional Order 20.
- Omit proposed Sessional Order 21.
- Omit proposed Sessional Order 22.
- In proposed Sessional Order 23(c), omit all words and expressions.

Question — That the Amendments be agreed to — put and negated.

The Honourable Peter Hall moved, as an amendment, That proposed Sessional Order 29 be omitted.

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

The Council divided.

<p>AYES, 24</p> <p>The Hon. Lidia Argondizzo            Candy Broad            Helen Buckingham            Elaine Carbines            Kaye Darveniza            John Eren            Dianne Hadden            Geoff Hilton            Carolyn Hirsh            Gavin Jennings            John Lenders            John McQuilten            Justin Madden            Jenny Mikakos (<i>Teller</i>)            Robert Mitchell            Sang Nguyen (<i>Teller</i>)            Noel Pullen            Glenyys Romanes            Johan Scheffer            Robert Smith            Adem Somyurek            Theo Theophanous            Marsha Thomson            Matt Viney</p>	<p>NOES, 19</p> <p>The Hon. Bruce Atkinson            W.R. Baxter            Barry Bishop            Ron Bowden            Andrew Brideson            Andrea Coote            Richard Dalla-Riva            David Davis            Philip Davis            Damian Drum            Bill Forwood            Peter Hall            David Koch            Wendy Lovell            Andrew Olexander (<i>Teller</i>)            G.K. Rich-Phillips (<i>Teller</i>)            Graeme Stoney            C.A. Strong            John Vogels</p>
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And so it was resolved in the affirmative — Amendment negated.

The Honourable Theo Theophanous moved, as an amendment, That all the words and expressions in proposed Sessional Order 29(c) be omitted with the view of inserting in place thereof:

“Inaugural Speeches, Address-in-Reply and Budget Speeches – Notwithstanding the time limits specified in paragraph (a), Members may speak for up to 30 minutes when making their inaugural speeches and up to 15 minutes when



speaking on the Address-in-Reply, a motion to take note of the Budget Papers or on the second reading debate on the annual Appropriation Bill.”

Question — put and resolved in the affirmative.

The Honourable Peter Hall moved, as an amendment, That proposed Sessional Order 34 be omitted.

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

The Council divided.

<p>AYES, 24</p> <p>The Hon. Lidia Argondizzo Candy Broad Helen Buckingham Elaine Carbines Kaye Darveniza John Eren Dianne Hadden Geoff Hilton Carolyn Hirsh Gavin Jennings John Lenders John McQuilten Justin Madden Jenny Mikakos Robert Mitchell Sang Nguyen Noel Pullen Glenyys Romanes Johan Scheffer Robert Smith (<i>Teller</i>) Adem Somyurek Theo Theophanous Marsha Thomson Matt Viney (<i>Teller</i>)</p>	<p>NOES, 19</p> <p>The Hon. Bruce Atkinson W.R. Baxter Barry Bishop Ron Bowden Andrew Brideson (<i>Teller</i>) Andrea Coote Richard Dalla-Riva David Davis Philip Davis Damian Drum Bill Forwood Peter Hall David Koch Wendy Lovell Andrew Olexander G.K. Rich-Phillips Graeme Stoney (<i>Teller</i>) C.A. Strong John Vogels</p>
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And so it was resolved in the affirmative — Amendment negatived.

Question — That unless otherwise ordered by the House, in each week of the present Session —

#### **Days and hours of meeting**

1. The days and hours of meeting of the Council will be:
  - Tuesday at 2.00 p.m.
  - Wednesday at 9.30 a.m.
  - Thursday at 9.30 a.m.
  - Friday at 9.30 a.m., but only for the purpose of completing the unfinished Government Business Program for that week in accordance with Sessional Order 23.

#### **Routine of Business**

2. The routine of business will be:
  - (a) On Tuesday —

- Messages
- Questions
- Answers to Questions on Notice
- Members' Statements (up to 15 Members)
- Formal Business
- Government Business
- Adjournment (up to 15 Members)
- (b) On Wednesday —
  - Messages
  - Formal Business
  - Members Statements (up to 15 Members)
  - General Business (for 3 hours)
  - At 2.00 pm** Questions
  - Answers to Questions on Notice
  - Government Business
  - Adjournment (up to 15 Members)
- (c) On Thursday —
  - Messages
  - Formal Business
  - Members' Statements (up to 15 Members)
  - Motions to take note of reports and papers (30 minutes)
  - Government Business
  - At 2.00 pm** Questions
  - Answers to Questions on Notice
  - Government Business (continues)
  - Adjournment (up to 15 Members)
- (d) On Friday —
  - Government Business (to complete unfinished Government Business Program)

### **Government Business**

3. The transaction of Government Business will take precedence of all other business, except business governed by Standing Orders 1.24, 5.05 and 5.23 (a), (b), (c), (e) and (f), from the conclusion of Formal Business on Tuesday, from the conclusion of General Business on Wednesday and from the conclusion of debate on motions to take note of reports and other papers on Thursday.
4. If the Council sits on Friday, the only business to be transacted is the unfinished Government Business Program determined by the House for that week.

### **General Business**

5. The transaction of General Business will take precedence of all other business on Wednesday for 3 hours following Members' Statements, excluding any period of suspension of the sitting.

### **Questions**

6. Notwithstanding Sessional Order 3, the time appointed for the asking of questions without notice and the giving of answers to questions on notice will be 2.00 pm on Tuesday, Wednesday and Thursday, when any business before the House will be interrupted.

7. Notwithstanding the provisions of Standing Order 6.03, the asking of each question without notice will not exceed 1 minute and the answering of each question will not exceed 4 minutes.
8. At the conclusion of each answer the Member may ask a supplementary question of the Minister. The asking of each supplementary question will not exceed 1 minute and the answering of each supplementary question will not exceed 1 minute.

#### **Statements by Members**

9. Standing Order 5.22 be suspended and that from the conclusion of Questions on Tuesday and from the conclusion of Formal Business on Wednesday and Thursday, up to 15 Members may speak and make statements on any topic of concern and any Member may be called by the Chair to make such statement for a period not exceeding 90 seconds: Provided that —
  - (a) Each Member be entitled to make only one such statement in each sitting week;
  - (b) A Member may assign her or his single entitlement to another Member provided that no individual Member may be called more than once each day; and
  - (c) Members from a party will no longer be called if in so doing a single party would have in excess of 50% of all the potential statements for that week.

#### **Daily Adjournment of the Council**

10. Notwithstanding the right of a Minister to move a motion for the adjournment of the Council pursuant to Standing Order 3.06:
  - (a) At 10.00 pm on Tuesday and Wednesday and at 4.00 pm on Thursday, the President will interrupt the business before the House, or if the House is in Committee, the Chair of Committees will report progress and the President will then interrupt such business: Provided that in the event that a division is in progress at the time of such interruption, the division will be completed and the result announced.
  - (b) Upon such interruption of business:
    - (i) Before a motion for the adjournment of the Council under this Order is proposed by the President, a Minister may move that the sitting be continued; which motion will be put forthwith without amendment or debate and, if such motion is agreed to, the House or Committee will resume the proceedings at the point at which they had been interrupted; or
    - (ii) If a Minister does not move such motion, the President will forthwith propose the question "That the House do now adjourn" which question may not be amended but can be open to debate. At the conclusion of the debate, the President will adjourn the House without putting any question until the time of the next meeting.
  - (c) Any business under discussion and not disposed of at the time of the adjournment will be set down on the Notice Paper for the next sitting and any Member speaking at the time of interruption may, upon the resumption of debate thereon, continue their speech.
11. Standing Order 3.07 and the Rules of Practice relating to speeches on the daily adjournment be suspended to the extent necessary to allow up to 15

Members (other than Ministers) to speak on the motion "That the House do now adjourn" on Tuesday, Wednesday and Thursday.

12. Members may speak once only on a motion under Sessional Order 11 in each sitting week: Provided that —
  - (a) A Member may assign her or his single entitlement to another Member, but no individual member may be called more than once each day; and
  - (b) Members from a party will no longer be called if in so doing a single party would have in excess of 50% of all the potential Adjournment speeches for that week.

#### **Motions to take note of reports and other papers**

13. Debate on motions to take note of reports and other papers which have been tabled in the House during the Session will take precedence of all other business on Thursday for a period of 30 minutes following Formal Business. Precedence shall be given to any business under this Order in the following order:
  - (a) a notice of motion to take note of a report of the Auditor-General pursuant to sections 15, 16 and 16A of the Audit Act 1994 or an Order of the Day for the resumption of the debate on such a motion;
  - (b) a notice of motion to take note of a report of a parliamentary committee or an Order of the Day for the resumption of the debate on such a motion; and
  - (c) a notice of motion to take note of any other report or paper or the resumption of the debate on such a motion.

A Member may speak for a period not exceeding 5 minutes on any motion under this Order.

#### **Government Business Program**

14. The Standing Orders be suspended to the extent necessary to allow the following procedures to be implemented and followed for the programming of Government Business.
15. Before the House meets for business in any week, the Leader of the Government or his or her nominee may meet and consult with the Leaders of other parties or their nominees with a view to reaching agreement on the manner in which the House is to deal with Government Business in that week.
16. Before the calling on of Government Business on the first day of the sitting week the Leader of the Government or his or her nominee may move without leave a motion setting times and dates by which consideration of specified Bills or items of business have to be completed in that sitting week. Debate on that motion will not exceed 30 minutes and a Member may speak for not more than five minutes.
17. At a change of business, following the adoption of the Government Business Program, the Leader of the Government or his or her nominee may move without leave a motion to amend the resolution under Sessional Order 16. Debate on that motion will not exceed 30 minutes and a Member may speak for not more than five minutes. Any change to the program cannot come into operation until one hour after the motion is agreed to.
18. Amendments to be proposed in Committee of the Whole to a specified Bill may be circulated in the House during the debate on the question "That the Bill be now read a second time" after an announcement and request by a Minister or a Member (without leave but not when another Member is speaking) foreshadowing such amendments: Provided that those

- amendments are circulated two hours before the expiration of the completion time set under Sessional Order 16. Such announcement and request will not be debated.
19. On the expiration of the completion time set under Sessional Order 16 the Chair, in relation to a specified motion, will forthwith put the question on any amendment and/or motion already proposed from the Chair for the purpose of bringing to a conclusion any proceedings on the motion.
  20. On the expiration of the completion time set under Sessional Order 16 the Chair, in relation to a specified Bill, will forthwith put the question on any amendment or motion already proposed from the Chair for the purpose of bringing to a conclusion any proceedings on the Bill and:
    - (a) as required, the remaining questions necessary for the passage of the Bill through the House will be combined (except in the case of a Bill that requires the second reading and third reading to be passed by an absolute majority of the whole number of the Members of the Legislative Council, the questions for the second and third readings will be put separately), the Committee stage of a Bill being dispensed with if no Government amendments have been circulated pursuant to Sessional Order 18; and
    - (b) in the case of the consideration of any Bill in Committee of the Whole or on any of the remaining stages at that time, the Chair will put a combined question or a number of questions (the form and number being at the discretion of the Chair) disposing of any clauses and schedules and any amendment and new clauses and schedules desired by the Government — copies of which have been circulated in the House pursuant to Sessional Order 18 — and any other questions required to dispose of the Bill (as the case may be) before the Committee of the Whole or the House. (No other amendments, new clauses or schedules will be proposed).
  21. After the House has concluded the proceedings under Sessional Order 19 or 20 in the case of each remaining specified Bill or item of Government Business, the Chair will:
    - (a) in the case of a Bill, put in a combined question, as required, the questions necessary for the passage of the Bill through the House (including any amendments and new clauses and schedules desired by the Government which have been circulated pursuant to Sessional Order 18), the Committee stage being dispensed with; and
    - (b) in the case of a Bill that requires the second reading and third reading to be passed by an absolute majority of the whole number of the Members of the Legislative Council, put separately the questions necessary for the passage of the Bill through the House, (including a combined question relating to any amendments and new clauses and schedules desired by the Government which have been circulated pursuant to Sessional Order 18), the Committee stage being dispensed with; and
    - (c) in relation to any Bill being considered in the Committee of the Whole, put a combined question or a number of questions (the form and number being at the discretion of the Chair) disposing of any clauses and schedules and any amendment and new clauses and schedules desired by the Government — copies of which have been circulated in the House pursuant to Sessional Order 18 — and any other questions required to dispose of the Bill (as the case may be) before the

Committee of the Whole or the House. (No other amendments, new clauses or schedules will be proposed); and

- (d) in the case of a remaining item of business, other than a Bill, put a combined question (if required) which brings to a conclusion the proceedings.
22. If, on the expiration of the completion time set under Sessional Order 16, the House or Committee is considering a non-specified motion or Bill, and there are specified motions or Bills to be completed, the President will interrupt the business before the House, or if the House is in Committee of the Whole, the Chair of Committees will report progress and the President will then interrupt such business: Provided that in the event that a division is in progress such division will be completed and the result announced and if such division be upon a closure motion any question required to be brought to conclusion as a result of such division will be so brought to conclusion. The House will then consider such motions or Bills as required by Sessional Order 21. At the completion of such motions or Bills the House or Committee will immediately resume the interrupted business and any Member speaking at the time of interruption may, upon the resumption of debate thereon, continue their speech.

#### **Extension of Government Business Program**

23. (a) If the Government Business Program determined for the week under Sessional Order 16 is not completed by 4.00 pm on Thursday of that sitting week, a Minister may move without notice that the sitting be extended until 10.00 pm in order to complete the unfinished Government Business Program, which motion will be put without amendment or debate. At 10.00 pm the President will interrupt the business before the House, or if the House is in Committee of the Whole, the Chair of Committees will report progress and the President will then interrupt such business and will forthwith propose the question "That the House do now adjourn" which question may not be amended but can be open to debate: Provided that in the event that a division is in progress at the time of such interruption, such division will be completed and the result announced.
- (b) At the conclusion of the adjournment debate, the President will adjourn the House without putting any question until 9.30 am on Friday of that sitting week for the sole purpose of completing the unfinished Government Business Program.
- (c) At 4.00 pm on Friday, the Chair will put all relevant questions in accordance with Sessional Orders 19, 20 and 21 for the purpose of bringing to conclusion the Government Business Program for that week.
24. The Chair will not accept any points of order once the expiration of the completion time under Sessional Orders 16 or 23 has arrived and until all the required questions under Sessional Orders 19, 20 or 21 have been dealt with.
25. Standing Order 9.24 relating to the closure of debate (except for the use of the closure on dilatory motions) and/or Sessional Orders relating to closure of debate will not apply to any proceedings in respect of a specified Bill or item of business.

#### **Proceedings on presentation of report of Committee**

26. Standing Orders 14.25 (2) and 18.11 (2) be suspended and that the Member of the Committee presenting the report may then move without notice "That the Council take note of the report" and speak for not more than 5 minutes

on that motion. With the leave of the Council, up to 2 additional Members may speak on that motion for not more than 2 minutes each.

### **Disorderly Conduct of Members**

27. Standing Orders 10.04, 10.05, 13.03 and 13.15 be suspended to the extent necessary to allow the following procedure if the President or Chair of Committees consider the conduct of a Member to be disorderly:
- (a) If the President or Chair of Committees consider the conduct of a Member to be disorderly, they may order the Member to withdraw from the Chamber for up to a maximum period of 30 minutes which order will not be open to debate or dissent; and
  - (b) Such suspension will not prohibit a Member from returning to the Chamber for the purpose of voting in a division; and
  - (c) If a Member is ordered to withdraw under paragraph (a) and the sitting concludes before the expiration of the time ordered by the President or Chair of Committees, the Member will not take his or her seat in the Chamber on the next sitting day until after the remainder of the time has expired, to be calculated from the end of the ringing of the bells; and
  - (d) If a Member does not immediately withdraw from the Chamber when ordered to do so under paragraph (a), the President or Chair of Committees may name the Member and a motion may be moved forthwith (no amendment, adjournment, or debate being allowed) "That such Member be suspended from the service of the Council during the remainder of the sitting (or for such period as the Council or Committee of the Whole may think fit)".

### **Condolences**

28. The procedure to be followed in relation to moving motions of condolence be as follows:
- (a) Precedence will ordinarily be given by courtesy to a motion of condolence in the event of the death of:
    - (i) a Member of the current Parliament; or
    - (ii) a past or present Governor, Premier, Presiding Officer or Minister; or
    - (iii) a person who had previous distinguished service in Victoria.
  - (b) In relation to the death of former Members of the Council not referred to in paragraph (a), the period of time allowed for such motion will not exceed 15 minutes, unless otherwise ordered. At the conclusion of such motion, Members will be asked to rise in their places for 1 minute's silence as a mark of respect to the memory of the deceased and the President shall convey a message of sympathy from the House to the relatives of the deceased.

### **Time limits on speeches**

29. Subject to other time limits specified in the Standing Orders and Sessional Orders the following time limits will apply to Members speeches:
- (a) Government Business motions, Second reading debates; General Business motions and Address-in-Reply:
    - (i) Lead Government and Opposition speakers – 60 minutes;
    - (ii) Lead Third Party speaker – 45 minutes: Provided that the President may swap the speaking times between the lead Opposition and Third Party speakers if she is satisfied that on a particular debate the lead Third party speaker is leading for the Non-Government side of the House;

- (iii) Other Members – 15 minutes: Provided that after one-third of the Members of the Council have spoken, the time limit will be 10 minutes, and that after two-thirds of the Members of the Council have spoken, the time limit will be 5 minutes for each Member.
- (b) Procedural motions – Debate on procedural motions and dilatory motions will not exceed 30 minutes and a Member may speak for not more than five minutes.
- (c) Inaugural Speeches, Address-in-Reply and Budget Speeches – Notwithstanding the time limits specified in paragraph (a), Members may speak for up to 30 minutes when making their inaugural speeches and up to 15 minutes when speaking on the Address-in-Reply, a motion to take note of the Budget Papers or on the second reading debate on the annual Appropriation Bill.

#### **Incorporation of Second Reading speeches in Hansard**

- 30. Standing Order 12.05 be suspended so that when a Bill originating in the Legislative Assembly has passed that House and is transmitted and introduced into the Legislative Council, on the Order of the Day being read for the second reading of that Bill, the Minister may make introductory remarks on the contents of the Bill, including a statement of any amendments made by the Legislative Assembly to the Bill which have been reflected in the second reading speech and may move a motion without notice for the incorporation of the second reading speech of that Bill into Hansard. Such motion may not be amended or debated.
- 31. On the Order of the Day being read for the second reading of a Bill originating in the Legislative Council, the Minister may make introductory remarks on the contents of the Bill and may move a motion for the incorporation of the second reading speech of that Bill into Hansard only with the leave of the Council.

#### **Circulation of Amendments to Bills**

- 32. Amendments to be proposed in Committee of the Whole to a Bill may be circulated in the House during the debate on the question "That the Bill be now read a second time" after an announcement and request by a Member (without leave but not when another Member is speaking) foreshadowing such amendments. Such announcement and request will not be debated.

#### **Third Reading of Bills**

- 33. Standing and/or Sessional Orders be suspended to the extent necessary to allow combined questions to be put "That the Bill be now read a third time and that the Bill do pass": Provided that where verbal or consequential amendments are to be moved pursuant to Standing Order 12.29 or in the case of a Bill that requires the third reading to be passed by an absolute majority of the whole number of the Members of the Legislative Council, the questions will be put separately.

#### **Closure of debate in Committee of the Whole**

- 34. Standing Order 9.24 be suspended in relation to the proceedings in Committee of the Whole so that when the Chair of Committees is satisfied that the debate on a clause or amendment is repetitious or frivolous, the Chair may accept a motion without notice from a Minister "That the question be now put" which question on such motion will be put forthwith and decided without amendment or debate and no other motion will be made or question of order raised until such motion is disposed of.



### Relationship to Standing Orders and Rules of Practice

35. The provisions of this resolution, so far as they are inconsistent with the Standing Orders and Rules of Practice of the Council, will have effect notwithstanding anything contained in those Standing Orders and Rules of Practice.

— put.

The Council divided.

	AYES, 24		NOES, 19
The Hon.	Lidia Argondizzo	The Hon.	Bruce Atkinson
	Candy Broad		W.R. Baxter
	Helen Buckingham		Barry Bishop ( <i>Teller</i> )
	Elaine Carbines ( <i>Teller</i> )		Ron Bowden
	Kaye Darveniza ( <i>Teller</i> )		Andrew Brideson
	John Eren		Andrea Coote
	Dianne Hadden		Richard Dalla-Riva
	Geoff Hilton		David Davis
	Carolyn Hirsh		Philip Davis
	Gavin Jennings		Damian Drum
	John Lenders		Bill Forwood
	John McQuilten		Peter Hall
	Justin Madden		David Koch
	Jenny Mikakos		Wendy Lovell
	Robert Mitchell		Andrew Olexander
	Sang Nguyen		G.K. Rich-Phillips
	Noel Pullen		Graeme Stoney
	Glenyys Romanes		C.A. Strong ( <i>Teller</i> )
	Johan Scheffer		John Vogels
	Robert Smith		
	Adem Somyurek		
	Theo Theophanous		
	Marsha Thomson		
	Matt Viney		

And so it was resolved in the affirmative.

### 8 BUSHFIRES 2003 — The Honourable Philip Davis moved, by leave, That —

- (a) a Joint Select Committee of ten members be appointed to inquire into and report on all the factors that led to the 2003 bushfires in North East Victoria and Gippsland to determine the level of severity of those fires and all counter measures that were taken to minimise the damage resulting from those bushfires and to recommend appropriate measures to be taken in the future regarding fire precautions, fire response and fire recovery, and in particular —
- (i) the adequacy of forest and park management and fire prevention practices;
  - (ii) the adequacy of fire mitigation and suppression practices with particular reference to the effectiveness of fuel reduction burning of the forested areas of the State in reducing the intensity of bushfires;
  - (iii) the impact of intense bushfires on the forest environment;
  - (iv) the maintenance of the diverse ecology of Victoria's forests and National Parks;

- (v) fire management and response by the Department of Sustainability and Environment and the Country Fire Authority and any other government or non-government agencies or organisations;
  - (vi) the effectiveness of communication systems, the adequacy of field communication between the control centre and the fire-front and the adequacy of early warning systems;
  - (vii) an analysis of the co-ordination between and logistic support of all organisations involved;
  - (viii) the adequacy and appropriateness of the physical resources available to the agencies and organisations involved;
  - (ix) the timeliness and adequacy of the immediate response to the fires;
  - (x) the impact of the fires on the age distribution of vegetation species in the hardwood forest areas with particular reference to future management of forests and National Parks; and
  - (xi) appropriate relief and recovery measures.
- (b) Five members of the Committee shall be appointed by the Legislative Assembly and five members shall be appointed by the Legislative Council.
  - (c) The Committee may send for persons, papers and records.
  - (d) The Committee shall elect one of its members to be Chair.
  - (e) The Committee shall elect a Deputy Chair to act as Chair at any time when the Chair is not present at a meeting of the Committee.
  - (f) The Chair shall have a deliberative vote and, in the event of an equality of votes, a casting vote.
  - (g) Six members of the Committee shall constitute a quorum of the Committee.
  - (h) The Committee shall, unless it otherwise resolves, take all evidence in public and may otherwise sit in public at any time if it so decides and move from place to place.
  - (i) The Committee shall not sit while either House is actually sitting except by leave of that House and may not while either House is actually sitting sit in any place other than a place that is within the Parliament building.
  - (j) The Committee shall advertise its terms of reference and call for submissions and all such submissions received by the Committee will be treated as public documents unless the Committee otherwise orders.
  - (k) All evidence taken by the Committee will be treated as public documents unless the Committee otherwise orders.
  - (l) The Committee shall on request make available to any member of the public a copy of any public submission or record of evidence.
  - (m) The Committee may commission persons to investigate and report to the Committee on any aspects of its inquiry.
  - (n) The presentation of a report or interim report of the Committee shall not be deemed to terminate the Committee's appointment, powers or functions.
  - (o) The Committee shall include with any of its reports any minority reports submitted to it by a member or members of the Committee.
  - (p) The foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders and Sessional Orders or practices of the Assembly and the Council shall have effect notwithstanding anything contained in the Standing or Sessional Orders or practices of the Assembly and the Council.
  - (q) The Committee be a Committee to which section 51A of the *Parliamentary Committees Act 1968* applies.

Debate ensued.

Question — put.

The Council divided.

<p>AYES, 19</p> <p>The Hon. Bruce Atkinson W.R. Baxter Barry Bishop Ron Bowden Andrew Brideson Andrea Coote Richard Dalla-Riva David Davis Philip Davis Damian Drum Bill Forwood Peter Hall David Koch Wendy Lovell Andrew Olexander (<i>Teller</i>) G.K. Rich-Phillips Graeme Stoney C.A. Strong (<i>Teller</i>) John Vogels</p>	<p>NOES, 24</p> <p>The Hon. Lidia Argondizzo Candy Broad Helen Buckingham Elaine Carbines Kaye Darveniza John Eren Dianne Hadden (<i>Teller</i>) Geoff Hilton Carolyn Hirsh Gavin Jennings John Lenders John McQuilten (<i>Teller</i>) Justin Madden Jenny Mikakos Robert Mitchell Sang Nguyen Noel Pullen Glenyys Romanes Johan Scheffer Robert Smith Adem Somyurek Theo Theophanous Marsha Thomson Matt Viney</p>
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And so it passed in the negative.

*Interruption of business pursuant to Sessional Order 10 —*

The President having interrupted business at 10.06 p.m., Mr John Lenders moved,  
That the sitting be continued.

Question — put and resolved in the affirmative.

- 9 TERRORISM (COMMONWEALTH POWERS) BILL** — On the motion (by leave without notice) of the Honourable Justin Madden, leave was given to bring in a Bill *to refer certain matters relating to terrorist acts to the Parliament of the Commonwealth for the purposes of section 51 (xxxvii) of the Constitution of the Commonwealth and for other purposes*, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 10 LEGAL PRACTICE (VALIDATIONS) BILL** — On the motion (by leave without notice) of the Honourable Justin Madden, leave was given to bring in a Bill *to amend the Legal Practice Act 1996 to validate certain delegations and other actions purportedly made or taken under that Act and for other purposes*, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 11 CRIMES (PROPERTY DAMAGE AND COMPUTER OFFENCES) BILL** — On the motion (by leave without notice) of the Honourable Justin Madden, leave was given to bring in a Bill *to amend the Crimes Act 1958 to create offences relating to bushfires, computers and sabotage, to amend the Bail Act 1977 with respect to the*

*granting of bail on a charge of arson causing death, to make consequential amendments to other Acts and for other purposes, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.*

**12 CONTROL OF WEAPONS AND FIREARMS ACTS (SEARCH POWERS) BILL** — On the motion (by leave without notice) of the Honourable Theo Theophanous, leave was given to bring in a Bill *to amend the Control of Weapons Act 1990 and the Firearms Act 1996 and for other purposes*, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**13 ADJOURNMENT** — Mr Gavin Jennings moved, That the House do now adjourn.  
Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 10.52 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*

### **No. 3 — Thursday, 27 February 2003**

1 The President took the Chair and read the Prayer.

**2 PETITIONS —**

**ACCOMMODATION FOR DISABLED YOUNG PEOPLE** — Ms Dianne Hadden presented a Petition bearing one signature from a certain citizen of Victoria praying that a house or other appropriate and suitable accommodation, together with the appropriate support services to meet emotional, social, educational and physical needs, be provided for young people with a disability presently living in aged care facilities in the Grampians Region, and moved, That it do lie on the Table and be read by the Clerk.

Question — put and resolved in the affirmative.

The Clerk read the petition.

\* \* \* \*

**LANGWARRIN PROPERTY PURCHASE** — The Honourable Ron Bowden presented a Petition bearing 279 signatures from certain citizens of Victoria praying that proceedings are not undertaken to build a facility on property purchased by the State Government and Department of Human Services at 40 Yarralumla Drive, Langwarrin, on the basis that it is financially irresponsible and the facility is not supported or wanted by the majority of residents in the area.

\* \* \* \*

**CRANBOURNE SOUTH PROPERTY PURCHASE** — The Honourable Ron Bowden presented a Petition bearing 54 signatures from certain citizens of Victoria praying that proceedings are not undertaken to build a facility on property purchased by the State Government and Department of Human Services at 12 Chevron Avenue, Cranbourne South, on the basis that it is financially irresponsible and the facility is not supported or wanted by the majority of residents in the area.

Severally Ordered to lie on the Table.

**3 PAPERS —**

**GARDINER FOUNDATION** — The Honourable Theo Theophanous moved, by leave, That there be laid before this House a copy of the Gardiner Foundation Report for 2001-02.

Question — put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable Theo Theophanous and ordered to lie on the Table.

\* \* \* \*

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

Adult Parole Board of Victoria — Report, 2001-02.

Alexandra and District Ambulance Service — Minister for Health's report of receipt of the 2001-02 report.

Alexandra District Hospital — Minister for Health's report of receipt of the 2001-02 report.

Alpine Health — Report, 2001-02 (three papers).

Architects Registration Board of Victoria — Report, 2001-02.

Auditor General — Report on Public Sector Agencies, February 2003.

Austin and Repatriation Medical Centre — Report, 2001-02 (two papers).

Australian Centre for the Moving Image — Report, for the period 1 January 2002 to 30 June 2002.

Bairnsdale Regional Health Service — Report, 2001-02.

Barwon Health — Report, 2001-02.

Barwon Regional Waste Management Group — Minister for Environment's report of receipt of the 2001-02 report.

Bayside Health — Report, 2001-02.

Beaufort and Skipton Health Service — Report, 2001-02.

Beechworth Health Service — Report, 2001-02.

Bendigo Health Care Group — Report, 2001-02.

Boort District Hospital — Minister for Health's report of receipt of the 2001-02 report.

Budget Sector —

Budget Update, 2002-03.

Quarterly Financial Report for the period ended 30 September 2002.

Building Commission — Report, 2001-02.

Calder Regional Waste Management Group — Minister for Environment's report of receipt of the 2001-02 report.

Casterton Memorial Hospital — Minister for Health's report of receipt of the 2001-02 report.

Central Gippsland Health Service — Report, 2001-02.

Central Highlands Region Water Authority — Minister for Water's report of failure to submit 2001-02 report to him within the prescribed period.

Central Murray Regional Waste Management Group — Minister for Environment's report of receipt of the 2001-02 report.

Chiropractors Registration Board of Victoria — Minister for Health's report of receipt of the 2001-02 report.

Cobram and District Hospital — Report, 2001-02.

Cohuna District Hospital — Minister for Health's report of receipt of the 2001-02 report.

Colac Area Health — Report, 2001-02.

Coleraine District Health Services — Minister for Health's report of receipt of the 2001-02 report.

Coliban Region Water Authority — Report, 2001-02.

Consumer and Business Affairs Victoria — Report, 2001-02.

Dental Health Services Victoria — Report, 2001-02.

- Desert Fringe Regional Waste Management Group — Minister for Environment's report of receipt of the 2001-02 report.
- Drugs, Poisons and Controlled Substances Act 1981 — Standard for the Uniform Scheduling of Drugs and Poisons, No. 17, Amendment No. 2, 1 January 2003 and Minister's Notice regarding the amendment, commencement and availability of the Poisons Code (two papers).
- Dunmunkle Health Services — Minister for Health's report of receipt of the 2001-02 report.
- Eastern Health — Report, 2001-02 (two papers).
- Eastern Regional Waste Management Group — Report, 2001-02.
- East Grampians Health Service — Report, 2001-02.
- East Wimmera Health Service — Report, 2001-02.
- Echuca Regional Health — Report, 2001-02.
- EcoRecycle Victoria — Report, 2001-02.
- Edenhope and District Memorial Hospital — Report, 2001-02.
- First Mildura Irrigation Trust — Minister for Water's report of failure to submit 2001-02 report to him within the prescribed period.
- Food Safety Council — Minister for Health's report of receipt of the 2001-02 report.
- Footy Consortium Pty Ltd — Report, 2001-02.
- Geelong Performing Arts Centre Trust — Report, 2001-02.
- Gippsland Regional Waste Management Group — Minister for Environment's report of receipt of the 2001-02 report.
- Gippsland Southern Health Service — Report, 2001-02.
- Goulburn Regional Waste Management Group — Minister for Environment's report of receipt of the 2001-02 report.
- Goulburn Valley Health — Report, 2001-02 (two papers).
- Goulburn Valley Region Water Authority — Minister for Water's report of failure to submit 2001-02 report to him within the prescribed period.
- Grampians Regional Waste Management Group — Minister for Environment's report of receipt of the 2001-02 report.
- Greater Victoria Wine Grape Industry Development Committee — Minister for Agriculture's report of receipt of the 2001-02 report.
- Health Purchasing Victoria — Minister for Health's report of receipt of the 2001-02 report.
- Health Services Act 1988 — Report of Community Visitors, 2001-02.
- Hepburn Health Service — Report, 2001-02.
- Heritage Council — Report, 2001-02.
- Hesse Rural Health Service — Minister for Health's report of receipt of the 2001-02 report.
- Heywood Rural Health — Minister for Health's report of receipt of the 2001-02 report.
- Highlands Regional Waste Management Group — Minister for Environment's report of receipt of the 2001-02 report.
- Housing Guarantee Fund Ltd and Domestic Building (HIH) Indemnity Fund — Report, 2001-02.
- Infertility Treatment Authority — Report, 2001-02.
- Inglewood and Districts Health Service — Minister for Health's report of receipt of the 2001-02 report.
- Intellectually Disabled Persons' Services Act 1986 — Report of Community Visitors, 2001-02.

- Interpretation of Legislation Act 1984 —  
Notice pursuant to section 32(4)(a)(ii) in relation to the Electricity Safety (Equipment Efficiency) Regulations 1999.  
Notice pursuant to section 32(3) in relation to the Fair Trading (Prescribed Safety Standard for Baby Walkers) Regulations 2002.  
Notice pursuant to section 32(3) in relation to the Fair Trading (Safety Standard) (Bunk Beds) Regulations 2002.
- Judicial Remuneration Tribunal —  
Report No. 1 on Judicial Salary and Allowances, 26 November 2002.  
Report No. 2 on Victorian Civil and Administrative Tribunal's Salary and Allowances, 15 January 2003.
- Kerang District Health — Report, 2001-02.  
Kilmore and District Hospital — Report, 2001-02.  
Kooweerup Regional Health Service — Report, 2001-02.  
Kyabram and District Health Services — Report, 2001-02.  
Kyneton District Health Service — Report, 2001-02.  
Latrobe Regional Hospital — Report, 2001-02 (two papers).  
Legal Practice Act 1996 — Practitioner Remuneration Order, 2 December 2002.  
Library Board of Victoria — Report, 2001-02.  
Lorne Community Hospital — Minister for Health's report of receipt of the 2001-02 report.  
Maldon Hospital — Minister for Health's report of receipt of the 2001-02 report.  
Mallee Track Health and Community Service — Report, 2001-02.  
Manangatang and District Hospital — Minister for Health's report of receipt of the 2001-02 report.  
Mansfield District Hospital — Report, 2001-02.  
Maryborough District Health Service — Report 2001-02 (two papers).  
McIvor Health and Community Services — Minister for Health's report of receipt of the 2001-02 report.
- Melbourne City Link Act 1995 —  
Deeds of Leases for Tullamarine Freeway, Western Link and Southern Link sections, 13 November 2002, pursuant to section 60(9) (eight papers).  
Statement of Variation No. 1/2002 Detailed Tolling Strategy, 1 January 2003, pursuant to section 15(B).
- Melbourne Health — Report, 2001-02.  
Melbourne Market Authority — Report, 2001-02.  
Mental Health Act 1986 — Report of Community Visitors, 2001-02.  
Mercy Public Hospitals Incorporated — Report, 2001-02.  
Mildura Regional Waste Management Group — Minister for Environment's report of receipt of the 2001-02 report.  
Mornington Peninsula Regional Waste Management Group — Minister for Environment's report of receipt of the 2001-02 report.  
Moyness Health Services — Report, 2001-02.  
Mt Alexander Hospital — Report, 2001-02.  
Murray Valley Citrus Marketing Board — Report, 2001-02.  
Museums Board of Victoria — Report, 2001-02.  
Nathalia District Hospital — Minister for Health's report of receipt of the 2001-02 report.  
National Gallery of Victoria — Report, 2001-02.  
Natural Resources and Environment Department — Report, 2001-02.

- North East Victorian Regional Waste Management Group — Minister for Environment's report of receipt of the 2001-02 report.
- Northern Health — Report, 2001-02 (two papers).
- Northern Regional Waste Management Group — Minister for Environment's report of receipt of the 2001-02 report.
- Northern Victoria Fresh Tomato Industry Development Committee — Minister for Agriculture's report of receipt of the 2001-02 report.
- Numurkah District Health Service — Minister for Health's report of receipt of the 2001-02 report.
- Nurses Board of Victoria — Report, 2001-02.
- O'Connell Family Centre — Minister for Health's report of receipt of the 2001-02 report.
- Omeo District Hospital — Minister for Health's report of receipt of the 2001-02 report.
- Orbost Regional Health — Report, 2001-02 (two papers).
- Osteopaths Registration Board of Victoria — Minister for Health's report of receipt of the 2001-02 report.
- Otway Health and Community Services — Report, 2001-02 (two papers).
- Parliamentary Committees Act 1968 — Whole of Government response to Scrutiny of Acts and Regulations Committee's final report on a Privacy Code of Conduct for Members of the Victorian Parliament.
- Parliamentary Contributory Superannuation Fund — Report, 2001-02.
- Peninsula Health — Report, 2001-02 (four papers).
- Peter MacCallum Cancer Institute — Report, 2001-02.
- Pharmacy Board of Victoria — Report, 2001-02.
- Phillip Island Nature Park Board of Management — Report, 2001-02.
- Physiotherapists Registration Board of Victoria — Minister for Health's report of receipt of the 2001-02 report.
- Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:
- Alpine Resorts Planning Scheme — Amendment C8.
  - Ballarat Planning Scheme — Amendments C50, C53 (Part 1), C56, C59, C61 and C63.
  - Bass Coast Planning Scheme — Amendment C24.
  - Baw Baw Planning Scheme — Amendment C21.
  - Bayside Planning Scheme — Amendment C30.
  - Bendigo — Greater Bendigo Planning Scheme — Amendments C45 and C47.
  - Brimbank Planning Scheme — Amendments C40, C46 and C47.
  - Campaspe Planning Scheme — Amendments C25 and C26.
  - Cardinia Planning Scheme — Amendments C34 (Part 1), C36, C38 and C45.
  - Central Goldfields Planning Scheme — Amendments C3 and C4.
  - Dandenong — Greater Dandenong Planning Scheme — Amendment C29 (Part 1).
  - Darebin Planning Scheme — Amendment C16.
  - East Gippsland Planning Scheme — Amendments C12, C13, C17 and C20.
  - Frankston Planning Scheme — Amendments C12 (Part 1 and Part 2).
  - Geelong — Greater Geelong Planning Scheme — Amendments C25, C37 and C57.
  - Glen Eira Planning Scheme — Amendments C27 (Part 1 and Part 2).
  - Glenelg Planning Scheme — Amendment C5 (Part 1).
  - Horsham Planning Scheme — Amendments C10, C12 and C15.



Planning and Environment Act 1987 — *continued*

- Hume Planning Scheme — Amendments C4, C13, C28, C29 and C36.
- Kingston Planning Scheme — Amendment C29.
- Knox Planning Scheme — Amendments C3, C4, C26 and C34.
- Macedon Ranges Planning Scheme — Amendment C17.
- Manningham Planning Scheme — Amendment C20.
- Maribyrnong Planning Scheme — Amendments C6, C29, C33 and C34.
- Maroondah Planning Scheme — Amendment C14.
- Melbourne Planning Scheme — Amendments C20, C25, C68, C73.
- Mildura Planning Scheme — Amendments C7, C13 and C15.
- Mitchell Planning Scheme — Amendment C25.
- Monash Planning Scheme — Amendments C12, C22 and C23.
- Moonee Valley Planning Scheme — Amendment C28.
- Moreland Planning Scheme — Amendment C6.
- Mornington Peninsula Planning Scheme — Amendments C23, C32, C35, C53 and C54.
- Nillumbik Planning Scheme — Amendments C17, C18 and C23.
- Port of Melbourne Planning Scheme — Amendment L35.
- Port Phillip Planning Scheme — Amendments C25 and C38.
- Shepparton — Greater Shepparton Planning Scheme — Amendments C20 and C24.
- Stonnington Planning Scheme — Amendment C29.
- Swan Hill Planning Scheme — Amendments C8 and C9.
- Victoria Planning Provisions — Amendments VC15 and VC17.
- Wangaratta Planning Scheme — Amendments C9 (Part 2) and C14.
- Warrnambool Planning Scheme — Amendments C12 and C23.
- West Wimmera Planning Scheme — Amendment C4.
- Whitehorse Planning Scheme — Amendments C4 (Part 1), C14, C24, C35 and C36.
- Whittlesea Planning Scheme — Amendments C29, C30 (Part 1), C43 (Part 1) and C46.
- Wyndham Planning Scheme — Amendments C4, C11 (Part 1), C36, C37, C43 and C46.
- Yarra Planning Scheme — Amendments C34, C39 (Part 1) and C42.
- Yarra Ranges Planning Scheme — Amendments C19 and C29.
- Plumbing Industry Commission — Report, 2001-02.
- Podiatrists Registration Board of Victoria — Minister for Health's report of receipt of the 2001-02 report.
- Police — Office of the Chief Commissioner — Report, 2001-02 (two papers).
- Portland and District Hospital — Report, 2001-02.
- Portland Coast Region Water Authority — Report, 2001-02.
- Premier and Cabinet Department — Report, 2001-02.
- Public Employment Office — Report, 2001-02.
- Public Prosecutions Office — Report, 2001-02.
- Queen Elizabeth Centre — Report, 2001-02.
- Robinvale District Health Services — Report, 2001-02.
- Rochester and Elmore District Health Service — Report, 2001-02.
- Royal Victorian Eye and Ear Hospital — Report, 2001-02.
- Seymour District Memorial Hospital — Report, 2001-02.
- South Eastern Regional Waste Management Group — Report, 2001-02.
- Southern Health — Report, 2001-02.

- South Gippsland Hospital — Minister for Health's report of receipt of the 2001-02 report.
- South Western Regional Waste Management Group — Minister for Environment's report of receipt of the 2001-02 report.
- South West Healthcare — Report, 2001-02.
- Statutory Rules under the following Acts of Parliament:
- Adoption Act 1984 — No. 129/2002.
  - Bail Act 1977 — No. 1/2003.
  - Building Act 1993 — No. 132/2002.
  - Conservation, Forests and Lands Act 1987 — No. 17/2003.
  - County Court Act 1958 — Nos. 125 to 127/2002.
  - Crimes Act 1958 — No. 128/2002 and No. 2/2003.
  - Environment Protection Act 1970 — No. 131/2002 and No. 10/2003.
  - Fundraising Appeals Act 1998 — No. 106/2002.
  - Gaming Machine Control Act 1991 — No. 109/2002.
  - Health Act 1958 — No. 4/2003.
  - Land Conservation (Vehicle Control) Act 1972 — No. 11/2003.
  - Land Tax Act 1958 — No. 136/2002.
  - Magistrates' Court Act 1989 — Nos. 105 and 123/2002 and Nos. 8 and 9/2003.
  - Members of Parliament (Register of Interests) Act 1978 — No. 14/2003.
  - Metropolitan Fire Brigades Act 1958 — Country Fire Authority Act 1958 — No. 111/2002.
  - Motor Car Traders Act 1986 — No. 130/2002.
  - National Parks Act 1975 — No. 108/2002.
  - Occupational Health and Safety Act 1985 — Dangerous Goods Act 1985 — No. 16/2003.
  - Parliamentary Committees Act 1968 — No. 13/2003.
  - Parliamentary Salaries and Superannuation Act 1968 — No. 12/2003.
  - Pay-roll Tax Act 1971 — No. 117/2002.
  - Petroleum (Submerged Lands) Act 1982 — No. 134/2002.
  - Police Regulation Act 1958 — No. 6/2003.
  - Private Agents Act 1966 — No. 133/2002.
  - Road Safety Act 1986 — Nos. 113 to 116/2002 and No. 7/2003.
  - Subordinate Legislation Act 1994 — Nos. 110, 119 and 120/2002 and Nos. 3, 5 and 15/2003.
  - Supreme Court Act 1986 — Nos. 118 and 121/2002.
  - Supreme Court Act 1986 — Corporations (Ancillary Provisions) Act 2001 — No. 122/2002.
  - Trade Measurement Act 1995 — Trade Measurement (Administration) Act 1995 — No. 112/2002.
  - Treasury Corporation of Victoria 1992 — No. 135/2002.
  - Victorian Civil and Administrative Tribunal Act 1998 — No. 124/2002.
  - Wildlife Act 1975 — No. 107/2002.
- St. Vincent's Health — Report, 2001-02 (four papers).
- Stawell Regional Health — Report, 2001-02.
- Subordinate Legislation Act 1994 —  
Ministers' exception certificates under section 8(4) in respect of Statutory Rule Nos. 118 to 127 and 130/2002 and Nos. 5, 7 and 15/2003.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 96, 98, 105 to 108, 112 to 116 and 133/2002 and Nos. 4, 12 to 14 and 17/2003.

- Swan Hill District Hospital — Report, 2001-02.  
 Tallangatta Health Service — Report, 2001-02.  
 Tattersall's — Financial Statements, 2001-02.  
 Terang and Mortlake Health Service — Report, 2001-02.  
 Tourism Victoria — Report, 2001-02.  
 Urban and Regional Land Corporation — Report, 2001-02.  
 Victoria Grants Commission — Report, 2001-02.  
 Victoria Law Foundation — Report, 2001-02.  
 Victorian Arts Centre Trust — Report, 2001-02.  
 Victorian Civil and Administrative Tribunal — Report, 2001-02.  
 Victorian Funds Management Corporation — Report, 2001-02.  
 Victorian Government Purchasing Board — Report, 2001-02.  
 Victorian Health Promotion Foundation — Report, 2001-02.  
 Victorian Institute of Forensic Mental Health — Report, 2001-02.  
 Victorian Multicultural Commission — Report, 2001-02.  
 VITS LanguageLink — Premier's report of receipt of the 2001-02 report.  
 Wangaratta District Base Hospital — Report, 2001-02.  
 Water Act 1989 — Minister's Orders declaring water supply protection areas for Barwon River Catchment, Olinda Creek Catchment, Stringybark Creek Catchment, Paul, Steels and Dixons Creek Catchment, Upper Loddon and Yarram (three papers).  
 Western District Health Service — Report, 2001-02.  
 Western Health — Report, 2001-02.  
 Western Regional Waste Management Group — Minister for Environment's report of receipt of the 2001-02 report.  
 West Gippsland Healthcare Group — Report, 2001-02.  
 West Wimmera Health Service — Report, 2001-02.  
 Wimmera Health Care Group — Report, 2001-02.  
 Women's and Children's Health Service — Report, 2001-02.  
 Wonthaggi and District Hospital — Report, 2001-02 (two papers).  
 Yarram and District Health Service — Report, 2001-02.  
 Yarrawonga District Health Service — Report, 2001-02.  
 Yea and District Memorial Hospital — Minister for Health's report of receipt of the 2001-02 report.

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

- Road Safety (Responsible Driving) Act 2002 — Remaining provisions (except sections 3, 4, 5 and 6 and paragraphs (b), (c), (d), (e) and (f) of section 10) — 15 December 2002 (*Gazette No. G44, 31 October 2002*).
- Sentencing (Amendment) Act 2002 — Section 11 — 17 February 2003 (*Gazette No. G6, 6 February 2003*).
- Victorian Institute of Teaching Act 2001 — Remaining provisions — 31 December 2002 (*Gazette No. G51, 19 December 2002*).
- Wildlife (Amendment) Act 2002 — 1 November 2002 (*Gazette No. G44, 31 October 2002*).
- Wrongs and Other Acts (Public Liability Insurance Reform) Act 2002 — Section 8 — 14 February 2003 (*Gazette No. G7, 13 February 2003*).

**4 MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 9.

**5 SPEECH OF THE GOVERNOR** — The President reported the Speech of the Governor on the Opening of Parliament on 25 February 2003.

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

MAY IT PLEASE THE GOVERNOR:

We, the Legislative Council of Victoria, in Parliament assembled, wish to express our loyalty to our Most Gracious Sovereign, and to thank the Governor for that Speech you have been pleased to address to Parliament.

— which motion was seconded by the Honourable Lidia Argonizzio.

Debate ensued.

*Business having been interrupted at 2.06 p.m. pursuant to Sessional Order 6 —*

**6 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03.

**7 ADDRESS IN REPLY TO SPEECH OF THE GOVERNOR** — Debate continued on the question, That the Council agree to the Address to the Governor in reply to the Governor's Opening Speech. (*for motion see Item 5*).

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

**8 PUBLIC HOLIDAYS AND SHOP TRADING REFORM ACTS (AMENDMENT) BILL** — On the motion of the Honourable Marsha Thomson, leave was given to bring in a Bill *to amend the Public Holidays Act 1993 to appoint Easter Saturday as a public holiday and to amend the Shop Trading Reform Act 1996 to generally require that shops be closed on Easter Sunday and for other purposes*, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**9 TERRORISM (COMMONWEALTH POWERS) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Marsha Thomson (for the Honourable Justin Madden) moved, That the Bill be now read a second time.

On the motion of the Honourable Andrea Coote (for the Honourable Philip Davis) the debate was adjourned until the next day of meeting.

**10 CONTROL OF WEAPONS AND FIREARMS ACTS (SEARCH POWERS) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Theo Theophanous) moved, That the Bill be now read a second time.

On the motion of the Honourable John Vogels, the debate was adjourned until the next day of meeting.

**11 LEGAL PRACTICE (VALIDATIONS) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden moved, That the Bill be now read a second time.

On the motion of the Honourable Richard Dalla-Riva the debate was adjourned until the next day of meeting.

**12 CRIMES (PROPERTY DAMAGE AND COMPUTER OFFENCES) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden moved, That the Bill be now read a second time.

On the motion of the Honourable Richard Dalla-Riva, the debate was adjourned until the next day of meeting.

**13 ADJOURNMENT** — The Honourable Justin Madden moved, That the Council, at its rising, adjourn until Tuesday next at 9.30 a.m.

Debate ensued.

Question — put

The Council divided.

	AYES, 23		NOES, 19
The Hon.	Lidia Argondizzo	The Hon.	Bruce Atkinson
	Candy Broad		W.R. Baxter
	Helen Buckingham		Barry Bishop
	Elaine Carbines		Ron Bowden
	Kaye Darveniza		Andrew Brideson
	John Eren		Andrea Coote
	Dianne Hadden ( <i>Teller</i> )		Richard Dalla-Riva ( <i>Teller</i> )
	Geoff Hilton		David Davis
	Carolyn Hirsh		Philip Davis
	Gavin Jennings		Damian Drum
	John Lenders		Bill Forwood
	John McQuilten		Peter Hall
	Justin Madden		David Koch
	Jenny Mikakos		Wendy Lovell
	Robert Mitchell		Andrew Olexander
	Noel Pullen		G.K. Rich-Phillips ( <i>Teller</i> )
	Glenyys Romanes		Graeme Stoney
	Johan Scheffer		C.A. Strong
	Robert Smith		John Vogels
	Adem Somyurek ( <i>Teller</i> )		
	Theo Theophanous		
	Marsha Thomson		
	Matt Viney		

And so it was resolved in the affirmative.

Mr John Lenders moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 5.06 p.m., adjourned until Tuesday next at 9.30 a.m.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*

# LEGISLATIVE COUNCIL OF VICTORIA

## MINUTES OF THE PROCEEDINGS No. 4

### No. 4 — Tuesday, 4 March 2003

- 1 The President took the Chair and read the Prayer.
- 2 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:
  - Film Victoria — Report for the period 1 January 2002 to 30 June 2002.
  - Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:
    - Ballarat Planning Scheme — Amendment C47.
    - Campaspe Planning Scheme — Amendment C23.
    - Darebin Planning Scheme — Amendments C39 and C44.
    - Golden Plains Planning Scheme — Amendments C11 and C13.
    - Kingston Planning Scheme — Amendment C30.
    - Knox Planning Scheme — Amendment C29.
    - Melbourne Planning Scheme — Amendment C67.
    - Mitchell Planning Scheme — Amendment C15 (Part1).
    - Monash Planning Scheme — Amendment C34.
    - Moreland Planning Scheme — Amendment C26.
    - South Gippsland Planning Scheme — Amendments C14 and C15.
    - Wellington Planning Scheme — Amendment C17.
    - West Wimmera Planning Scheme — Amendment C2.
    - Wodonga Planning Scheme — Amendment C15.
    - Yarra Planning Scheme — Amendment C56.
    - Yarra Ranges Planning Scheme — Amendment C22.
  - Radiation Advisory Committee — Report, for the year ended September 2002.
  - Snowy Hydro Limited — Report for the period 27 June 2001 to 28 June 2002.
  - Statutory Rules under the following Acts of Parliament —
    - Legal Practice Act 1996 — No. 20.
    - Meat Industry Act 1993 — No. 18.
    - Public Authorities (Dividends) Act 1983 — No. 19.
  - Subordinate Legislation Act 1994 — Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 20.

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- PROCLAMATION** — A Proclamation of the Governor in Council fixing an operative date in respect of the following Act was laid upon the table by the Clerk:
  - Regional Development Victoria Act 2002 — 3 March 2003 (*Gazette No. G9, 27 February 2003*).
- 3 **POSTPONEMENT OF ORDER OF THE DAY** — Mr John Lenders moved, That the consideration of the Order of the Day for the resumption of the debate on the motion

for an Address in Reply to the speech of the Governor be postponed until the next day of meeting.

Debate ensued.

Question — put.

The Council divided.

	AYES, 24		NOES, 16
The Hon.	Lidia Argondizzo	The Hon.	Bruce Atkinson
	Candy Broad		W.R. Baxter
	Helen Buckingham		Ron Bowden ( <i>Teller</i> )
	Elaine Carbines		Andrew Brideson
	Kaye Darveniza		Andrea Coote
	John Eren		Richard Dalla-Riva
	Dianne Hadden		David Davis
	Geoff Hilton ( <i>Teller</i> )		Philip Davis
	Carolyn Hirsh		Bill Forwood
	Gavin Jennings		Peter Hall
	John Lenders		David Koch
	John McQuilten		Wendy Lovell ( <i>Teller</i> )
	Justin Madden		G.K. Rich-Phillips
	Jenny Mikakos ( <i>Teller</i> )		Graeme Stoney
	Robert Mitchell		C.A. Strong
	Sang Nguyen		John Vogels
	Noel Pullen		
	Glenyys Romanes		
	Johan Scheffer		
	Robert Smith		
	Adem Somyurek		
	Theo Theophanous		
	Marsha Thomson		
	Matt Viney		

And so it was resolved in the affirmative.

#### 4 PUBLIC HOLIDAYS AND SHOP TRADING REFORM ACTS (AMENDMENT) BILL —

The Order of the Day having been read for the second reading of this Bill, the Honourable Marsha Thomson moved, That the Bill be now read a second time.

*The Honourable Bruce Atkinson having been called by the President —*

Mr John Lenders moved, That Mr Matt Viney be now heard.

Debate ensued.

Question — put.

The Council divided.

	AYES, 23		NOES, 16
The Hon.	Lidia Argondizzo	The Hon.	Bruce Atkinson
	Candy Broad		W.R. Baxter
	Helen Buckingham		Ron Bowden
	Elaine Carbines ( <i>Teller</i> )		Andrew Brideson ( <i>Teller</i> )
	Kaye Darveniza		Andrea Coote
	John Eren		Richard Dalla-Riva

Dianne Hadden	David Davis
Geoff Hilton	Philip Davis
Carolyn Hirsh	Bill Forwood
Gavin Jennings	Peter Hall
John Lenders	David Koch ( <i>Teller</i> )
John McQuilten	Wendy Lovell
Justin Madden	G.K. Rich-Phillips
Jenny Mikakos	Graeme Stoney
Robert Mitchell ( <i>Teller</i> )	C.A. Strong
Sang Nguyen	John Vogels
Noel Pullen	
Glenyys Romanes	
Johan Scheffer	
Robert Smith	
Adem Somyurek	
Marsha Thomson	
Matt Viney	

And so it was resolved in the affirmative.

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

Debate ensued

The Honourable Philip Davis moved, as an amendment, That “the next day of meeting” be omitted with the view of inserting in place thereof “18 March 2003”.

Debate ensued.

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

Question — That the expression proposed to be inserted be so inserted — put and resolved in the affirmative.

Question — That the debate be adjourned until 18 March 2003 — put and resolved in the affirmative.

**5 ADJOURNMENT** — Mr John Lenders moved, That the Council, at its rising, adjourn until Tuesday, 18 March 2003.

Question — put and resolved in the affirmative.

Mr John Lenders moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 11.45 a.m. adjourned until Tuesday, 18 March 2003.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*



# LEGISLATIVE COUNCIL OF VICTORIA

## MINUTES OF THE PROCEEDINGS Nos. 5, 6 and 7

### No. 5 — Tuesday, 18 March 2003

- 1 The President took the Chair and read the Prayer.
- 2 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03.
- 3 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Sessional Order 9.
- 4 **GOVERNMENT BUSINESS PROGRAM** — Mr John Lenders moved, That, pursuant to Sessional Order 16, the Orders of the Day, Government Business, relating to the following Bills be considered and completed by 4.00 p.m. on Thursday, 20 March 2003:

Public Holidays and Shop Trading Reform Acts (Amendment) Bill

Terrorism (Commonwealth Powers) Bill

Crimes (Property Damage and Computer Offences) Bill.

Debate ensued.

Question — put and resolved in the affirmative.

- 5 **PAPERS** —

**CHILDREN'S COURT OF VICTORIA** — The Honourable Justin Madden presented by command of the Governor, the Report of the Children's Court of Victoria for the year 2001-02.

Ordered to lie on the Table.

\* \* \* \*

**PREMIER'S DRUG PREVENTION COUNCIL** — Mr John Lenders moved, by leave, That there be laid before this House a copy of the Report of the Premier's Drug Prevention Council for 2001-02.

Question — put and resolved in the affirmative.

The said Report was thereupon presented by Mr John Lenders and ordered to lie on the Table.

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

Agricultural Industry Development Act 1990 — Victorian Strawberry Industry Development Order 2002.

Auditor-General — Report on managing risk across the public sector, March 2003.

Border Groundwaters Agreement Review Committee — Report, 2001-02.

Budget Sector — Mid-year Financial Report, 2002-03, incorporating the Quarterly Financial Report No. 2 for the period ended 31 December 2002.

Falls Creek Alpine Resort Management Board — Minister for Environment's report of failure to submit the report for the period 1 November 2001 to 31 October 2002 to him within the prescribed period.

Lake Mountain Alpine Resort Management Board — Minister for Environment's report of failure to submit the report for the period 1 November 2001 to 31 October 2002 to him within the prescribed period.

Melbourne 2006 Commonwealth Games Pty Ltd — Report, 2001-02.

Mt Baw Baw Alpine Resort Management Board — Minister for Environment's report of failure to submit the report for the period 1 November 2001 to 31 October 2002 to him within the prescribed period.

Mt Buller Alpine Resort Management Board — Minister for Environment's report of failure to submit the report for the period 1 November 2001 to 31 October 2002 to him within the prescribed period.

Mt Hotham Alpine Resort Management Board — Minister for Environment's report of failure to submit the report for the period 1 November 2001 to 31 October 2002 to him within the prescribed period.

Mt Stirling Alpine Resort Management Board — Minister for Environment's report of failure to submit the report for the period 1 November 2001 to 31 October 2002 to him within the prescribed period.

National Parks Act 1975 — Minister's notice of 20 February 2003 of consent for petroleum exploration within the Lower Glenelg National Park.

Optometrists Registration Board — Minister for Health's report of receipt of the 2001-02 report.

Parliamentary Committees Act 1968 — Whole of Government response to recommendations in Drugs and Crime Prevention Committee's inquiry into the Inhalation of Volatile Substances.

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

    Campaspe Planning Scheme — Amendment C14 (Part 1).

    Delatite Planning Scheme — Amendment C16.

    Hobsons Bay Planning Scheme — Amendment C30.

    Knox Planning Scheme — Amendment C16.

    Maribyrnong Planning Scheme — Amendment C36.

    Stonnington Planning Scheme — Amendment C34.

    Wyndham Planning Scheme — Amendment C40.

Rural Finance Act 1988 — Treasurer's directive of 27 February 2003 to Rural Finance Corporation.

Statutory Rules under the following Acts of Parliament:

    Fisheries Act 1995 — No. 22.

    Water Industry Act 1994 — No. 21.

Subordinate Legislation Act 1994 —

    Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 22.

    Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 21.

Victims of Crime Assistance Tribunal — Report, 2001-02.

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

Agriculture Legislation (Amendments and Repeals) Act 2002 — Remaining provisions (except sections 6(2)(a), (b) and (c), 9, 11, 12(4), 14(b) and 26) — 20 March 2003 (*Gazette No. G11, 13 March 2003*).

Wrongs and Other Acts (Public Liability Insurance Reform) Act 2002 — Section 11 — 15 March 2003 (*Gazette No. G11, 13 March 2003*).

- 6 ADDRESS IN REPLY TO SPEECH OF THE GOVERNOR** — The Order of the Day was read for the resumption of the debate on the question, That the Council agree to the Address to the Governor in reply to the Governor's Opening Speech (*for address see page 44*).
- Debate resumed.
- On the motion of Ms Dianne Hadden, the debate was adjourned until the next day of meeting.
- 7 PUBLIC HOLIDAYS AND SHOP TRADING REFORM ACTS (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.
- Debate resumed.
- Business having been interrupted by the President at 10.00 p.m. pursuant to Sessional Order 10* —
- 8 ADJOURNMENT** — The President proposed the question, That the House do now adjourn.
- Debate ensued.
- And then the Council, at 10.41 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 6 — Wednesday, 19 March 2003

- 1 The President took the Chair and read the Prayer.
- 2 PETITION — ACCOMMODATION FOR DISABLED YOUNG PEOPLE** — Ms Dianne Hadden presented a Petition bearing 663 signatures from certain citizens of Victoria praying that a house or other appropriate and suitable accommodation, together with the appropriate support services to meet emotional, social, educational and physical needs, be provided for young people with a disability presently living in aged care facilities in the Grampians Region.
- Ordered to lie on the Table.
- 3 PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:
- Parliamentary Committees Act 1968 — Treasurer's response to the Economic Development Committee's inquiry into the Impact of Structural Changes in the Victorian Economy.
- Surveyors Board of Victoria — Minister for Planning's report of receipt of the 2001-02 report.
- 4 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Sessional Order 9.
- 5 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 5 inclusive, be postponed until later this day.
- 6 FUEL ADDITIVES** — The Honourable Andrew Olexander moved, That this House notes the deep community concern related to the use of the fuel additives ethanol, MTBE and Naptha in Victoria, and calls on the Government to —
- (a) initiate a comprehensive program of fuel safety testing for motor vehicles, marine outboards, light aircraft and two stroke engines with regard to fuel additives MTBE and Naptha; and

- (b) immediately regulate for the compulsory labelling at wholesale and retail levels of all fuel containing ethanol, MTBE or Naptha, including the blend proportions and potential damage and safety risks to Victorian consumers which may result from its use.

Debate ensued.

Ms Jenny Mikakos moved, as an amendment, That all words and expressions after “calls on the” be omitted with the view of inserting in place thereof “Commonwealth Government to work with the State to —

- (a) continue the program of fuel safety testing for motor vehicles, marine outboards, light aircraft and two stroke engines with regard to fuel additives MTBE and Naptha; and
- (b) for the Commonwealth to immediately regulate for the banning of fuel containing ethanol over 10 per cent until conclusive evidence is provided regarding its safety.”.

Debate ensued.

*The time for General Business having expired pursuant to Sessional Order 5 the debate stood adjourned in the name of the Honourable Andrew Brideson.*

**7 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03.

**8 ADDRESS IN REPLY TO SPEECH OF THE GOVERNOR** — The Order of the Day was read for the resumption of the debate on the question, That the Council agree to the Address to the Governor in reply to the Governor’s Opening Speech (*for address see page 44*).

Debate resumed.

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

**9 VOCATIONAL EDUCATION AND TRAINING (TAFE QUALIFICATIONS) BILL** — On the motion of the Honourable Theo Theophanous, leave was given to bring in a Bill *to amend the Vocational Education and Training Act 1990 and the Victorian Qualifications Authority Act 2000 and for other purposes*, and the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**10 PUBLIC HOLIDAYS AND SHOP TRADING REFORM ACTS (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put.

The Council divided.

AYES, 23

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham (*Teller*)  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza (*Teller*)  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Ms Caroline Hirsh  
 Mr Gavin Jennings

NOES, 19

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden (*Teller*)  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum (*Teller*)

Mr John Lenders	The Hon. Bill Forwood
The Hon. John McQuilten	The Hon. Peter Hall
The Hon. Justin Madden	The Hon. David Koch
Ms Jenny Mikakos	The Hon. Wendy Lovell
The Hon. Robert Mitchell	The Hon. Andrew Olexander
Mr Noel Pullen	The Hon. G.K. Rich-Phillips
Ms Glenyys Romanes	The Hon. Graeme Stoney
Mr Johan Scheffer	The Hon. C.A. Strong
Mr Robert Smith	The Hon. John Vogels
Mr Adem Somyurek	
The Hon. Theo Theophanous	
The Hon. Marsha Thomson	
Mr Matt Viney	

And so it was resolved in the affirmative.

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

Ordered — That the Bill be transmitted to the Assembly with a Message desiring their concurrence.

**11 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 2 to 4 inclusive, be postponed until later this day.

**12 CRIMES (PROPERTY DAMAGE AND COMPUTER OFFENCES) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

On the motion of the Honourable W.R. Baxter, the debate was adjourned until the next day of meeting.

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

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 9.29 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 7 — Thursday, 20 March 2003

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

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

Parliamentary Committees Act 1968 — Premier's response to recommendations in Scrutiny of Acts and Regulations Committee's report on the Subordinate Legislation Act 1994.

Parliamentary Contributory Superannuation Fund — Actuarial Investigation as at 30 June 2002.

Wildlife Act 1975 — Notice of control of hunting, No. 1/2003, 4 March 2003.

**3 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Sessional Order 9.

- 4 AUDITOR-GENERAL'S REPORT ON PUBLIC SECTOR AGENCIES** — The Honourable Bill Forwood moved, That the Council take note of the Report of the Auditor-General on Public Sector Agencies, February 2003.  
Debate ensued.  
Question — put and resolved in the affirmative.
- 5 BUSINESS POSTPONED** — Ordered — That the consideration of the Order of the Day for the resumption of the debate on the motion for an Address in Reply to the speech of the Governor, be postponed until later this day.
- 6 CRIMES (PROPERTY DAMAGE AND COMPUTER OFFENCES) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.  
Debate resumed.  
Question — put and resolved in the affirmative.  
Bill read a second time.  
Ordered — That the Bill be committed to a Committee of the whole later this day.
- 7 TERRORISM (COMMONWEALTH POWERS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.  
Debate resumed.  
Question — put and resolved in the affirmative.  
Bill read a second time and, by leave, read a third time and passed.  
Ordered — That the Bill be transmitted to the Assembly with a Message desiring their concurrence.
- 8 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03.
- 9 CRIMES (PROPERTY DAMAGE AND COMPUTER OFFENCES) BILL** — The Order of the Day having been read for the committal of this Bill, the President left the Chair. House in Committee.  
The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.  
Ordered — That the Bill be transmitted to the Assembly with a Message desiring their concurrence.
- 10 CONTROL OF WEAPONS AND FIREARMS ACT (SEARCH POWERS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.  
Debate resumed.  
*Business having been interrupted by the President at 4.00 p.m. pursuant to Sessional Order 10 —*  
Mr John Lenders moved, That the sitting be continued.  
Question — put and resolved in the affirmative.  
Debate continued.  
Question — That the Bill be now read a second time — put and resolved in the affirmative.  
Bill read a second time and, by leave, read a third time and passed.  
Ordered — That the Bill be transmitted to the Assembly with a Message desiring their concurrence.

**11 CONSTITUTION (PARLIAMENTARY REFORM) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to reform the Parliament of Victoria, to amend the Constitution Act 1975 and the Electoral Act 2002, to consequentially amend certain Acts and for other purposes* and desiring the concurrence of the Council.

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

**12 FIREARMS (TRAFFICKING AND HANDGUN CONTROL) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Firearms Act 1996, the Magistrates' Court Act 1989 and for other purposes* and desiring the concurrence of the Council.

On the motion of the Honourable Theo Theophanous, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**13 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 4, be postponed until the next day of meeting.

**14 VOCATIONAL EDUCATION AND TRAINING (TAFE QUALIFICATIONS) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Theo Theophanous moved, That the Bill be now read a second time.

On the motion of the Honourable Andrew Brideson, the debate was adjourned until the next day of meeting.

**15 ADJOURNMENT** — Mr John Lenders moved, That House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 4.58 p.m., adjourned until Tuesday next.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*

# LEGISLATIVE COUNCIL OF VICTORIA

## MINUTES OF THE PROCEEDINGS Nos. 8, 9 and 10

### No. 8 — Tuesday, 25 March 2003

- 1 The President took the Chair and read the Prayer.
- 2 **SMALL BUSINESS COMMISSIONER BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to establish the office of the Small Business Commissioner and to amend the Liquor Control Reform Act 1998 and the Victorian Civil and Administrative Tribunal Act 1998 and for other purposes* and desiring the concurrence of the Council.  
On the motion of the Honourable Marsha Thomson, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 3 **TERRORISM (COMMUNITY PROTECTION) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to provide for the prevention of and response to terrorist acts, to amend the Freedom of Information Act 1982 and the Victorian Civil and Administrative Tribunal Act 1998 and for other purposes* and desiring the concurrence of the Council.  
On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 4 **RETAIL LEASES BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to provide a new regulatory scheme for retail leases, to amend and repeal the Retail Tenancies Reform Act 1998, to amend the Retail Tenancies Act 1986 and make minor amendments to certain other Acts and for other purposes* and desiring the concurrence of the Council.  
On the motion of the Honourable Marsha Thomson, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 5 **PARLIAMENTARY COMMITTEES AND PARLIAMENTARY SALARIES AND SUPERANNUATION ACTS (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Parliamentary Committees Act 1968 and the Parliamentary Salaries and Superannuation Act 1968 and for other purposes* and desiring the concurrence of the Council.  
On the motion of Mr John Lenders, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 6 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03.
- 7 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Sessional Order 9.
- 8 **GOVERNMENT BUSINESS PROGRAM** — Mr John Lenders moved, That pursuant to Sessional Order 16, the Order of the Day, Government Business, relating to the Constitution (Parliamentary Reform) Bill be completed by 4.00 p.m. on Thursday, 27 March 2003.  
Debate ensued.



Question — put.

The Council divided.

AYES, 23

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Ms Caroline Hirsh (*Teller*)  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith (*Teller*)  
 Mr Adem Somyurek  
 The Hon. Marsha Thomson  
 Mr Matt Viney

NOES, 18

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander (*Teller*)  
 The Hon. G.K. Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. John Vogels (*Teller*)

And so it was resolved in the affirmative.

- 9 SESSIONAL ORDERS** — Mr John Lenders moved, That so much of Sessional Order 29(a) be suspended in relation to the Constitution (Parliamentary Reform) Bill so that the following time limits will apply to Members' speeches on the second reading debate on that Bill:

- (i) Lead Government and Opposition speakers – 90 minutes;
- (ii) Lead Third Party speaker – 75 minutes;
- (iii) Other Members – 20 minutes: Provided that after one-third of the Members of the Council have spoken, the time limit will be 15 minutes, and that after two-thirds of the Members of the Council have spoken, the time limit will be 10 minutes for each Member.

Debate ensued.

The Honourable Philip Davis moved, as an amendment, That all the words and expressions after "That" be omitted with the view of inserting in place thereof "Sessional Order 29(a) be suspended in relation to the Constitution (Parliamentary Reform) Bill so that no time limits will apply to Members speaking in the debate on the Bill".

Debate ensued.

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

The Council divided.

## AYES, 23

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 Ms Dianne Hadden (*Teller*)  
 The Hon. Geoff Hilton  
 Ms Caroline Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen (*Teller*)  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Marsha Thomson  
 Mr Matt Viney

## NOES, 18

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden (*Teller*)  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva (*Teller*)  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. G.K. Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. John Vogels

And so it was resolved in the affirmative — Amendment negated.

Question — That so much of Sessional Order 29(a) be suspended in relation to the Constitution (Parliamentary Reform) Bill so that the following time limits will apply to Members' speeches on the second reading debate on that Bill:

- (i) Lead Government and Opposition speakers – 90 minutes;
- (ii) Lead Third Party speaker – 75 minutes;
- (iii) Other Members – 20 minutes: Provided that after one-third of the Members of the Council have spoken, the time limit will be 15 minutes, and that after two-thirds of the Members of the Council have spoken, the time limit will be 10 minutes for each Member.

— put and resolved in the affirmative.

**10 PETITIONS —**

**SOMERVILLE PHARMACY** — The Honourable Ron Bowden presented a Petition bearing 407 signatures from certain citizens of Victoria requesting that the State Government supports the Somerville community's request for the location of a pharmacy in Eramosa Road East, Somerville due to rapid population growth in the area.

\* \* \* \*

**FRANKSTON TO HASTINGS BUS ROUTE** — The Honourable Ron Bowden presented a Petition bearing 45 signatures from certain citizens of Victoria requesting that the State Government investigate extending the Frankston to Hastings Bus Route 738 to include Eramosa Road East, Somerville in consultation with the Somerville community.

**SOMERVILLE RISE PRIMARY SCHOOL** — The Honourable Ron Bowden presented a Petition bearing 150 signatures from certain citizens of Victoria requesting that the State Government/Department of Education provide adequate parking facilities next to the Somerville Rise Primary School so that school children can be dropped off and picked up in safety.

Severally ordered to lie on the Table.

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

National Environment Protection Council — Report, 2001-02.

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

Monash Planning Scheme — Amendment C28.

Warrnambool Planning Scheme — Amendment C3.

Sports Event Ticketing (Fair Access) Act 2002 — Minister's guidelines in relation to ticket scheme proposals, pursuant to section 17(3) of the Act.

Victorian Environment Assessment Council Act 2001 — Amended terms of reference concerning the Angahook-Lorne State Park to national park status, pursuant to section 16(1) of the Act.

Youth Parole Board and Youth Residential Board — Report, 2001-02.

**12 JOINT SITTING — VICTORIAN HEALTH PROMOTION FOUNDATION** — The President announced the receipt of —

(a) a letter from the Minister for Health dated 27 February 2003 requesting that arrangements be made for a Joint Sitting of the Council and the Assembly to elect three Members for appointment to the Victorian Health Promotion Foundation; and

(b) a Message from the Assembly acquainting the Council that they had agreed to meet the Council for that purpose and proposing that the place and time of the Joint Sitting be the Assembly Chamber on Wednesday, 26 March 2003 at 6.15 p.m., and desiring the concurrence of the Council.

Ordered — That the Assembly's Message be taken into consideration forthwith.

Mr John Lenders moved, by leave, That this House meet the Legislative Assembly for the purpose of sitting and voting together to elect three Members to the Victorian Health Promotion Foundation and, as proposed by the Assembly, the place and time of such meeting be the Legislative Assembly Chamber on Wednesday, 26 March 2003 at 6.15 p.m.

Question — put and resolved in the affirmative.

Ordered — That a Message be sent to the Assembly acquainting them accordingly.

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

**14 CONSTITUTION (PARLIAMENTARY REFORM) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders moved, That the Bill be now read a second time.

On the motion of the Honourable Philip Davis, the debate was adjourned until later this day.

**15 ADDRESS IN REPLY TO SPEECH OF THE GOVERNOR** — The Order of the Day was read for the resumption of the debate on the question, That the Council agree to the Address to the Governor in reply to the Governor's Opening Speech (*for address see page 44*).

Debate resumed.

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

- 16 CONSTITUTION (PARLIAMENTARY REFORM) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

The Honourable Philip Davis moved, as an amendment, That all the words after “That” be omitted with the view of inserting in place thereof “as the Government’s haste to seek passage of this legislation through the Parliament has resulted in the Bill being flawed, and as the Government’s own amendments made in the Legislative Assembly have not adequately remedied the deficiencies which have been identified in the Bill, this House refuses to read the Bill a second time until its provisions have been referred to a Select Committee for inquiry, consideration and report”.

Debate ensued.

*Business having been interrupted by the President at 10.00 p.m. pursuant to Sessional Order 10 the debate stood adjourned in the name of the Honourable Andrew Olexander.*

- 17 ADJOURNMENT** — The President proposed the question, That the House do now adjourn.

Debate ensued.

And then the Council, at 10.39 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*

## **No. 9 — Wednesday, 26 March 2003**

- 1 The President took the Chair and read the Prayer.
- 2 **HEALTH LEGISLATION (RESEARCH INVOLVING HUMAN EMBRYOS AND PROHIBITION OF HUMAN CLONING) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Infertility Treatment Act 1995 so as to make fresh provision for the regulation of certain activities involving the use of human embryos and for the prohibition of human cloning and certain other practices associated with reproductive technology, to make consequential amendments to the Gene Technology Act 2001 and certain other Acts and for other purposes* and desiring the concurrence of the Council.  
On the motion of Mr Gavin Jennings, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 3 **PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk:  
Auditor-General — Report on Drug education in government schools, March 2003.
- 4 **MEMBERS’ STATEMENTS** — Statements were made by Members pursuant to Sessional Order 9.
- 5 **BUSINESS POSTPONED** —  
Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 6 inclusive, be postponed until later this day.  
Ordered — That the consideration of Notice of Motion, General Business, No. 7, be postponed until the next day of meeting.

**6 VICTORIAN HEALTH SYSTEM** — The Honourable David Davis moved, That this House expresses its concern at the Victorian Government's mismanagement of the Victorian health system and in particular —

- (a) notes that the Victorian Government has presided over major funding crises at a number of Victorian hospitals that has created a black hole in hospital funding, financially weakening metropolitan hospitals;
- (b) draws attention to the Auditor-General's recommendations in his recent report on public sector agencies and the serious financial deterioration at both country and metropolitan hospitals exposed by the report;
- (c) condemns the Victorian Government for producing unreliable hospital waiting list figures and for forcing sick and needy patients off the recorded waiting lists;
- (d) highlights the fact that despite concerns over the reliability of Government waiting list figures, there is growing evidence of increases in the number of patients waiting for vital surgery in country hospitals; and
- (e) rejects the constant blaming of others by the Victorian Government for its own mismanagement, such as the Federal Government and the former State Government and even other factors such as adverse seasonal conditions;

and calls on the Government, after more than a term in office, to accept responsibility for the Victorian health system.

Debate ensued.

*The time for General Business having expired pursuant to Sessional Order 5 the debate stood adjourned in the name of the Honourable Andrew Olexander.*

**7 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03.

**8 BUSINESS POSTPONED** — Ordered — That the consideration of the Order of the Day for the resumption of the debate on the motion for an Address in Reply to the speech of the Governor be postponed until the next day of meeting.

**9 CONSTITUTION (PARLIAMENTARY REFORM) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time and on the reasoned amendment (*for text see page 63*).

Debate resumed.

*Interruption —*

**10 JOINT SITTING — VICTORIAN HEALTH PROMOTION FOUNDATION** — The President announced that the time had arrived for the House to meet the Assembly in the Assembly Chamber to elect three Members for appointment to the Victorian Health Promotion Foundation.

*Accordingly, the Council then proceeded to the Assembly Chamber, and having returned —*

The President reported that at the Joint Sitting, Mr Hugh Francis Delahunty, M.P., the Honourable Bill Forwood, M.L.C. and Ms Maxine Morand, M.P., were elected to the Foundation for a three year term commencing on 26 March 2003.

**11 CONSTITUTION (PARLIAMENTARY REFORM) BILL** — Debate continued on the question, That the Bill be now read a second time and on the reasoned amendment.

*Business having been interrupted by the President at 10.00 pm pursuant to Sessional Order 10, the debate stood adjourned in the name of the Honourable C.A. Strong.*

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

Debate ensued.

And then the Council, at 10.54 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 10 — Thursday, 27 March 2003

- 1 The President took the Chair and read the Prayer.
- 2 **PARLIAMENTARY COMMITTEES** — Mr John Lenders moved, by leave —
  - (a) **HOUSE COMMITTEE** — That the Honourables Bruce Atkinson and Andrew Brideson, Ms Dianne Hadden and the Honourables John McQuilten and Sang Nguyen be members of the House Committee.
  - (b) **LIBRARY COMMITTEE** — That the Honourables the President, Lidia Argondizzo, C.A. Strong, Richard Dalla-Riva and Kaye Darveniza be members of the Joint Committee to manage the Library.
  - (c) **PRIVILEGES COMMITTEE** — That a Select Committee of seven members be appointed to inquire into and report upon complaints of breach of privilege referred to it by the Council, and that the Committee have power to send for persons, papers and records, four to be the quorum; and that the Honourables W.R. Baxter, Andrew Brideson, Helen Buckingham and Bill Forwood, Mr Gavin Jennings, Ms Jenny Mikakos and Mr Matt Viney be members of that Committee.
  - (d) **STANDING ORDERS COMMITTEE** — That the Honourables the President, Lidia Argondizzo, Barry Bishop and Andrea Coote, Mr John Lenders, Ms Glenyys Romanes and the Honourable Graeme Stoney be members of the Select Committee on the Standing Orders of the House; four to be the quorum.
  - (e) **ECONOMIC DEVELOPMENT COMMITTEE** — That the Honourables Bruce Atkinson and Ron Bowden and Mr Noel Pullen be members of the Economic Development Committee.
  - (f) **DRUGS AND CRIME PREVENTION COMMITTEE** — That Ms Carolyn Hirsh and the Honourable Sang Nguyen be members of the Drugs and Crime Prevention Committee.
  - (g) **ENVIRONMENT AND NATURAL RESOURCES COMMITTEE** — That the Honourables Andrea Coote, Damian Drum, Geoff Hilton and Wendy Lovell be members of the Environment and Natural Resources Committee.
  - (h) **FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE** — That the Honourable David Davis and Mr Robert Smith be members of the Family and Community Development Committee.
  - (i) **LAW REFORM COMMITTEE** — That the Honourables Andrew Brideson and Richard Dalla-Riva and Ms Dianne Hadden be members of the Law Reform Committee.
  - (j) **PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — That the Honourables W.R. Baxter, Bill Forwood and G.K. Rich-Phillips and Ms Glenyys Romanes be members of the Public Accounts and Estimates Committee.
  - (k) **ROAD SAFETY COMMITTEE** — That the Honourables Barry Bishop, John Eren and Graeme Stoney be members of the Road Safety Committee.
  - (l) **SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — That the Honourables Lidia Argondizzo and Andrew Olexander be members of the Scrutiny of Acts and Regulations Committee.

- (m) **RURAL AND REGIONAL SERVICES AND DEVELOPMENT COMMITTEE** — That contingent upon the Royal Assent being given to the Parliamentary Committees and Parliamentary Salaries and Superannuation Acts (Amendment) Bill, the Honourables John McQuilten and Robert Mitchell be members of the Rural and Regional Services and Development Committee.
- (n) **OUTER SUBURBAN/INTERFACE SERVICES AND DEVELOPMENT COMMITTEE** — That contingent upon the Royal Assent being given to the Parliamentary Committees and Parliamentary Salaries and Superannuation Acts (Amendment) Bill, Mr Johan Scheffer and Mr Adem Somyurek be members of the Outer Suburban/Interface Services and Development Committee.
- (o) **EDUCATION AND TRAINING COMMITTEE** — That contingent upon the Royal Assent being given to the Parliamentary Committees and Parliamentary Salaries and Superannuation Acts (Amendment) Bill, the Honourables Helen Buckingham and Peter Hall be members of the Education and Training Committee.

Question — put and resolved in the affirmative.

- 3 SITTING OF THE COUNCIL** — Mr John Lenders moved, That, notwithstanding any sitting of the Council on Friday, 28 March 2003 for the completion of the Government Business Program determined on 25 March 2003, the Council, at its rising, adjourn until Tuesday, 8 April 2003.

Question — put and resolved in the affirmative.

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

Auditor-General —

Report on Control and compliance audits: *Payroll management and Administration of the goods and services tax*, March 2003.

Report on Managing medical equipment in public hospitals, March 2003.

Parliamentary Committees Act 1968 — Minister for Agriculture's response to recommendations in Environment and Natural Resources Committee's second report on Fisheries Management.

- 5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Sessional Order 9.

- 6 AUDITOR-GENERAL'S REPORT ON MANAGING RISK ACROSS THE PUBLIC SECTOR** — The Honourable Bill Forwood moved, That the Council take note of the Report of the Auditor-General on Managing risk across the public sector, March 2003.

Debate ensued.

Question — put and resolved in the affirmative.

- 7 BUSINESS POSTPONED** — Ordered — That the consideration of the Order of the Day for the resumption of the debate on the motion for an Address in Reply to the speech of the Governor be postponed until the next day of meeting.

- 8 CONSTITUTION (PARLIAMENTARY REFORM) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time and on the reasoned amendment, That all the words after "That" be omitted with the view of inserting in place thereof "as the Government's haste to seek passage of this legislation through the Parliament has resulted in the Bill being flawed, and as the Government's own amendments made in the Legislative Assembly have not adequately remedied the deficiencies which have been identified

in the Bill, this House refuses to read the Bill a second time until its provisions have been referred to a Select Committee for inquiry, consideration and report”.

Debate resumed.

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

The Council divided.

AYES, 24

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines (*Teller*)  
 The Hon. Kaye Darveniza (*Teller*)  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Ms Caroline Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

NOES, 19

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop (*Teller*)  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote (*Teller*)  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. G.K. Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative — Amendment negatived.

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

The Council divided.

AYES, 24

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Ms Caroline Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders

NOES, 19

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden (*Teller*)  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood



The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith (*Teller*)  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney (*Teller*)

The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell (*Teller*)  
 The Hon. Andrew Olexander  
 The Hon. G.K. Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and committed to a Committee of the whole.

*Business having been interrupted at 2.06 p.m. pursuant to Sessional Order 6 —*

**9 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03.

**10 CONSTITUTION (PARLIAMENTARY REFORM) BILL** — The President left the Chair. House in Committee.

*Business having been interrupted at 4.00 p.m. pursuant to Sessional Order 10 —*

Mr John Lenders moved, That —

(a) pursuant to Sessional Order 10 the sitting be continued to enable motions for second readings to be moved in relation to the —

Retail Leases Bill;

Small Business Commissioner Bill;

Parliamentary Committees and Parliamentary Salaries and Superannuation Acts (Amendment) Bill;

Terrorism (Community Protection) Bill; and

Health Legislation (Research Involving Human Embryos and Prohibition of Human Cloning) Bill; and

(b) pursuant to Sessional Order 23(a) the sitting be extended to complete the unfinished Government Business Program determined on 25 March 2003.

Question — put and resolved in the affirmative.

Further consideration of the Bill continued in Committee of the whole.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted.

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

The Council divided.

AYES, 24

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza

NOES, 19

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden (*Teller*)  
 The Hon. Andrew Brideson

The Hon. John Eren	The Hon. Andrea Coote
Ms Dianne Hadden	The Hon. Richard Dalla-Riva
The Hon. Geoff Hilton	The Hon. David Davis ( <i>Teller</i> )
Ms Caroline Hirsh	The Hon. Philip Davis
Mr Gavin Jennings	The Hon. Damian Drum
Mr John Lenders	The Hon. Bill Forwood
The Hon. John McQuilten	The Hon. Peter Hall
The Hon. Justin Madden	The Hon. David Koch
Ms Jenny Mikakos	The Hon. Wendy Lovell
The Hon. Robert Mitchell ( <i>Teller</i> )	The Hon. Andrew Olexander
The Hon. Sang Nguyen	The Hon. G.K. Rich-Phillips
Mr Noel Pullen ( <i>Teller</i> )	The Hon. Graeme Stoney
Ms Glenyys Romanes	The Hon. C.A. Strong
Mr Johan Scheffer	The Hon. John Vogels
Mr Robert Smith	
Mr Adem Somyurek	
The Hon. Theo Theophanous	
The Hon. Marsha Thomson	
Mr Matt Viney	

And so it was resolved in the affirmative.

Bill read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**11 PUBLIC HOLIDAYS AND SHOP TRADING REFORM ACTS (AMENDMENT) BILL —**

The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to this Bill without amendment.

**12 FEDERAL AWARDS (UNIFORM SYSTEM) BILL —** The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Commonwealth Powers (Industrial Relations) Act 1996 to refer to the Parliament of the Commonwealth a further matter relating to industrial relations, to empower the Victorian Civil and Administrative Tribunal to make orders applying federal award conditions as common rules in Victoria and for this purpose to amend the Victorian Civil and Administrative Tribunal Act 1998 and for other purposes* and desiring the concurrence of the Council.

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

**13 COMMISSIONER FOR ENVIRONMENTAL SUSTAINABILITY BILL —** The President announced the receipt of a Message from the Assembly transmitting a Bill *to provide for a Commissioner for Environmental Sustainability, to facilitate a periodical Report on the State of the Environment of Victoria and annual reporting on the implementation of environmental management systems, to consequentially amend the Public Sector Management and Employment Act 1998 and for other purposes* and desiring the concurrence of the Council.

On the motion of Ms Candy Broad, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**14 PAY-ROLL TAX (MATERNITY AND ADOPTION LEAVE EXEMPTION) BILL —** The President announced the receipt of a Message from the Assembly transmitting a Bill

*to amend the Pay-roll Tax Act 1971 to grant an exemption from pay-roll tax in respect of paid maternity leave and paid adoption leave and for other purposes and desiring the concurrence of the Council.*

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

- 15 OUTWORKERS (IMPROVED PROTECTION) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to improve the protection of outworkers in the clothing industry, to establish an Ethical Clothing Trades Council of Victoria and for other purposes* and desiring the concurrence of the Council.

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

- 16 RETAIL LEASES BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Marsha Thomson moved, That the Bill be now read a second time.

The Honourable Marsha Thomson made a statement pursuant to section 85 (5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

On the motion of the Honourable Bruce Atkinson, the debate was adjourned until the next day of meeting.

- 17 SMALL BUSINESS COMMISSIONER BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Marsha Thomson moved, That the Bill be now read a second time.

Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.

On the motion of the Honourable Bruce Atkinson, the debate was adjourned until the next day of meeting.

- 18 PARLIAMENTARY COMMITTEES AND PARLIAMENTARY SALARIES AND SUPERANNUATION ACTS (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders moved, That the Bill be now read a second time.

Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.

On the motion of the Honourable Philip Davis, the debate was adjourned until the next day of meeting.

- 19 TERRORISM (COMMUNITY PROTECTION) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden moved, That the Bill be now read a second time.

Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.

On the motion of the Honourable Philip Davis, the debate was adjourned until the next day of meeting.

- 20 HEALTH LEGISLATION (RESEARCH INVOLVING HUMAN EMBRYOS AND PROHIBITION OF HUMAN CLONING) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr Gavin Jennings moved, That the Bill be now read a second time.

Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.

On the motion of the Honourable Philip Davis (for the Honourable David Davis), the debate was adjourned until the next day of meeting.

**21 ADJOURNMENT** — Mr John Lenders moved, That the House do now adjourn.  
Debate ensued.  
Question — put and resolved in the affirmative.  
And then the Council, at 9.36 p.m., adjourned until Tuesday, 8 April 2003.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*

# LEGISLATIVE COUNCIL OF VICTORIA

## MINUTES OF THE PROCEEDINGS Nos. 11, 12 and 13

### No. 11 — Tuesday, 8 April 2003

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council —  
That he had, on 2 April 2003, given the Royal Assent to the undermentioned Act presented to him by the Deputy Clerk of the Legislative Council, for and in the absence of the Clerk of the Parliaments:  
*Public Holidays and Shop Trading Reform Acts (Amendment) Act.*  
That he had, on 8 April 2003, given the Royal Assent to the undermentioned Act presented to him by the Clerk of the Parliaments:  
*Constitution (Parliamentary Reform) Act.*
- 3 **TITLE OF HONOURABLE** — The President announced that advice had been received that the Governor had approved the retention of the title “Honourable” by Mr Gerald Barry Ashman, JP, Mr Ronald Alexander Best and Mr Kenneth Maurice Smith, each of whom served as a Member of the Legislative Council for a continuous period of not less than ten years.
- 4 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.
- 5 **MEMBERS’ STATEMENTS** — Statements were made by Members pursuant to Sessional Order 9.
- 6 **GOVERNMENT BUSINESS PROGRAM** — Mr John Lenders moved, That, pursuant to Sessional Order 16, the Orders of the Day, Government Business, relating to the following Bills be considered and completed by 4.00 p.m. on Thursday, 10 April 2003:  
Parliamentary Committees and Parliamentary Salaries and Superannuation Acts (Amendment) Bill  
Retail Leases Bill  
Small Business Commissioner Bill  
Legal Practice (Validations) Bill  
Terrorism (Community Protection) Bill.  
Debate ensued.  
Question — put and resolved in the affirmative.
- 7 **PAPERS** —  
**MAGISTRATES’ COURT** — The Honourable Justin Madden presented, by command of the Governor, the Report of the Magistrates’ Court of Victoria for 2001-02.  
Ordered to lie on the Table.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — The Honourable Lidia Argondizzo presented Alert Digest No. 1 of 2003 from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

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

Crown Land (Reserves) Act 1978 — Minister's Order of 25 October 2002 giving approval to granting of leases at Horticultural Hall Reserve, Melbourne.

Parliamentary Committees Act 1968 —

Attorney-General's response to recommendations in Scrutiny of Acts and Regulations Committee's final report on the Review of the Vagrancy Act 1966.

Minister for Employment and Youth Affairs' response to recommendations in Economic Development Committee's report into the Incidence of Youth Unemployment in Victoria.

Planning and Environment Act 1987 —

Melbourne Airport Environs Strategy Plan, 2003.

Notices of Approval of the following amendments to planning schemes:

Colac Otway Planning Scheme — Amendment C15.

Darebin Planning Scheme — Amendments C15 and C46.

Delatite Planning Scheme — Amendment C8.

Geelong — Greater Geelong Planning Scheme — Amendment C69.

Manningham Planning Scheme — Amendment C28.

Maroondah Planning Scheme — Amendment C21.

Melton Planning Scheme — Amendment C36.

Monash Planning Scheme — Amendment C21.

Moreland Planning Scheme — Amendment C20.

Mount Alexander Planning Scheme — Amendment C16.

Pyrenees Planning Scheme — Amendment C1.

South Gippsland Planning Scheme — Amendments C6 and C8.

Wangaratta Planning Scheme — Amendment C12.

Wellington Planning Scheme — Amendment C7.

Wyndham Planning Scheme — Amendment C41.

Statutory Rules under the following Acts of Parliament:

Agricultural Industry Development Act 1990 — No. 23.

Fair Trading Act 1999 — No. 26.

Fisheries Act 1995 — Nos. 24 and 25.

Private Agents Act 1966 — No. 27.

Subordinate Legislation Act 1994 — Minister's exemption certificates under section 9(6) in respect of Statutory Rule Nos. 24 and 25.

Surveillance Devices Act 1999 — Reports, 2002, from the Chief Commissioner of Police, Chairperson, Australian Crime Commission and Secretary, Department of Sustainability and Environment, pursuant to section 37 of the Act (three papers).

\* \* \* \* \*

**PROCLAMATION** — A Proclamation of the Governor in Council fixing an operative date in respect of the following Act was laid upon the table by the Clerk:

Agricultural Industry Development (Further Amendment) Act 2002 — Remaining provisions (except sections 20 and 21) — 27 March 2003 (*Gazette No. G13, 27 March 2003*).

- 8 ADDRESS IN REPLY TO SPEECH OF THE GOVERNOR** — The Order of the Day was read for the resumption of the debate on the question, That the Council agree to the Address to the Governor in reply to the Governor's Opening Speech (*for address see page 44*).
- Debate resumed.
- On the motion of the Honourable Kaye Darveniza, the debate was adjourned until the next day of meeting.
- 9 FEDERAL AWARDS (UNIFORM SYSTEM) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr Gavin Jennings moved, That the Bill be now read a second time.
- Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.
- On the motion of the Honourable Bill Forwood, the debate was adjourned until the next day of meeting.
- 10 COMMISSIONER FOR ENVIRONMENTAL SUSTAINABILITY BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for Ms Candy Broad) moved, That the Bill be now read a second time.
- Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.
- On the motion of the Honourable Andrea Coote, the debate was adjourned until the next day of meeting.
- 11 PAY-ROLL TAX (MATERNITY AND ADOPTION LEAVE EXEMPTION) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders moved, That the Bill be now read a second time.
- Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.
- On the motion of the Honourable Philip Davis (for the Honourable Wendy Lovell), the debate was adjourned until the next day of meeting.
- 12 OUTWORKERS (IMPROVED PROTECTION) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr Gavin Jennings moved, That the Bill be now read a second time.
- Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.
- On the motion of the Honourable Bill Forwood, the debate was adjourned until the next day of meeting.
- 13 PARLIAMENTARY COMMITTEES AND PARLIAMENTARY SALARIES AND SUPERANNUATION ACTS (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.
- Debate resumed.
- Question — put and resolved in the affirmative.
- Bill read a second time and committed to a Committee of the whole.
- House in Committee.
- Pursuant to Sessional Order 10, the Chair of Committees reported that the Committee had made progress in the Bill.
- Business having been interrupted by the President at 10.00 p.m. pursuant to Sessional Order 10 —*

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

Debate ensued.

And then the Council, at 10.41 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
Clerk of the Legislative Council

## No. 12 — Wednesday, 9 April 2003

1 The President took the Chair and read the Prayer.

**2 BUSINESS LICENSING LEGISLATION (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Associations Incorporation Act 1981, the Business Names Act 1962, the Estate Agents Act 1980, the Motor Car Traders Act 1986 and the Travel Agents Act 1986 to facilitate electronic document transactions and to make further provision for registers under those Acts and to amend the Business Licensing Authority Act 1998 and for other purposes* and desiring the concurrence of the Council.

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

**3 SENTENCING (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Sentencing Act 1991 so as to empower the Court of Appeal to give guideline judgments and to establish a Sentencing Advisory Council, to make a minor amendment to the Sentencing (Amendment) Act 2002 and for other purposes* and desiring the concurrence of the Council.

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**4 PETITION — ACCOMMODATION FOR DISABLED YOUNG PEOPLE** — Ms Dianne Hadden presented a Petition bearing 427 signatures from certain citizens of Victoria praying that a house or other appropriate and suitable accommodation, together with the appropriate support services to meet emotional, social, educational and physical needs, be provided for young people with a disability presently living in aged care facilities in the Grampians Region.

Ordered to lie on the Table.

**5 PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk:

Fawkner Crematorium and Memorial Park — Report, 2001.

**6 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Sessional Order 9.

**7 BUSINESS POSTPONED** —

Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 7 inclusive, be postponed until later this day.

Ordered — That the consideration of Notice of Motion, General Business, No. 8, be postponed until the next day of meeting.

**8 ARTERIAL ROADS UPGRADE** — The Honourable Ron Bowden moved, That this House calls on the Government to address the major arterial needs of the Eastern and Southern suburbs of Melbourne by —



- (a) widening the Monash Freeway between Dandenong Road and Warrigal Road by one lane in each direction;
- (b) widening Wellington Road between Napoleon Road and Taylors Lane;
- (c) putting Nunawading railway station underground;
- (d) creating a grade separation in Middleborough Road near Whitehorse Road; and
- (e) alleviating congestion on Springvale Road, especially at the Whitehorse Road and Dandenong Road intersections.

Debate ensued.

Mr Matt Viney moved, as an amendment, That all the words and expressions after "That this House" be omitted with the view of inserting in place thereof "congratulates the Government for addressing the major arterial and feeder road needs of the Eastern and Southern suburbs as evidenced by —

- (a) the \$61 million invested in the Blackspots program;
- (b) the \$1 billion investment in the Mitcham-Frankston Freeway;
- (c) the \$165 million investment in the Hallam Bypass; and
- (d) the \$242 million investment in the Pakenham Bypass."

Debate ensued.

*The time for General Business having expired pursuant to Sessional Order 5 the debate stood adjourned in the name of the Honourable Andrew Brideson.*

- 9 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.
- 10 BUSINESS POSTPONED** — Ordered — That the consideration of the Order of the Day for the resumption of the debate on the motion for an Address in Reply to the speech of the Governor be postponed until the next day of meeting.
- 11 UNIVERSITY ACTS (AMENDMENT) BILL** — On the motion of the Honourable Theo Theophanous, leave was given to bring in a Bill *to amend the Acts establishing public universities in Victoria and the Victorian College of the Arts and for other purposes*, and the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 12 CATCHMENT AND LAND PROTECTION (AMENDMENT) BILL** — On the motion of Ms Candy Broad, leave was given to bring in a Bill *to amend the Catchment and Land Protection Act 1994 in relation to noxious weeds and pest animals and for other purposes*, and the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 13 RETAIL LEASES BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 14 SEAFOOD SAFETY BILL** — The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill *to regulate the safety of seafood, to make related amendments to the Meat Industry Act 1993, to amend the Dairy Act 2000, the Food Act 1984 and the Fisheries Act 1995 and for other purposes* and desiring the concurrence of the Council.

On the motion of Mr John Lenders (for the Honourable Theo Theophanous), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 15 SMALL BUSINESS COMMISSIONER BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

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

Debate ensued.

And then the Council, at 10.29 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
Clerk of the Legislative Council

## No. 13 — Thursday, 10 April 2003

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

- 2 SITTING OF THE COUNCIL** — Mr John Lenders moved, That, notwithstanding any sitting of the Council on Friday, 11 April 2003 for the completion of the Government Business Program determined on 8 April 2003, the Council, at its rising, adjourn until Tuesday, 29 April 2003.

Question — put and resolved in the affirmative.

- 3 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Sessional Order 9.

- 4 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion to take note of Reports and Papers, Nos. 1 and 2, be postponed until the next day of meeting.

- 5 AUDITOR-GENERAL'S REPORT ON MANAGING MEDICAL EQUIPMENT IN PUBLIC HOSPITALS** — The Honourable David Davis moved, That the Council take note of the Report of the Auditor-General on Managing Medical Equipment in Public Hospitals, March 2003.

Debate ensued.

Question — put and resolved in the affirmative.

**6 BUSINESS POSTPONED —**

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

Ordered — That the consideration of the Notice of Motion, Government Business, be postponed until the next day of meeting.

**7 SEAFOOD SAFETY BILL —** The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Theo Theophanous) moved, That the Bill be now read a second time.

Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.

On the motion of the Honourable Andrea Coote (for the Honourable Philip Davis), the debate was adjourned until the next day of meeting.

**8 BUSINESS LICENSING LEGISLATION (AMENDMENT) BILL —** The Order of the Day having been read for the second reading of this Bill, Mr John Lenders moved, That the Bill be now read a second time.

Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.

On the motion of the Honourable Andrea Coote (for the Honourable Andrew Olexander), the debate was adjourned until the next day of meeting.

**9 SENTENCING (AMENDMENT) BILL —** The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Justin Madden) moved, That the Bill be now read a second time.

Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.

On the motion of the Honourable C.A. Strong, the debate was adjourned until the next day of meeting.

**10 LEGAL PRACTICE (VALIDATIONS) BILL —** The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That the Bill be transmitted to the Assembly with a Message desiring their concurrence.

**11 TERRORISM (COMMUNITY PROTECTION) BILL —** The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Business having been interrupted at 2.03 p.m. pursuant to Sessional Order 6 —*

**12 QUESTIONS —** Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.**13 TERRORISM (COMMUNITY PROTECTION) BILL —** Debate continued on the question, That the Bill be now read a second time.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 14 SHOP TRADING REFORM (ESSENTIAL GOODS AMENDMENT) BILL** — By leave, on the motion (by leave without notice) of the Honourable Marsha Thomson, leave was given to bring in a Bill *to amend the Shop Trading Reform Act 1996 with respect to trading by certain shops and for other purposes*, and the Bill was read a first time and ordered to be printed and, by leave, to be read a second time forthwith.

Accordingly, the Honourable Marsha Thomson moved, That the Bill be now read a second time.

Debate ensued.

*Business having been interrupted by the President at 4.00 p.m. pursuant to Sessional Order 10 —*

Mr John Lenders moved, That —

- (a) pursuant to Sessional Order 10 the sitting be continued to enable motions for second readings to be moved in relation to the —
  - University Acts (Amendment) Bill; and
  - Catchment and Land Protection (Amendment) Bill;
 and to complete the passage of the Shop Trading Reform (Essential Goods Amendment) Bill; and
- (b) pursuant to Sessional Order 23(a) the sitting be extended to complete the unfinished Government Business Program determined on 8 April 2003.

Debate ensued.

Question — put and resolved in the affirmative.

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

Question — put and resolved in the affirmative.

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

Ordered — That the Bill be transmitted to the Assembly with a Message desiring their concurrence.

- 15 PARLIAMENTARY COMMITTEES AND PARLIAMENTARY SALARIES AND SUPERANNUATION ACTS (AMENDMENT) BILL** — The Order of the Day having been read for the further consideration of this Bill in Committee of the whole, the President left the Chair.

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill with an amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered — That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with an amendment, and desiring their concurrence.

- 16 UNIVERSITY ACTS (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Theo Theophanous) moved, That the Bill be now read a second time.

On the motion of the Honourable Andrew Brideson, the debate was adjourned until the next day of meeting.

- 17 CATCHMENT AND LAND PROTECTION (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for Ms Candy Broad) moved, That the Bill be now read a second time.

On the motion of the Honourable Andrea Coote, the debate was adjourned until the next day of meeting.

**18 LEGAL PRACTICE (VALIDATIONS) BILL** — The President announced that she had received a report from the Clerk notifying that he had made the following correction in this Bill:

In Clause 4, page 5, line 40, in proposed new clause 17F in Schedule 2 to the ***Legal Practice Act 1996***, “8736” has been omitted and “8763” has been inserted.

**19 ADJOURNMENT** — Mr John Lenders moved, That the House do now adjourn.  
Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 5.35 p.m., adjourned until Tuesday, 29 April 2003.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*

# LEGISLATIVE COUNCIL OF VICTORIA

## MINUTES OF THE PROCEEDINGS Nos. 14, 15, 16 and 17

### No. 14 — Tuesday, 29 April 2003

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 15 April 2003, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:
  - Parliamentary Committees and Parliamentary Salaries and Superannuation Acts (Amendment) Act*
  - Retail Leases Act*
  - Shop Trading Reform (Essential Goods Amendment) Act*
  - Small Business Commissioner Act*
  - Terrorism (Community Protection) Act.*
- 3 **COMMONWEALTH GAMES ARRANGEMENTS (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Commonwealth Games Arrangements Act 2001 to facilitate the development of the Commonwealth Games Village and the development, re-development and use of the Games Village land after the Commonwealth Games, to make further provision for the development and use of Commonwealth Games projects, Commonwealth Games venues and Games related facilities, to establish a body corporate responsible for various matters relating to Commonwealth Games projects, to amend the Project Development and Construction Management Act 1994 and for other purposes* and desiring the concurrence of the Council.

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on next day of meeting.
- 4 **MELBOURNE CRICKET GROUND (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Melbourne Cricket Ground Act 1933 and for other purposes* and desiring the concurrence of the Council.

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on next day of meeting.
- 5 **MAJOR EVENTS (CROWD MANAGEMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to promote the safety and enjoyment of participants and spectators at certain venues and major events and for other purposes* and desiring the concurrence of the Council.

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on next day of meeting.
- 6 **SOUTHERN AND EASTERN INTEGRATED TRANSPORT AUTHORITY BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to establish the Southern and Eastern Integrated Transport Authority, to amend the*

*Borrowing and Investment Powers Act 1987 and for other purposes and desiring the concurrence of the Council.*

On the motion of Ms Candy Broad, the Bill was read a first time and ordered to be printed and to be read a second time on next day of meeting.

- 7 PARLIAMENTARY COMMITTEES AND PARLIAMENTARY SALARIES AND SUPERANNUATION ACTS (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the amendment made by the Council in this Bill.
- 8 SHOP TRADING REFORM (ESSENTIAL GOODS AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to this Bill without amendment.
- 9 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.
- 10 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Sessional Order 9.
- 11 GOVERNMENT BUSINESS PROGRAM** — Mr John Lenders moved, That, pursuant to Sessional Order 16, the Orders of the Day, Government Business, relating to the following Bills be considered and completed by 4.00 p.m. on Thursday, 1 May 2003:
- Vocational Education and Training (TAFE Qualifications) Bill
  - University Acts (Amendment) Bill
  - Catchment and Land Protection (Amendment) Bill
  - Pay-roll Tax (Maternity and Adoption Leave Exemption) Bill
  - Business Licensing Legislation (Amendment) Bill
  - Sentencing (Amendment) Bill
  - Seafood Safety Bill
  - Commissioner for Environmental Sustainability Bill
  - Federal Awards (Uniform System) Bill
  - Outworkers (Improved Protection) Bill
  - Health Legislation (Research Involving Human Embryos and Prohibition of Human Cloning) Bill
  - Firearms (Trafficking and Handgun Control) Bill.

Debate ensued.

Question — put and resolved in the affirmative.

- 12 PAPERS** —
- SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — The Honourable Lidia Argondizzo presented Alert Digest No. 2 of 2003 from the Scrutiny of Acts and Regulations Committee, together with Appendices.
- Ordered to lie on the Table and to be printed.

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

- Auditor-General — Report on Parliamentary control and management of appropriations, April 2003.
- Commonwealth Games Arrangements Act 2001 — Commonwealth Games Project and Venue Orders, pursuant to section 18 of the Act.
- Interpretation of Legislation Act 1984 — Notice pursuant to section 32(4) in relation to Amendment No.12, Building Code of Australia, 1996.

- MAV Insurance — Report, 2001-02.  
 Municipal Association of Victoria — Report, 2001-02.  
 Ombudsman — Report of Investigation of Complaints against State Trustees Ltd, April 2003.  
 Parliamentary Committees Act 1968 — Minister's response to recommendations in Environment and Natural Resources Committee's report on the Management of the Fishing Charter Industry in Victoria.  
 Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:  
   Bass Coast Planning Scheme — Amendment C9.  
   Casey Planning Scheme — Amendments C32, C51 and C61.  
   Dandenong — Greater Dandenong Planning Scheme — Amendments C30 and C44.  
   Geelong — Greater Geelong Planning Scheme — Amendment C74.  
   Macedon Ranges Planning Scheme — Amendment C22.  
   Moonee Valley Planning Scheme — Amendments C40 and C42.  
   Mount Alexander Planning Scheme — Amendment C18.  
   Murrindindi Planning Scheme — Amendment C7.  
   South Gippsland Planning Scheme — Amendment C13.  
   Warrnambool Planning Scheme — Amendment C20.  
   Whittlesea Planning Scheme — Amendment C42.  
 Rural Finance Act 1988 — Treasurer's directives of 9 April 2003 and 22 April 2003 to Rural Finance Corporation (two papers).  
 A Statutory Rule under the Goods Act 1958 — No. 28.  
 Subordinate Legislation Act 1994 — Minister's exemption certificates under section 9(6) in respect of Statutory Rule Nos. 26 and 28.

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

- Constitution (Parliamentary Reform) Act 2003 — Divisions 1, 3 and 4 of Part 2, Division 1 of Part 3 and Division 1 of Part 4 — 8 April 2003 (*Gazette No. S57, 8 April 2003*).  
 Wrongs and Other Acts (Public Liability Insurance Reform) Act 2002 — Part 5 — 1 May 2003 (*Gazette No. G16, 17 April 2003*).

**13 ADDRESS IN REPLY TO SPEECH OF THE GOVERNOR** — The Order of the Day was read for the resumption of the debate on the question, That the Council agree to the Address to the Governor in reply to the Governor's Opening Speech (*for address see page 44*).

Debate resumed.

On the motion of the Honourable Kaye Darveniza, the debate was adjourned until Tuesday next.

**14 BUSINESS POSTPONED** —

Ordered — That the consideration of the Notice of Motion, Government Business, be postponed until the next day of meeting.

Ordered, after debate — That the consideration of Orders of the Day, Government Business, Nos. 1 to 8 inclusive, be postponed until later this day.

**15 FEDERAL AWARDS (UNIFORM SYSTEM) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.



Question — put.

The Council divided.

AYES, 23

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza (*Teller*)  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith (*Teller*)  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

NOES, 18

The Hon. Bruce Atkinson (*Teller*)  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell (*Teller*)  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative.

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

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill with an amendment, the House adopted the Report.

Question — That the Bill be now read a third time and that the Bill do pass — put.

The Council divided.

AYES, 23

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten

NOES, 18

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter (*Teller*)  
 The Hon. Barry Bishop  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 The Hon. Peter Hall

The Hon. Justin Madden  
Ms Jenny Mikakos (*Teller*)  
The Hon. Robert Mitchell  
The Hon. Sang Nguyen  
Mr Noel Pullen  
Ms Glenyys Romanes  
Mr Johan Scheffer  
Mr Robert Smith  
Mr Adem Somyurek (*Teller*)  
The Hon. Theo Theophanous  
The Hon. Marsha Thomson  
Mr Matt Viney

The Hon. David Koch (*Teller*)  
The Hon. Wendy Lovell  
The Hon. Andrew Olexander  
The Hon. Gordon Rich-Phillips  
The Hon. Graeme Stoney  
The Hon. C.A. Strong  
The Hon. John Vogels

And so it was resolved in the affirmative.

Ordered — That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with an amendment, and desiring their concurrence.

**16 VOCATIONAL EDUCATION AND TRAINING (TAFE QUALIFICATIONS) BILL —**

The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That the Bill be transmitted to the Assembly with a Message desiring their concurrence.

**17 UNIVERSITY ACTS (AMENDMENT) BILL —** The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Business having been interrupted by the President at 10.00 pm pursuant to Sessional Order 10, the debate stood adjourned in the name of the Honourable Andrew Brideson.*

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

Debate ensued.

And then the Council, at 10.34 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*

## **No. 15 — Wednesday, 30 April 2003**

1 The President took the Chair and read the Prayer.

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

Auditor-General — Report on Performance management and reporting: Progress report and a case study, April 2003.

Parliamentary Committees Act 1968 — Premier's response to recommendations in Public Accounts and Estimates Committee's Report on the Review of the Victorian Public Service.

**3 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Sessional Order 9.

**4 BUSINESS POSTPONED** —

Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 4 inclusive, and Nos. 5 and 8, be postponed until later this day.

Ordered — That the consideration of Notices of Motion, General Business, Nos. 6 and 7, be postponed until the next day of meeting.

**5 COUNTRY VICTORIA** — The Honourable Peter Hall moved, That this House condemns the Government for its superficial and in some instances insulting response to matters vital to the interests of country Victoria.

Debate ensued.

Question — put.

The Council divided.

AYES, 18

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop (*Teller*)  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum (*Teller*)  
 The Hon. Bill Forwood  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

NOES, 23

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren (*Teller*)  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 The Hon. Robert Mitchell (*Teller*)  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

And so it passed in the negative.

**6 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03.

**7 BUSINESS POSTPONED** — Ordered — That the consideration of the Notice of Motion, Government Business, be postponed until the next day of meeting.

**8 TRAVEL AGENTS (AMENDMENT) BILL** — On the motion of Mr John Lenders, leave was given to bring in a Bill *to amend the Travel Agents Act 1986 to make further provision for the Travel Compensation Fund and for other purposes*, and the Bill was

read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**9 HEALTH LEGISLATION (AMENDMENT) BILL** — On the motion of Mr Gavin Jennings, leave was given to bring in a Bill *to make miscellaneous amendments to the Drugs, Poisons and Controlled Substances Act 1981, the Health Services Act 1988, the Human Tissue Act 1982, the Lord Mayor's Charitable Fund Act 1996, the Mental Health Act 1986 and the Nurses Act 1993 and for other purposes*, and the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**10 FIREARMS (TRAFFICKING AND HANDGUN CONTROL) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Theo Theophanous moved, That the Bill be now read a second time.

The Honourable Theo Theophanous made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

On the motion of the Honourable Richard Dalla-Riva, the debate was adjourned until the next day of meeting.

**11 COMMONWEALTH GAMES ARRANGEMENTS (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden moved, That the Bill be now read a second time.

Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.

On the motion of the Honourable Andrea Coote (for the Honourable Gordon Rich-Phillips), the debate was adjourned until the next day of meeting.

**12 MELBOURNE CRICKET GROUND (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden moved, That the Bill be now read a second time.

Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.

On the motion of the Honourable Andrea Coote (for the Honourable Gordon Rich-Phillips), the debate was adjourned until the next day of meeting.

**13 MAJOR EVENTS (CROWD MANAGEMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden moved, That the Bill be now read a second time.

Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.

On the motion of the Honourable Gordon Rich-Phillips, the debate was adjourned until the next day of meeting.

**14 SOUTHERN AND EASTERN INTEGRATED TRANSPORT AUTHORITY BILL** — The Order of the Day having been read for the second reading of this Bill, Ms Candy Broad moved, That the Bill be now read a second time.

Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.

On the motion of the Honourable Andrea Coote (for the Honourable Bruce Atkinson), the debate was adjourned until the next day of meeting.

**15 UNIVERSITY ACTS (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That the Bill be transmitted to the Assembly with a Message desiring their concurrence.

- 16 PAY-ROLL TAX (MATERNITY AND ADOPTION LEAVE EXEMPTION) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 17 BUSINESS LICENSING LEGISLATION (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 18 CATCHMENT AND LAND PROTECTION (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

The Honourable Barry Bishop moved, as an amendment, That all the words after “That” be omitted with the view of inserting in place thereof “this Bill be withdrawn and be re-drafted so as to apply the same disciplines on weed and pest animal management on public land, as they apply to private land”.

Debate ensued.

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

The Council divided.

AYES, 23

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines (*Teller*)  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen

NOES, 18

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop (*Teller*)  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum (*Teller*)  
 The Hon. Bill Forwood  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong

Ms Glenyys Romanes  
Mr Johan Scheffer (*Teller*)  
Mr Robert Smith  
Mr Adem Somyurek  
The Hon. Marsha Thomson  
Mr Matt Viney

The Hon. John Vogels

And so it was resolved in the affirmative — Amendment negated.

Question — That the Bill be now read a second time — put and resolved in the affirmative.

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

Ordered — That the Bill be transmitted to the Assembly with a Message desiring their concurrence.

**19 SENTENCING (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Business having been interrupted by the President at 10.00 pm pursuant to Sessional Order 10, the debate stood adjourned in the name of the Honourable W.R. Baxter.*

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

Debate ensued.

And then the Council, at 10.30 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*

## **No. 16 — Thursday, 1 May 2003**

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

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

Adult Multicultural Education Services — Report, 2002.

Bendigo Regional Institute of TAFE — Report, 2002.

Box Hill Institute of TAFE — Report, 2002.

Central Gippsland Institute of TAFE — Report, 2002.

Centre for Adult Education — Report, 2002.

Chisholm Institute of TAFE — Report, 2002.

Deakin University — Report, 2002.

Driver Education Centre of Australia Limited — Report, 2002.

East Gippsland Institute of TAFE — Report, 2002.

Gordon Institute of TAFE — Report, 2002.

Goulburn Ovens Institute of TAFE — Report, 2002.

Holmesglen Institute of TAFE — Report, 2002.

Kangan Batman Institute of TAFE — Report, 2002.

La Trobe University — Report, 2002.

Monash University — Report, 2002.

Northern Melbourne Institute of TAFE — Report, 2002.

Ombudsman — Summary of the report on an investigation into allegations of a conspiracy between members of the then Department of Natural Resources and Environment and of the Department of Justice to defraud the Estate Agents Guarantee Fund, April 2003.

Parliamentary Committees Act 1968 — Minister's response to recommendations in Scrutiny of Acts and Regulations Committee's report on the Review of the ANZAC Day Laws.

Royal Melbourne Institute of Technology — Report, 2002.

South West Institute of TAFE — Report, 2002.

Statutory Rules under the following Acts of Parliament:

Retail Leases Act 2003 — No. 30.

Transport Accident Act 1986 — No. 31.

Zoological Parks and Gardens Act 1995 — No. 29.

Sunraysia Institute of TAFE — Report, 2002.

Swinburne University of Technology — Report, 2002.

University of Ballarat — Report, 2002 (two papers).

University of Melbourne — Report, 2002.

Victoria University of Technology — Report, 2002.

William Angliss Institute of TAFE — Report, 2002.

Wodonga Institute of TAFE — Report, 2002.

**3 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Sessional Order 9.

**4 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion to take note of Reports and Papers, No. 1, be postponed until the next day of meeting.

**5 AUDITOR-GENERAL'S REPORT ON CONTROL AND COMPLIANCE AUDITS** — The Honourable C.A. Strong moved, That the Council take note of the Auditor-General's Report on Control and compliance audits: *Payroll management and Administration of goods and services tax*, March 2003.

Debate ensued.

Question — put and resolved in the affirmative.

**6 BUSINESS POSTPONED** — Ordered — That the consideration of the Notice of Motion, Government Business, be postponed until the next day of meeting.

**7 TRAVEL AGENTS (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr Gavin Jennings (for Mr John Lenders) moved, That the Bill be now read a second time.

On the motion of the Honourable David Davis (for the Honourable Andrew Olexander), the debate was adjourned until the next day of meeting.

**8 HEALTH LEGISLATION (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr Gavin Jennings moved, That the Bill be now read a second time.

On the motion of the Honourable David Davis, the debate was adjourned until the next day of meeting.

**9 HEALTH LEGISLATION (RESEARCH INVOLVING HUMAN EMBRYOS AND PROHIBITION OF HUMAN CLONING) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

The Honourable David Davis moved, as an amendment, That all the words after “That” be omitted with the view of inserting in place thereof “this House refuses to read this Bill a second time until consultation has taken place with expert and community groups on the desirability of submitting alternative legislation to Parliament under which provisions relating to research involving human embryos are dealt with separately from those concerned with the prohibition of human cloning”.

Debate ensued.

*Business having been interrupted at 2.03 p.m. pursuant to Sessional Order 6 —*

**10 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

**11 HEALTH LEGISLATION (RESEARCH INVOLVING HUMAN EMBRYOS AND PROHIBITION OF HUMAN CLONING) BILL** — Debate continued on the question, That the Bill be now read a second time and on the reasoned amendment, That all the words after “That” be omitted with the view of inserting in place thereof “this House refuses to read this Bill a second time until consultation has taken place with expert and community groups on the desirability of submitting alternative legislation to Parliament under which provisions relating to research involving human embryos are dealt with separately from those concerned with the prohibition of human cloning”.

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

The Council divided.

AYES, 22

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh (*Teller*)  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos (*Teller*)  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 Mr Matt Viney

NOES, 18

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis (*Teller*)  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong (*Teller*)  
 The Hon. John Vogels

And so it was resolved in the affirmative — Amendment negatived.

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

The Council divided.



## AYES, 36

The Hon. Lidia Argondizzo  
 The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Andrew Brideson  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. Kaye Darveniza (*Teller*)  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. John Eren  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 The Hon. David Koch  
 Mr John Lenders  
 The Hon. Wendy Lovell  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 Ms Glenyys Romanes  
 Mr Johan Scheffer (*Teller*)  
 Mr Robert Smith  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. Marsha Thomson  
 Mr Matt Viney

## NOES, 6

The Hon. Damian Drum (*Teller*)  
 The Hon. Peter Hall  
 Mr Noel Pullen  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. John Vogels (*Teller*)

And so it was resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**12 SENTENCING (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Business having been interrupted at 4.00 p.m. pursuant to Sessional Order 10 —*

The Honourable Marsha Thomson moved, That pursuant to Sessional Order 23(a) the sitting be extended to complete the unfinished Government Business Program determined on 29 April 2003.

Question — put and resolved in the affirmative.

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

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 13 SEAFOOD SAFETY BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 14 COMMISSIONER FOR ENVIRONMENTAL SUSTAINABILITY BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 15 ADJOURNMENT** — The President proposed the question, That the House do now adjourn.

Debate ensued.

And then the Council, at 10.52 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 17 — Friday, 2 May 2003

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

- 2 **BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 1, be postponed until later this day.

- 3 **OUTWORKERS (IMPROVED PROTECTION) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

On the motion of the Honourable W.R. Baxter, the debate was adjourned until later this day.

- 4 **FIREARMS (TRAFFICKING AND HANDGUN CONTROL) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill with amendments, the House adopted the Report, and the Bill was read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with amendments, and desiring their concurrence.

- 5 OUTWORKERS (IMPROVED PROTECTION) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put.

The Council divided.

AYES, 38

The Hon. Lidia Argondizzo  
 The Hon. Bruce Atkinson  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 Ms Candy Broad  
 The Hon. Helen Buckingham (*Teller*)  
 Ms Elaine Carbines  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. Kaye Darveniza  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 The Hon. David Koch  
 Mr John Lenders  
 The Hon. Wendy Lovell  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 The Hon. Andrew Olexander  
 Mr Noel Pullen  
 The Hon. Gordon Rich-Phillips

NOES, 4

The Hon. W.R. Baxter (*Teller*)  
 The Hon. Barry Bishop  
 The Hon. Damian Drum  
 The Hon. Peter Hall (*Teller*)

Ms Glenyys Romanes  
Mr Johan Scheffer  
Mr Robert Smith  
Mr Adem Somyurek  
The Hon. Graeme Stoney  
The Hon. C.A. Strong  
The Hon. Theo Theophanous  
The Hon. Marsha Thomson  
Mr Matt Viney (*Teller*)  
The Hon. John Vogels

And so it was resolved in the affirmative.

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

House in Committee.

*Business having been interrupted by the Chair of Committees at 4.00 p.m. pursuant to Sessional Order 23(c) —*

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the House adopted the report, and the Bill was read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

And then the Council, at 4.07 p.m., adjourned until Tuesday next.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*

# LEGISLATIVE COUNCIL OF VICTORIA

## MINUTES OF THE PROCEEDINGS

### Nos. 18, 19 and 20

#### No. 18 — Tuesday, 6 May 2003

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, this day, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:
  - Business Licensing Legislation (Amendment) Act*
  - Control of Weapons and Firearms Acts (Search Powers) Act*
  - Crimes (Property Damage and Computer Offences) Act*
  - Health Legislation (Research Involving Human Embryos and Prohibition of Human Cloning) Act*
  - Pay-roll Tax (Maternity and Adoption Leave Exemption) Act*
  - Sentencing (Amendment) Act*
  - Terrorism (Commonwealth Powers) Act.*
- 3 **MURRAY-DARLING BASIN (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Murray-Darling Basin Act 1993 and for other purposes* and desiring the concurrence of the Council.

On the motion of Ms Candy Broad, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **COUNTRY FIRE AUTHORITY (VOLUNTEER PROTECTION AND COMMUNITY SAFETY) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Country Fire Authority Act 1958 to improve protection for volunteers and to enhance community safety* and desiring the concurrence of the Council.

On the motion of the Honourable Theo Theophanous, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 5 **WATER LEGISLATION (ESSENTIAL SERVICES COMMISSION AND OTHER AMENDMENTS) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Water Industry Act 1994 to specify the role of the Essential Services Commission in relation to the water industry, to amend the Water Act 1989 in relation to the Central Gippsland Region Water Authority, to consequentially amend the Water Act 1989 and the Essential Services Commission Act 2001 and for other purposes* and desiring the concurrence of the Council.

On the motion of Ms Candy Broad, the Bill was read a first time and ordered to be printed and to be read a second time on next day of meeting.
- 6 **MELBOURNE (FLINDERS STREET LAND) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to provide for the divesting of certain land in the vicinity of Flinders Street from the Melbourne City Council, and for the revocation of the reservation of that land, to amend the*

*Melbourne (Flinders-street) Land Act 1958 and for related matters and desiring the concurrence of the Council.*

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on next day of meeting.

- 7 PORT SERVICES (PORT OF MELBOURNE REFORM) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Port Services Act 1995 to abolish the Melbourne Port Corporation and to establish the Port of Melbourne Corporation, to make other amendments to that Act, to amend the Public Authorities (Dividends) Act 1983, to make consequential amendments to other Acts and for other purposes and desiring the concurrence of the Council.*

On the motion of Ms Candy Broad, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 8 MESSAGES FROM THE ASSEMBLY** — The President announced the receipt of Messages from the Assembly acquainting the Council that they have agreed to the following Bills without amendment:

Terrorism (Commonwealth Powers) Bill

Crimes (Property Damage and Computer Offences) Bill

Control of Weapons and Firearms Acts (Search Powers) Bill.

- 9 FEDERAL AWARDS (UNIFORM SYSTEM) BILL** — The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the amendment made by the Council in this Bill.

- 10 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

- 11 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Sessional Order 9.

- 12 PAPERS** —

**CLASSIFICATION OF FILMS AND VIDEOTAPES** — The Honourable Justin Madden moved, by leave, That there be laid before this House a copy of the Guidelines for the Classification of Films and Computer Games, 30 March 2003.

Question — put and resolved in the affirmative.

The said paper was thereupon presented by the Honourable Justin Madden and ordered to lie on the Table.

\* \* \* \* \*

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

Members of Parliament (Register of Interests) Act 1978 — Summary of Primary Returns, April 2003 and Summary of Variations notified between 1 October 2002 and 30 April 2003.

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

Benalla Planning Scheme.

East Gippsland Planning Scheme — Amendment C11.

Glen Eira Planning Scheme — Amendment C19 (Part 1).

Glenelg Planning Scheme — Amendment C9.

Knox Planning Scheme — Amendment C20.

Mansfield Planning Scheme.

Moyne Planning Scheme — Amendment C9.

Planning and Environment Act 1987 — *continued*

Port Phillip Planning Scheme — Amendments C24 (Part 1 and Part 2).

Retail Leases Act 2003 — Minister's determination of 29 April 2003 relating to premises not constituting retail premises, pursuant to section 5(3) of the Act.

A Statutory Rule under the Tobacco Act 1987 — No. 32.

**13 BUSINESS POSTPONED —**

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

Ordered — That the consideration of the Notice of Motion, Government Business, be postponed until the next day of meeting.

**14 MURRAY-DARLING BASIN (AMENDMENT) BILL —** The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden (for Ms Candy Broad) moved, That the Bill be now read a second time.

Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.

On the motion of the Honourable Graeme Stoney, the debate was adjourned until the next day of meeting.

**15 COUNTRY FIRE AUTHORITY (VOLUNTEER PROTECTION AND COMMUNITY SAFETY) BILL —** The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden (for the Honourable Theo Theophanous) moved, That the Bill be now read a second time.

Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.

On the motion of the Honourable Graeme Stoney (for the Honourable John Vogels), the debate was adjourned until the next day of meeting.

**16 PORT SERVICES (PORT OF MELBOURNE REFORM) BILL —** The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden (for Ms Candy Broad) moved, That the Bill be now read a second time.

Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.

On the motion of the Honourable Graeme Stoney (for the Honourable Ron Bowden), the debate was adjourned until the next day of meeting.

**17 COMMONWEALTH GAMES ARRANGEMENTS (AMENDMENT) BILL —** The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

The Honourable Damian Drum moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this House refuses to read this Bill a second time until the Government discloses full financial details regarding the fair market value and the agreed price of the Games Village land, and consideration is given to providing proper compensation for persons adversely affected by the implementation of the general powers relating to roads".

Debate ensued.

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

The Council divided.

AYES, 24

The Hon. Lidia Argondizzo  
Ms Candy Broad

NOES, 19

The Hon. Bruce Atkinson  
The Hon. W.R. Baxter

The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren (*Teller*)  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton (*Teller*)  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

The Hon. Barry Bishop (*Teller*)  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong (*Teller*)  
 The Hon. John Vogels

And so it was resolved in the affirmative — Amendment negated.

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

The Council divided.

AYES, 24

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham (*Teller*)  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen (*Teller*)  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith

NOES, 19

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum (*Teller*)  
 The Hon. Bill Forwood  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels (*Teller*)



Mr Adem Somyurek  
 Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

And so it was resolved in the affirmative.

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

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the House adopted the Report.

Question — That the Bill be now read a third time and that the Bill do pass — put.

The Council divided.

AYES, 22

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos (*Teller*)  
 The Hon. Robert Mitchell (*Teller*)  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 Hon. Theo Theophanous  
 Mr Matt Viney

NOES, 18

The Hon. Bruce Atkinson (*Teller*)  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips (*Teller*)  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

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

Debate ensued.

And then the Council, at 10.41 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
 Clerk of the Legislative Council

## No. 19 — Wednesday, 7 May 2003

1 The President took the Chair and read the Prayer.

2 **TRANSPORT (MISCELLANEOUS AMENDMENTS) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Transport Act 1983, the Rail Corporations Act 1996 and the Public Transport Competition Act 1995 and for other purposes* and desiring the concurrence of the Council.

On the motion of Ms Candy Broad, the Bill was read a first time and ordered to be printed and to be read a second time on next day of meeting.

3 **PAPERS —**

**BUDGET PAPERS, 2003-04** — Mr John Lenders moved, by leave, That there be laid before this House a copy of the following 2003-04 Budget Papers:

- (a) Treasurer's Speech (Budget Paper No. 1);
- (b) Budget Statement (Budget Paper No. 2);
- (c) Budget Estimates (Budget Paper No. 3); and
- (d) Victorian Budget Overview.

Question — put and resolved in the affirmative.

The said papers were thereupon presented by Mr John Lenders and ordered to lie on the Table.

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

Question — put and resolved in the affirmative.

\* \* \* \* \*

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

Auditor-General — Report on Public Sector Agencies: Results of special reviews, May 2003.

First Mildura Irrigation Trust — Report, 2001-02.

4 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Sessional Order 9.

5 **BUSINESS POSTPONED —**

Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 5 inclusive, and Nos. 7 and 8, be postponed until later this day.

Ordered — That the consideration of Notice of Motion, General Business, No. 6, be postponed until the next day of meeting.

6 **PRISON SYSTEM MANAGEMENT** — The Honourable Richard Dalla-Riva moved, That this House condemns the Minister for Corrections for his inability to manage the prison system which has led to the Minister neglecting the responsibilities of his portfolio.

Debate ensued.

Ms Jenny Mikakos moved, as an amendment, That all the words after "That this House" be omitted with the view of inserting in place thereof "notes that the Minister for Corrections has overseen a series of initiatives to manage the prison system in a far more professional and humane way than during the Kennett Government, including:

- (a) 1073 additional permanent beds being constructed;

(b) introduction of a prison drug strategy which has resulted in a reduction in positive drug tests;

(c) a program which has reduced deaths in custody by more than half; and

(d) \$50 million to improve cell safety,

and believes that such initiatives have resulted in a more efficient prison system under the present Government”.

Debate ensued.

The Honourable Theo Theophanous moved, That the question be now put.

*And six other Members having risen in their places indicating their support for the motion pursuant to Standing Order 9.24 —*

Question — That the question be now put — put.

The Council divided.

AYES, 24

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza (*Teller*)  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith (*Teller*)  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

NOES, 19

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell (*Teller*)  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips (*Teller*)  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative.

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

The Council divided.

AYES, 19

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson (*Teller*)  
 The Hon. Andrea Coote

NOES, 24

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines (*Teller*)  
 The Hon. Kaye Darveniza  
 The Hon. John Eren

The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 The Hon. Peter Hall  
 The Hon. David Koch (*Teller*)  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

Ms Dianne Hadden (*Teller*)  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

And so it passed in the negative.

Question — That the words and expressions proposed to be inserted be so inserted —  
 put.

The Council divided.

AYES, 24

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer (*Teller*)  
 Mr Robert Smith  
 Mr Adem Somyurek (*Teller*)  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson

NOES, 18

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden (*Teller*)  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander (*Teller*)  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

Mr Matt Viney

And so it was resolved in the affirmative.

Question — That this House notes that the Minister for Corrections has overseen a series of initiatives to manage the prison system in a far more professional and humane way than during the Kennett Government, including:

- (a) 1073 additional permanent beds being constructed;
- (b) introduction of a prison drug strategy which has resulted in a reduction in positive drug tests;
- (c) a program which has reduced deaths in custody by more than half; and
- (d) \$50 million to improve cell safety,

and believes that such initiatives have resulted in a more efficient prison system under the present Government,

— put.

The Council divided.

AYES, 24

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren (*Teller*)  
 Ms Dianne Hadden (*Teller*)  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

NOES, 19

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong (*Teller*)  
 The Hon. John Vogels (*Teller*)

And so it was resolved in the affirmative.

**7 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03.

**NATURAL GAS EXTENSIONS** — The Honourable Theo Theophanous having given an answer to a question without notice relating to natural gas extensions in rural and regional Victoria —

The Honourable Peter Hall moved, That the Minister's answer be taken into consideration on the next day of meeting.

Question — put and resolved in the affirmative.

**QUESTIONS** — Question without notice continued.

**8 BUSINESS POSTPONED** — Ordered — That the consideration of the Notice of Motion, Government Business, be postponed until the next day of meeting.

**9 WATER LEGISLATION (ESSENTIAL SERVICES COMMISSION AND OTHER AMENDMENTS) BILL** — The Order of the Day having been read for the second reading of this Bill, Ms Candy Broad moved, That the Bill be now read a second time.

Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.

On the motion of the Honourable Graeme Stoney the debate was adjourned until the next day of meeting.

**10 MELBOURNE (FLINDERS STREET LAND) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden moved, That the Bill be now read a second time.

Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.

On the motion of the Honourable Philip Davis (for the Honourable David Davis), the debate was adjourned until the next day of meeting.

**11 MELBOURNE CRICKET GROUND (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**12 MAJOR EVENTS (CROWD MANAGEMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**13 SOUTHERN AND EASTERN INTEGRATED TRANSPORT AUTHORITY BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

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

Debate ensued.

And then the Council, at 10.37 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 20 — Thursday, 8 May 2003

- 1 The President took the Chair and read the Prayer.
- 2 **SUMMARY OFFENCES (OFFENSIVE BEHAVIOUR) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Summary Offences Act 1966 to create a new offence and for other purposes* and desiring the concurrence of the Council.  
On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on next day of meeting.
- 3 **SITTING OF THE COUNCIL** — Mr John Lenders moved, That the Council at its rising, adjourn until Tuesday, 20 May 2003.  
Question — put and resolved in the affirmative.
- 4 **PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk:  
Auditor-General — Report on Fire prevention and preparedness, May 2003.
- 5 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Sessional Order 9.
- 6 **BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion to take note of Reports and Papers, No. 1, be postponed until the next day of meeting.
- 7 **AUDITOR-GENERAL'S REPORT ON PARLIAMENTARY CONTROL AND MANAGEMENT OF APPROPRIATIONS** — The Honourable Bill Forwood moved, That the Council take note of the Auditor-General's Report on Parliamentary Control and Management of Appropriations, April 2003.  
Debate ensued.  
Question — put and resolved in the affirmative.
- 8 **BUSINESS POSTPONED** —  
Ordered — That the consideration of the Order of the Day for the resumption of the debate on the motion for an Address in Reply to the speech of the Governor be postponed until later this day.  
Ordered — That the consideration of the Notice of Motion, Government Business, be postponed until the next day of meeting.
- 9 **TRANSPORT (MISCELLANEOUS AMENDMENTS) BILL** — The Order of the Day having been read for the second reading of this Bill, Ms Candy Broad moved, That the Bill be now read a second time.  
Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.  
On the motion of the Honourable David Koch, the debate was adjourned until the next day of meeting.
- 10 **MURRAY-DARLING BASIN (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.  
Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 11 COUNTRY FIRE AUTHORITY (VOLUNTEER PROTECTION AND COMMUNITY SAFETY) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Business having been interrupted at 2.03 p.m. pursuant to Sessional Order 6 —*

- 12 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

- 13 COUNTRY FIRE AUTHORITY (VOLUNTEER PROTECTION AND COMMUNITY SAFETY) BILL** — Debate continued on the question, That the Bill be now read a second time.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 14 PORT SERVICES (PORT OF MELBOURNE REFORM) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Business having been interrupted by the President at 4.00 p.m. pursuant to Sessional Order 10 —*

Ms Candy Broad moved, That the sitting be continued.

Question — put and resolved in the affirmative.

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

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 15 ADDRESS IN REPLY TO SPEECH OF THE GOVERNOR** — The Order of the Day was read for the resumption of the debate on the question, That the Council agree to the following Address to the Governor in reply to the Governor's Opening Speech:

MAY IT PLEASE THE GOVERNOR:

We, the Legislative Council of Victoria, in Parliament assembled, wish to express our loyalty to our Most Gracious Sovereign, and to thank the Governor for that Speech you have been pleased to address to Parliament.

Debate resumed.

Question — put and resolved in the affirmative.

Mr John Lenders moved, That the Address be presented to the Governor by the President and such Members of the Council as may wish to accompany her.

Question — put and resolved in the affirmative.

- 16 MESSAGES FROM THE ASSEMBLY** — The President announced the receipt of Messages from the Assembly acquainting the Council that they have agreed to the following Bills without amendment:



University Acts (Amendment) Bill

Vocational Education and Training (TAFE Qualifications) Bill.

**17 FIREARMS (TRAFFICKING AND HANDGUN CONTROL) BILL** — The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the amendments made by the Council in this Bill.

**18 SAFE DRINKING WATER BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to make provision for the supply of safe drinking water and for other purposes* and desiring the concurrence of the Council.

On the motion of Mr John Lenders (for Mr Gavin Jennings), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**19 WATER (VICTORIAN WATER TRUST ADVISORY COUNCIL) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Water Act 1989 to establish the Victorian Water Trust Advisory Council and for other purposes* and desiring the concurrence of the Council.

On the motion of Mr John Lenders (for Ms Candy Broad), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**20 DANDENONG DEVELOPMENT BOARD BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to establish the Dandenong Development Board and for other purposes* and desiring the concurrence of the Council.

On the motion of Mr John Lenders (for the Honourable Justin Madden), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**21 REGIONAL INFRASTRUCTURE DEVELOPMENT FUND (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Regional Infrastructure Development Fund Act 1999 to make further provision for payments from the Regional Infrastructure Development Fund* and desiring the concurrence of the Council.

On the motion of Mr John Lenders (for the Honourable Theo Theophanous), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**22 CONSTITUTION (WATER AUTHORITIES) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Constitution Act 1975 so as to entrench the responsibility of public authorities for ensuring the delivery of water services and their accountability to responsible Ministers for ensuring that delivery and for other purposes* and desiring the concurrence of the Council.

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

**23 ADJOURNMENT** — Mr John Lenders moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 7.03 p.m., adjourned until Tuesday, 20 May 2003.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*

# LEGISLATIVE COUNCIL OF VICTORIA

## MINUTES OF THE PROCEEDINGS Nos. 21, 22 and 23

### No. 21 — Tuesday, 20 May 2003

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that he had, on the following dates, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:
  - On 13 May 2003 —
    - Commissioner for Environmental Sustainability Act*
    - Commonwealth Games Arrangements (Amendment) Act*
    - Country Fire Authority (Volunteer Protection and Community Safety) Act*
    - Federal Awards (Uniform System) Act*
    - Major Events (Crowd Management) Act*
    - Melbourne Cricket Ground (Amendment) Act*
    - Murray-Darling Basin (Amendment) Act*
    - Outworkers (Improved Protection) Act*
    - Port Services (Port of Melbourne Reform) Act*
    - Seafood Safety Act*
    - Southern and Eastern Integrated Transport Authority Act*
    - University Acts (Amendment) Act*
    - Vocational Education and Training (TAFE Qualifications) Act.*
  - On 20 May 2003 —
    - Firearms (Trafficking and Handgun Control) Act.*
- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.
- 4 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Sessional Order 9.
- 5 **PETITION — TABLE TOP DANCING** — The Honourable Andrew Brideson presented a Petition bearing 460 signatures from certain citizens of Victoria praying that the Government take the necessary action to prevent a table top dancing venue at 123 Koornang Road, Carnegie from operating and amend the planning laws to ensure that table top dancing venues are located away from family friendly areas.

Ordered to lie on the Table.
- 6 **PAPERS** —  
**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — The Honourable Lidia Argondizzo presented Alert Digest No. 3 of 2003 from the Scrutiny of Acts and Regulations Committee, together with Appendices, an Extract from the Proceedings of the Committee and a Minority Report.

Ordered to lie on the Table and to be printed.

\* \* \* \*

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

Budget Sector — Quarterly Financial Report No. 3 for the period ended 31 March 2003.

Crown Land (Reserves) Act 1978 — Minister's Order of 6 May 2003 giving approval to granting of a lease at Nhill Caravan Park.

Drugs, Poisons and Controlled Substances Act 1981 — Standard for the Uniform Scheduling of Drugs and Poisons, No. 17, Amendment No. 3, 1 May 2003 and Minister's Notice regarding the amendment, commencement and availability of the Poisons Code (two papers).

Lake Mountain Alpine Resort Management Board — Report, for the period 1 November 2001 to 31 October 2002.

Parliamentary Committees Act 1968 —

Premier's response to recommendations in Scrutiny of Acts and Regulations Committee's report on Improving Victoria's Parliamentary Committee System.

Treasurer's response to recommendations in Public Account and Estimates Committee's Report on the Valuation and Reporting of Cultural, Heritage and Infrastructure Assets.

Whole of Government response to recommendations in Law Reform Committee's report on the Inquiry into Oaths and Affirmations with Reference to the Multicultural Community.

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

Bendigo — Greater Bendigo Planning Scheme — Amendments C11 and C42.

Frankston Planning Scheme — Amendment C17.

Kingston Planning Scheme — Amendment C35.

La Trobe Planning Scheme — Amendment C19.

Macedon Ranges Planning Scheme — Amendment C19.

Melbourne Planning Scheme — Amendment C57.

Monash Planning Scheme — Amendment C19.

Moonee Valley Planning Scheme — Amendment C41.

Mornington Peninsula Planning Scheme — Amendment C59.

Mount Alexander Planning Scheme — Amendment C11 (Part 1).

Nillumbik Planning Scheme — Amendment C21.

Whittlesea Planning Scheme — Amendment C22.

Prevention of Cruelty to Animals Act 1986 — Code of Practice for the Welfare of Animals — Private Keeping of Reptiles.

Road Safety Act 1986 — Alcohol Interlock Guidelines, May 2003, pursuant to section 50AAG(2)(b) of the Act.

Rural Finance Act 1988 — Treasurer's directive of 8 May 2003 to Rural Finance Corporation.

Statutory Rules under the following Acts of Parliament:

Agricultural and Veterinary Chemicals (Control of Use) Act 1992 — Nos. 33 and 34.

Liquor Control Reform Act 1998 — No. 35.

Road Safety Act 1986 — No. 36.

Subordinate Legislation Act 1994 — Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 32, 35 and 36.

Water Act 1989 — Minister's Order of 12 May 2003 declaring a water supply protection area for the Tarra River.

\* \* \* \*

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

Gaming Legislation (Amendment) Act 2002 — Sections 6, 7(2), 32(2), 36(4), 36(6) and 37 — 15 May 2003 (*Gazette No. G20, 15 May 2003*).

- 7 BUSINESS POSTPONED** — Ordered — That the consideration of the Notice of Motion, Government Business, be postponed until the next day of meeting.
- 8 SUMMARY OFFENCES (OFFENSIVE BEHAVIOUR) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden moved, That the Bill be now read a second time.  
Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.  
On the motion of the Honourable Richard Dalla-Riva, the debate was adjourned until the next day of meeting.
- 9 SAFE DRINKING WATER BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for Mr Gavin Jennings) moved, That the Bill be now read a second time.  
Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.  
On the motion of the Honourable Graeme Stoney (for the Honourable David Davis), the debate was adjourned until the next day of meeting.
- 10 WATER (VICTORIAN WATER TRUST ADVISORY COUNCIL) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for Ms Candy Broad) moved, That the Bill be now read a second time.  
Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.  
On the motion of the Honourable Graeme Stoney, the debate was adjourned until the next day of meeting.
- 11 DANDENONG DEVELOPMENT BOARD BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden moved, That the Bill be now read a second time.  
Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.  
On the motion of the Honourable Graeme Stoney (for the Honourable David Davis), the debate was adjourned until the next day of meeting.
- 12 REGIONAL INFRASTRUCTURE DEVELOPMENT FUND (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Theo Theophanous moved, That the Bill be now read a second time.  
Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.  
On the motion of the Honourable Bill Forwood, the debate was adjourned until the next day of meeting.
- 13 CONSTITUTION (WATER AUTHORITIES) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders moved, That the Bill be now read a second time.  
Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.

On the motion of the Honourable Graeme Stoney (for the Honourable Philip Davis), the debate was adjourned until the next day of meeting.

- 14 BUDGET PAPERS, 2003-04** — The Order of the Day having been read for the consideration of the Budget Papers, 2003-04, Mr John Lenders moved, That the Council take note of the Budget Papers, 2003-04.

Debate ensued.

*Business having been interrupted by the President at 10.00 pm pursuant to Sessional Order 10, the debate stood adjourned in the name of Mr Robert Smith.*

- 15 ADJOURNMENT** — The President proposed the question, That the House do now adjourn.

Debate ensued.

And then the Council, at 10.34 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
Clerk of the Legislative Council

## No. 22 — Wednesday, 21 May 2003

- 1 The President took the Chair and read the Prayer.
- 2 **PETITION — TIMBARRA DEVELOPMENT AREA** — The Honourable Gordon Rich-Phillips presented a Petition bearing 1,191 signatures from certain citizens of Victoria requesting that the Minister for Education instruct the department not to sell the vacant site located within the Timbarra development area in Berwick for the purpose of a secondary school to service the growing local community and keep the site for the future development of a secondary school as originally planned.
- Ordered to lie on the Table.
- 3 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Sessional Order 9.
- 4 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 9 inclusive, be postponed until later this day.
- 5 **VICTORIAN INSURANCE MARKET** — The Honourable Andrea Coote moved, That this House condemns the Government for its failure to introduce effective tort law reform that would encourage insurers to re-enter the Victorian insurance market.

Debate ensued.

Question — put.

The Council divided.

AYES, 19

The Hon. Bruce Atkinson (*Teller*)  
The Hon. W.R. Baxter  
The Hon. Barry Bishop  
The Hon. Ron Bowden  
The Hon. Andrew Brideson  
The Hon. Andrea Coote  
The Hon. Richard Dalla-Riva  
The Hon. David Davis  
The Hon. Philip Davis  
The Hon. Damian Drum

NOES, 23

The Hon. Lidia Argondizzo  
Ms Candy Broad  
The Hon. Helen Buckingham  
Ms Elaine Carbines  
The Hon. Kaye Darveniza  
The Hon. John Eren  
Ms Dianne Hadden  
The Hon. Geoff Hilton  
Ms Carolyn Hirsh  
Mr Gavin Jennings

The Hon. Bill Forwood ( <i>Teller</i> )	Mr John Lenders
The Hon. Peter Hall	The Hon. John McQuilten
The Hon. David Koch	The Hon. Justin Madden
The Hon. Wendy Lovell	Ms Jenny Mikakos
The Hon. Andrew Olexander	The Hon. Robert Mitchell
The Hon. Gordon Rich-Phillips	The Hon. Sang Nguyen ( <i>Teller</i> )
The Hon. Graeme Stoney	Mr Noel Pullen
The Hon. C.A. Strong	Ms Glenyys Romanes
The Hon. John Vogels	Mr Johan Scheffer
	Mr Robert Smith
	The Hon. Theo Theophanous
	The Hon. Marsha Thomson
	Mr Matt Viney ( <i>Teller</i> )

And so it passed in the negative.

- 6 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.
- 7 MELBOURNE AIRPORT ENVIRONS STRATEGY PLAN** — The Honourable Justin Madden moved, That pursuant to section 46U(2) of the *Planning and Environment Act 1987*, the Melbourne Airport Environs Strategy Plan, 2003, be approved.  
Debate ensued.  
Question — put and resolved in the affirmative.
- 8 DANDENONG DEVELOPMENT BOARD BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.  
Debate resumed.  
Question — put and resolved in the affirmative.  
Bill read a second time and, by leave, read a third time and passed.  
Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 9 FAIR TRADING (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Fair Trading Act 1999, to repeal the Small Claims Act 1973, to repeal Part IV of the Goods Act 1958, to amend the Business Licensing Authority Act 1998 and other Acts and for other purposes* and desiring the concurrence of the Council.  
On the motion of the Honourable Theo Theophanous (for Mr John Lenders), the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 10 TRANSPORT (MISCELLANEOUS AMENDMENTS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.  
Debate resumed.  
Question — put and resolved in the affirmative.  
Bill read a second time and, by leave, read a third time and passed.  
Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 11 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 3, be postponed until the next day of meeting.
- 12 REGIONAL INFRASTRUCTURE DEVELOPMENT FUND (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.  
Debate resumed.  
Question — put and resolved in the affirmative.  
Bill read a second time and, by leave, read a third time and passed.  
Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 13 FAIR TRADING (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders moved, That the Bill be now read a second time.  
Mr John Lenders made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.  
On the motion of the Honourable Andrew Olexander, the debate was adjourned until the next day of meeting.
- 14 CORRECTIONS (AMENDMENT) BILL** — The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Corrections Act 1986 and for other purposes* and desiring the concurrence of the Council.  
On the motion of Mr John Lenders (for the Honourable Theo Theophanous), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 15 WATER (VICTORIAN WATER TRUST ADVISORY COUNCIL) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.  
Debate resumed.  
*Business having been interrupted by the President at 10.00 pm pursuant to Sessional Order 10, the debate stood adjourned in the name of the Honourable Barry Bishop.*
- 16 ADJOURNMENT** — The President proposed the question, That the House do now adjourn.  
Debate ensued.  
And then the Council, at 10.51 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 23 — Thursday, 22 May 2003

- 1 The President took the Chair and read the Prayer.
- 2 **SITTING OF THE COUNCIL** — Mr John Lenders moved, That the Council at its rising, adjourn until Tuesday, 3 June 2003.  
Debate ensued.  
Question — put and resolved in the affirmative.
- 3 **PAPER — MINISTERIAL INTERVENTION IN PLANNING MATTERS** — The Honourable Justin Madden moved, That there be laid before this House a copy of a Statement on Ministerial Intervention in Planning Matters for the period May 2002 to April 2003.

Question — put and resolved in the affirmative.

The said paper was thereupon presented by the Honourable Justin Madden and ordered to lie on the Table.

**4 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Sessional Order 9.

**5 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion to take note of Reports and Papers, Nos. 1 to 3 inclusive, be postponed until the next day of meeting.

**6 AUDITOR-GENERAL'S REPORT ON FIRE PREVENTION AND PREPAREDNESS** — The Honourable Philip Davis moved, That the Council take note of the Auditor-General's Report on Fire Prevention and Preparedness, May 2003.

Debate ensued.

Question — put and resolved in the affirmative.

**7 CORRECTIONS (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr. John Lenders (for the Honourable Theo Theophanous) moved, That the Bill be now read a second time.

Mr. John Lenders made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

On the motion of the Honourable Richard Dalla-Riva, the debate was adjourned until the next day of meeting.

**8 WATER (VICTORIAN WATER TRUST ADVISORY COUNCIL) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**9 FAIR TRADING (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Business having been interrupted at 2.02 p.m. pursuant to Sessional Order 6 —*

**10 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

**11 FAIR TRADING (AMENDMENT) BILL** — Debate continued on the question, That the Bill be now read a second time.

Question — put and resolved in the affirmative.

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

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill with amendments, the House adopted the Report, and the Bill was read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with amendments, and desiring their concurrence.



- 12 COURTS LEGISLATION (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Constitution Act 1975 and the County Court Act 1958 with respect to the recognition for pension purposes of certain prior service of persons appointed as judges, to amend the Magistrates' Court Act 1989 and for other purposes* and desiring the concurrence of the Council.

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 13 MELBOURNE (FLINDERS STREET LAND) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 14 SUMMARY OFFENCES (OFFENSIVE BEHAVIOUR) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Business having been interrupted by the President at 4.00 p.m. pursuant to Sessional Order 10 —*

Ms Candy Broad moved, That the sitting be continued.

Question — put and resolved in the affirmative.

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

Question — put and resolved in the affirmative.

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

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the House adopted the Report, and the Bill was read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 15 PLANNING AND ENVIRONMENT (METROPOLITAN GREEN WEDGE PROTECTION) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Planning and Environment Act 1987 to provide increased planning protection for green wedge land in certain metropolitan fringe areas and for other purposes* and desiring the concurrence of the Council.

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 16 VICTIMS OF CRIME ASSISTANCE (MISCELLANEOUS AMENDMENTS) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to make miscellaneous amendments to the Victims of Crime Assistance Act 1996 and for other purposes* and desiring the concurrence of the Council.

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 17 AUDIT (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Audit Act 1994 with respect to the*

*powers of the Auditor-General and indemnities for the Auditor-General and audit staff, to amend the Financial Management Act 1994 with respect to the tabling of financial reports and for other purposes and desiring the concurrence of the Council.*

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

- 18 ESTATE AGENTS AND SALE OF LAND ACTS (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Estate Agents Act 1980 and the Sale of Land Act 1962 and for other purposes* and desiring the concurrence of the Council.

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

- 19 ROAD SAFETY (HEAVY VEHICLE SAFETY) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Road Safety Act 1986 and the Transport Act 1983 and for other purposes* and desiring the concurrence of the Council.

On the motion of Ms Candy Broad, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 20 ROYAL AGRICULTURAL SHOWGROUNDS BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to make provision relating to the use of land for the purposes of the Royal Melbourne Show and for other recreation, entertainment and amusement purposes, to amend the Royal Agricultural Show-grounds Act 1931 and the Racing Act 1958 and for other purposes* and desiring the concurrence of the Council.

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 21 VICTORIAN URBAN DEVELOPMENT AUTHORITY BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to establish the Victorian Urban Development Authority to carry out urban development, develop the docklands area and undertake declared projects, to provide for special powers in relation to declared projects, to repeal the Urban and Regional Land Corporation Act 1997, to amend the Docklands Authority Act 1991 and other Acts and for other purposes* and desiring the concurrence of the Council.

On the motion of Ms Candy Broad, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 22 BUDGET PAPERS, 2003-04** — The Order of the Day was read for the resumption of the debate on the question, That the Council take note of the Budget Papers, 2003-04.

Debate resumed.

On the motion of the Honourable Ron Bowden, the debate was adjourned until the next day of meeting.

- 23 AUDIT (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders moved, That the Bill be now read a second time.

Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.

On the motion of the Honourable Andrea Coote (for the Honourable C.A. Strong), the debate was adjourned until the next day of meeting.

**24 ESTATE AGENTS AND SALE OF LAND ACTS (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders moved, That the Bill be now read a second time.

Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.

On the motion of the Honourable Andrea Coote (for the Honourable Andrew Olexander), the debate was adjourned until the next day of meeting.

**25 ROYAL AGRICULTURAL SHOWGROUNDS BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Justin Madden) moved, That the Bill be now read a second time.

Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.

On the motion of the Honourable Andrea Coote (for the Honourable David Davis), the debate was adjourned until the next day of meeting.

**26 ROAD SAFETY (HEAVY VEHICLE SAFETY) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for Ms Candy Broad) moved, That the Bill be now read a second time.

Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.

On the motion of the Honourable Andrea Coote (for the Honourable David Koch), the debate was adjourned until the next day of meeting.

**27 VICTORIAN URBAN DEVELOPMENT AUTHORITY BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for Ms Candy Broad) moved, That the Bill be now read a second time.

Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.

On the motion of the Honourable Andrea Coote (for the Honourable David Davis), the debate was adjourned until the next day of meeting.

**28 ADJOURNMENT** — Mr John Lenders moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 6.31 p.m., adjourned until Tuesday, 3 June 2003.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*

# LEGISLATIVE COUNCIL OF VICTORIA

## MINUTES OF THE PROCEEDINGS Nos. 24, 25 and 26

### No. 24 — Tuesday, 3 June 2003

- 1 The President took the Chair and read the Prayer.
- 2 **THE LATE HONOURABLE RICHARD ELGIN McGARVIE, AC** — Mr John Lenders moved, That this House expresses its sincere sorrow at the death, on 24 May 2003, of the Honourable Richard Elgin McGarvie, AC, and places on record its acknowledgement of the valuable services rendered by him to the people of Victoria as Governor of Victoria from 1992 to 1997.  
And other Members and the President having addressed the House —  
The question was put and, Members signifying their assent by rising in their places, unanimously resolved in the affirmative.
- 3 **ADJOURNMENT** — Mr John Lenders moved, That as a further mark of respect to the memory of the late Honourable Richard Elgin McGarvie, AC, the House do now adjourn until this day at 4.00 p.m.  
Question — put and resolved in the affirmative.  
And then the Council, at 2.42 p.m., adjourned until this day at 4.00 p.m.

- 
- 1 The President took the Chair.
  - 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 27 May 2003, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:  
*Dandenong Development Board Act*  
*Fair Trading (Amendment) Act*  
*Melbourne (Flinders Street Land) Act*  
*Regional Infrastructure Development Fund (Amendment) Act*  
*Summary Offences (Offensive Behaviour) Act*  
*Transport (Miscellaneous Amendments) Act*  
*Water (Victorian Water Trust Advisory Council) Act.*
  - 3 **APPROPRIATION (2003/2004) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *for the appropriation of certain sums out of the Consolidated Fund for the ordinary annual services of the Government for the financial year 2003/2004 and for other purposes* and desiring the concurrence of the Council.  
On the motion of Mr John Lenders, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
  - 4 **FAIR TRADING (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the amendments made by the Council in this Bill.

**5 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

**6 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Sessional Order 9.

**7 PAPERS** —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — The Honourable Lidia Argondizzo presented Alert Digest No. 4 of 2003 from the Scrutiny of Acts and Regulations Committee, together with Appendices.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

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

Auditor-General — Report on Electronic Procurement in the Victorian Government, June 2003.

Essential Services Commission —

Final Report of Inquiry into Port Channel Access in Victoria, May 2003.

Report of Review of 2003-04 accident towing and storage charges, May 2003.

Forensic Leave Panel — Report, 2002.

Gaming Machine Control Act 1991 — Victorian Casino and Gaming Authority Rules — Casino (three papers).

Goulburn Valley Region Water Authority — Report, 2001-02.

Mt. Stirling Alpine Resort Management Board — Report for the period 1 November 2001 to 31 October 2002.

Ombudsman — Interim Report on CEJA Task Force: Investigation of allegations of drug related corruption, May 2003.

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

Glen Eira Planning Scheme — Amendment C20.

Hobsons Bay Planning Scheme — Amendment C26.

Indigo Planning Scheme — Amendment C16.

Moreland Planning Scheme — Amendment C44.

Murrindindi Planning Scheme — Amendment C9.

Shepparton — Greater Shepparton Planning Scheme — Amendment C26.

Stonnington Planning Scheme — Amendment C3.

Whittlesea Planning Scheme — Amendments C40 and C44.

Wodonga Planning Scheme — Amendment C16.

Psychologists Registration Board of Victoria — Minister for Health's report of receipt of the 2002 report.

Rural Northwest Health — Report, 2001-02 (two papers).

Statutory Rules under the following Acts of Parliament:

Domestic (Feral and Nuisance) Animals Act 1994 — No. 39.

Fisheries Act 1995 — No. 38.

Livestock Disease Control Act 1994 — No. 37.

Subordinate Legislation Act 1994 — No. 40.

Surveyors Act 1978 — No. 41.

Subordinate Legislation Act 1994 — Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 38, 40 and 41.

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

Livestock Disease Control (Amendment) Act 2001 — Section 15 — 23 May 2003  
(*Gazette No. G21, 22 May 2003*).

- 8 COURTS LEGISLATION (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden moved, That the Bill be now read a second time.

The Honourable Justin Madden made a statement pursuant to section 85 (5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

On the motion of the Honourable C.A. Strong, the debate was adjourned until the next day of meeting.

- 9 PLANNING AND ENVIRONMENT (METROPOLITAN GREEN WEDGE PROTECTION) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden moved, That the Bill be now read a second time.

Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.

On the motion of the Honourable Andrea Coote (for the Honourable David Davis), the debate was adjourned until the next day of meeting.

- 10 VICTIMS OF CRIME ASSISTANCE (MISCELLANEOUS AMENDMENTS) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden moved, That the Bill be now read a second time.

Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.

On the motion of the Honourable C.A. Strong, the debate was adjourned until the next day of meeting.

- 11 AUDIT (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 12 ESTATE AGENTS AND SALE OF LAND ACTS (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 13 ROYAL AGRICULTURAL SHOWGROUNDS BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**14 ADJOURNMENT** — Mr John Lenders moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 10.39 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
Clerk of the Legislative Council

## No. 25 — Wednesday, 4 June 2003

1 The President took the Chair and read the Prayer.

**2 ENERGY LEGISLATION (CONSUMER PROTECTION AND OTHER AMENDMENTS) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Gas Industry Act 2001, the Electricity Industry Act 2000, the Essential Services Commission Act 2001, the National Electricity (Victoria) Act 1997, the Electricity Safety Act 1998 and the Co-operative Schemes (Administrative Actions) Act 2001 and for other purposes* and desiring the concurrence of the Council.

On the motion of Mr John Lenders (for the Honourable Theo Theophanous), the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

**3 PETITION — TORQUAY PRIMARY SCHOOL** — Ms Elaine Carbines presented a Petition bearing 366 signatures from certain citizens of Victoria requesting that the House ensure that the former Torquay Primary School site is used for purposes where open space and community use is provided and long term restrictions on the use of the land to a select few in the form of development for residential use is minimized.

Ordered to lie on the Table.

**4 PAPERS** —

**SURF COAST SHIRE COUNCIL** — Ms Candy Broad moved, by leave, That there be laid before this House a copy of the Report of the Commission of Inquiry into the Surf Coast Shire Council.

Question — put and resolved in the affirmative.

The said report was thereupon presented by Ms Candy Broad and ordered to lie on the Table.

\* \* \* \* \*

**ENVIRONMENT AND NATURAL RESOURCES COMMITTEE — VETERINARY PATHOLOGY SERVICES** — The Honourable Andrea Coote presented a Report from the Environment and Natural Resources Committee on the Effectiveness and Adequacy of Veterinary Pathology Services in Victoria, together with Appendices, Minutes of Evidence, Submissions and Research Investigation Reports.

Ordered to lie on the Table and the Report and Appendices to be printed.

The Honourable Andrea Coote moved, That the Council take note of the report.

Debate ensued.

Question — put and resolved in the affirmative.

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

Auditor-General — Report on RMIT's finances, June 2003.

Victorian Law Reform Commission — Interim Report on Sexual Offences.

- 5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Sessional Order 9.
- 6 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 9 inclusive, be postponed until later this day.
- 7 LOCAL GOVERNMENT** — The Honourable John Vogels moved, That this House condemns the State Government for continually shifting their responsibilities onto local government without adequate compensation.

Debate ensued.

Question — put.

The Council divided.

AYES, 17

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Andrew Brideson (*Teller*)  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels (*Teller*)

NOES, 22

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh (*Teller*)  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten (*Teller*)  
 The Hon. Justin Madden  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

And so it passed in the negative.

- 8 BUSINESS POSTPONED** — Ordered — That the consideration of the remaining Orders of the Day, General Business, be postponed until the next day of meeting.
- 9 APPROPRIATION (2003/2004) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders moved, That the Bill be now read a second time.

Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.

On the motion of the Honourable Andrea Coote (for the Honourable C.A. Strong), the debate was adjourned until the next day of meeting.



- 10 COGNATE DEBATE** — Mr John Lenders moved, by leave, That this House authorizes and requires the President to permit the second reading debate on the Appropriation (2003/2004) Bill to be taken concurrently with further debate on the motion to take note of the Budget Papers, 2003-04.

Question — put and resolved in the affirmative.

- 11 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03.

**RMIT FINANCIAL RESPONSIBILITY** — Mr John Lenders having given an answer to a supplementary question without notice relating to Ministerial responsibility for RMIT's finances —

The Honourable Philip Davis moved, That the Minister's answer be taken into consideration on the next day of meeting.

Question — put and resolved in the affirmative.

**QUESTIONS** — Questions without notice continued.

- 12 ENERGY LEGISLATION (CONSUMER PROTECTION AND OTHER AMENDMENTS) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Theo Theophanous) moved, That the Bill be now read a second time.

Mr John Lenders made a statement pursuant to section 85 (5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

On the motion of the Honourable Philip Davis (for the Honourable Bill Forwood), the debate was adjourned until the next day of meeting.

- 13 CONSTITUTION (WATER AUTHORITIES) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time with the concurrence of a special majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 14 CORRECTIONS (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

The Honourable Richard Dalla-Riva announced that he proposed to move amendments in Committee and requested that they be circulated, pursuant to Sessional Order 32. Accordingly, the amendments were circulated.

Question — put and resolved in the affirmative.

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

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the House adopted the Report, and the Bill was read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 15 SAFE DRINKING WATER BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**16 WATER LEGISLATION (ESSENTIAL SERVICES COMMISSION AND OTHER AMENDMENTS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put.

The Council divided.

AYES, 22

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines (*Teller*)  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Sang Nguyen (*Teller*)  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson

NOES, 17

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter (*Teller*)  
 The Hon. Barry Bishop  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell (*Teller*)  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**17 ATTORNEY-GENERAL AND SOLICITOR-GENERAL (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Attorney-General and Solicitor-General Act 1972 with respect to the qualifications for appointment to the office of Solicitor-General* and desiring the concurrence of the Council.

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**18 COURTS LEGISLATION (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Business having been interrupted by the President at 10.00 pm pursuant to Sessional Order 10, the debate stood adjourned in the name of Ms Jenny Mikakos.*

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

Debate ensued.

And then the Council, at 10.50 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
Clerk of the Legislative Council

## No. 26 — Thursday, 5 June 2003

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

**2 FISHERIES (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Fisheries Act 1995, the Conservation, Forests and Lands Act 1987, the Surveillance Devices Act 1999 and various other Acts and for other purposes* and desiring the concurrence of the Council.

On the motion of the Honourable Theo Theophanous, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**3 CRIMES (FAMILY VIOLENCE) (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Crimes (Family Violence) Act 1987 with respect to consent orders and for other purposes* and desiring the concurrence of the Council.

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**4 LEGAL PRACTICE (VALIDATIONS) BILL** — The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to this Bill without amendment.

**5 BUSINESS OF THE COUNCIL** — Mr John Lenders moved—

- (a) That the Council, at its rising, adjourn until Tuesday, 10 June 2003 at 9.30 a.m.;
- (b) That Sessional Orders 2 and 5 be suspended to the extent necessary to enable General Business to take precedence of all other business for 2 hours following Members' Statements, during the sitting of the Council on Wednesday, 11 June 2003; and
- (c) That Sessional Orders 2, 3 and 13 be suspended to the extent necessary to enable Government Business to take precedence of all other business following Members' Statements, excluding questions, during the sitting of the Council on Thursday, 12 June 2003.

Question — put and resolved in the affirmative.

**6 PAPERS** —

**SUPREME COURT JUDGES** — The Honourable Justin Madden presented, by command of the Governor, the Report of the Supreme Court Judges for the year 2001.

Ordered to lie on the Table.

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

Auditor-General — Report on Public Sector Agencies: Results of special reviews and financial statement audits for agencies with balance dates other than 30 June 2002, June 2003.

Electoral Commissioner — Report on the Administration of the 2002 Victorian State election, 30 November 2002.

Medical Practitioners Board of Victoria — Report, year ended 30 September 2002.

Members of Parliament (Register of Interests) Act 1978 — Summary of Variations notified between 1 May 2003 and 5 June 2003.

Parliamentary Committees Act 1968 — Minister's interim response to Environment and Natural Resources Committee's Inquiry into the Allocation of Water Resources.

Statutory Rules under the following Acts of Parliament:

Building Act 1993 — No. 43.

Chattel Securities Act 1987 — No. 46.

Forests Act 1958 — No. 42.

Road Safety Act 1986 — Nos. 44 and 45.

Treasury Corporation of Victoria Act 1992 — No. 47.

Water Act 1989 — No. 48.

Subordinate Legislation Act 1994 —

Ministers' exception certificates under section 8(4) in respect of Statutory Rule Nos. 44 to 46.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 43, 44 and 46.

**7 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Sessional Order 9.

**8 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion to take note of Reports and Papers, Nos. 1 to 4 inclusive, be postponed until later this day.

**9 AUDITOR-GENERAL'S REPORT ON RMIT'S FINANCES** — The Honourable Andrew Brideson moved, That the Council take note of the Auditor-General's Report on RMIT's Finances, June 2003.

Debate ensued.

Question — put and resolved in the affirmative.

**10 ATTORNEY-GENERAL AND SOLICITOR-GENERAL (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden moved, That the Bill be now read a second time.

Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.

On the motion of the Honourable C.A. Strong, the debate was adjourned until the next day of meeting.

**11 COURTS LEGISLATION (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the House adopted the Report, and the Bill was read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**12 ENERGY LEGISLATION (CONSUMER PROTECTION AND OTHER AMENDMENTS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**13 PLANNING AND ENVIRONMENT (METROPOLITAN GREEN WEDGE PROTECTION) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Business having been interrupted at 2.02 p.m. pursuant to Sessional Order 6 —*

**14 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03.

**15 PLANNING AND ENVIRONMENT (METROPOLITAN GREEN WEDGE PROTECTION) BILL** — Debate continued on the question, That the Bill be now read a second time.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**16 VICTIMS OF CRIME ASSISTANCE (MISCELLANEOUS AMENDMENTS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**17 ROAD SAFETY (HEAVY VEHICLE SAFETY) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Business having been interrupted by the Deputy President at 4.00 p.m. pursuant to Sessional Order 10 —*

Ms Candy Broad moved, That the sitting be continued.

Question — put and resolved in the affirmative.

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

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**18 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 8, be postponed until later this day.

**19 APPROPRIATION (2003/2004) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time [the motion to take note of the **Budget Papers, 2003-04** having been authorized to be debated concurrently pursuant to an Order of the Council on 4 June 2003].

Debate resumed.

On the motion of the Honourable Graeme Stoney (for the Honourable Ron Bowden), the debate was adjourned until the next day of meeting.

**20 ADJOURNMENT** — The Honourable Justin Madden moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 6.02 p.m., adjourned until Tuesday, 10 June 2003 at 9.30 a.m.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*

# LEGISLATIVE COUNCIL OF VICTORIA

## MINUTES OF THE PROCEEDINGS Nos. 27 and 28

### No. 27 — Tuesday, 10 June 2003

- 1 The President took the Chair and read the Prayer.
- 2 **STATE TAXATION ACTS (MISCELLANEOUS AMENDMENTS) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to make miscellaneous amendments to the Duties Act 2000 and the Pay-roll Tax Act 1971 and for other purposes* and desiring the concurrence of the Council.  
On the motion of Mr John Lenders, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 3 **CORRECTIONS AND SENTENCING ACTS (HOME DETENTION) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Sentencing Act 1991 to empower a court to make a home detention order where it has imposed a sentence of imprisonment and to amend the Corrections Act 1986 to empower the Adult Parole Board to make a home detention order where a prisoner nears the end of a term of imprisonment and for other purposes* and desiring the concurrence of the Council.  
On the motion of the Honourable Theo Theophanous, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **LIVESTOCK DISEASE CONTROL (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Livestock Disease Control Act 1994 and the Plant Health and Plant Products Act 1995 and for other purposes* and desiring the concurrence of the Council.  
On the motion of the Honourable Theo Theophanous, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 5 **APPROPRIATION (PARLIAMENT 2003/2004) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *for the appropriation of certain sums out of the Consolidated Fund for the Parliament in respect of the financial year 2003/2004 and for other purposes* and desiring the concurrence of the Council.  
On the motion of Mr John Lenders, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 6 **DRUGS, POISONS AND CONTROLLED SUBSTANCES (VOLATILE SUBSTANCES) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Drugs, Poisons and Controlled Substances Act 1981 to provide for search, seizure, apprehension and detention powers in relation to volatile substances and for other purposes* and desiring the concurrence of the Council.  
On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 7 AUSTRALIAN CRIME COMMISSION (STATE PROVISIONS) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to make provision for the operation of the Australian Crime Commission in Victoria, to repeal the National Crime Authority (State Provisions) Act 1984, to make consequential amendments to various Acts and for other purposes* and desiring the concurrence of the Council.

On the motion of the Honourable Theo Theophanous, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 8 WRONGS AND LIMITATION OF ACTIONS ACTS (INSURANCE REFORM) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Wrongs Act 1958 to provide for thresholds in relation to the recovery of damages for non-economic loss, to limit the recovery of damages for gratuitous attendant care services and to provide for proportionate liability to certain proceedings, to amend the Limitation of Actions Act 1958 in relation to actions that relate to death or personal injury and for other purposes* and desiring the concurrence of the Council.

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

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

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

Alpine Planning Scheme — Amendment C10.

Hepburn Planning Scheme — Amendment C2 (Part 2).

Hume Planning Scheme — Amendment C41.

Mornington Peninsula Planning Scheme — Amendment C40 (Part 1).

Shepparton — Greater Shepparton Planning Scheme — Amendment C30.

Strathbogie Planning Scheme — Amendment C15.

Wangaratta Planning Scheme — Amendment C11 (Part 1).

Wellington Planning Scheme — Amendment C13.

\* \* \* \*

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

Residential Tenancies (Amendment) Act 2002 — 1 July 2003 (*Gazette No. G23, 5 June 2003*).

- 10 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 1, be postponed until later this day.

- 11 FISHERIES (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Theo Theophanous moved, That the Bill be now read a second time.

Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.

On the motion of the Honourable Graeme Stoney (for the Honourable Philip Davis), the debate was adjourned until later this day.

- 12 WRONGS AND LIMITATION OF ACTIONS ACTS (INSURANCE REFORM) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders moved, That the Bill be now read a second time.

Mr John Lenders made a statement pursuant to section 85 (5) of the *Constitution Act 1975* on the reasons for altering or varying this section.



On the motion of the Honourable C.A. Strong, the debate was adjourned until later this day.

- 13 CORRECTIONS AND SENTENCING ACTS (HOME DETENTION) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Theo Theophanous moved, That the Bill be now read a second time.

Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.

On the motion of the Honourable Richard Dalla-Riva, the debate was adjourned until later this day.

- 14 LIVESTOCK DISEASE CONTROL (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Theo Theophanous moved, That the Bill be now read a second time.

The Honourable Theo Theophanous made a statement pursuant to section 85 (5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

On the motion of the Honourable Graeme Stoney (for the Honourable Philip Davis), the debate was adjourned until later this day.

- 15 APPROPRIATION (PARLIAMENT 2003/2004) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders moved, That the Bill be now read a second time.

Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.

On the motion of the Honourable Graeme Stoney (for the Honourable Bill Forwood), the debate was adjourned until later this day.

- 16 DRUGS, POISONS AND CONTROLLED SUBSTANCES (VOLATILE SUBSTANCES) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Justin Madden) moved, That the Bill be now read a second time.

Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.

On the motion of the Honourable Graeme Stoney (for the Honourable David Davis), the debate was adjourned until later this day.

- 17 AUSTRALIAN CRIME COMMISSION (STATE PROVISIONS) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Theo Theophanous moved, That the Bill be now read a second time.

The Honourable Theo Theophanous made a statement pursuant to section 85 (5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

On the motion of the Honourable Graeme Stoney (for the Honourable John Vogels), the debate was adjourned until later this day.

- 18 CRIMES (FAMILY VIOLENCE) (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Justin Madden) moved, That the Bill be now read a second time.

Mr John Lenders made a statement pursuant to section 85 (5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

On the motion of the Honourable Graeme Stoney (for the Honourable C.A. Strong), the debate was adjourned until later this day.

- 19 VICTORIAN URBAN DEVELOPMENT AUTHORITY BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put.

The Council divided.

AYES, 28

The Hon. Lidia Argondizzo  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 Ms Candy Broad  
 The Hon. Helen Buckingham (*Teller*)  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. Damian Drum  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Peter Hall  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney (*Teller*)

NOES, 15

The Hon. Bruce Atkinson  
 The Hon. Ron Bowden (*Teller*)  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Bill Forwood  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong (*Teller*)  
 The Hon. John Vogels

And so it was resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**20 STATE TAXATION ACTS (MISCELLANEOUS AMENDMENTS) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders moved, That the Bill be now read a second time.

Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.

On the motion of the Honourable Andrea Coote (for the Honourable Bill Forwood), the debate was adjourned until later this day.

**21 ATTORNEY-GENERAL AND SOLICITOR-GENERAL (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 22 CRIMES (FAMILY VIOLENCE) (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 23 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

- 24 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Sessional Order 9.

- 25 AUSTRALIAN CRIME COMMISSION (STATE PROVISIONS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 26 FISHERIES (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 27 LIVESTOCK DISEASE CONTROL (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 28 WRONGS AND LIMITATION OF ACTIONS ACTS (INSURANCE REFORM) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

House in Committee.

Pursuant to Sessional Order 10, the Chair of Committees reported that the Committee had made progress in the Bill.

*Business having been interrupted by the President at 10.00 p.m. pursuant to Sessional Order 10 —*

Mr John Lenders moved, That the sitting be continued.

Question — put and resolved in the affirmative.

Further consideration of the Bill continued in Committee of the whole.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the House adopted the Report, and the Bill was read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**29 ADJOURNMENT** — Mr John Lenders moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 11.19 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 28 — Wednesday, 11 June 2003

1 The President took the Chair and read the Prayer.

2 **PETITION — VAGRANCY ACT** — Ms Elaine Carbines presented a Petition bearing 1,219 signatures from certain citizens of Victoria requesting that the Victorian Government preserves and retains the provision of the *Vagrancy Act 1966* that makes witchcraft, sorcery, enchantment, palmistry and conjuration an offence.

Ordered to lie on the Table.

3 **PAPERS —**

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE —**

**BUDGET OUTCOMES, 2000-2001** — The Honourable Gordon Rich-Phillips presented a Report from the Public Accounts and Estimates Committee on the Budget Outcomes for 2000-01, together with an Appendix.

Ordered to lie on the Table and to be printed.

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**BUDGET ESTIMATES, 2002-03** — The Honourable Gordon Rich-Phillips presented a Report from the Public Accounts and Estimates Committee upon the 2002-03 Budget Estimates, together with Appendices and Minutes of Evidence.

Ordered to lie on the Table and the Report and Appendices to be printed.

**ANNUAL REPORT** — The Honourable Gordon Rich-Phillips presented the 2001-02 Annual Report from the Public Accounts and Estimates Committee, together with Appendices.

Ordered to lie on the Table and to be printed.

The Honourable Gordon Rich-Phillips moved, That the Council take note of the Report.

Debate ensued.

Question — put and resolved in the affirmative.

\* \* \* \* \*

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

International Fibre Centre Ltd — Minister for Education and Training's report of receipt of the 2002 report.

Parliamentary Committees Act 1968 — Attorney-General's response to recommendations in Law Reform Committee's report on the Powers of Entry, Search, Seizure and Questioning by Authorised Persons.

**4 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Sessional Order 9.

**5 SESSIONAL ORDERS SUSPENDED** — The Honourable Marsha Thomson moved, by leave, That Sessional Order 9 be suspended to the extent necessary to enable four additional statements by Members to be made during of the sitting of the Council this day.

Question — put and resolved in the affirmative.

**6 MEMBERS' STATEMENTS** — Pursuant to the foregoing resolution, further Statements were made by Members.

**7 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 8 inclusive, be postponed until later this day.

**8 GOVERNMENT FINANCIAL PRACTICES** — The Honourable Philip Davis moved, That this House condemns the Government for its failure to follow proper financial practices and to exercise probity in its dealings with public moneys.

Debate ensued.

Question — put.

The Council divided.

AYES, 17

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrea Coote  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum (*Teller*)  
 The Hon. Bill Forwood (*Teller*)  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander

NOES, 21

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza (*Teller*)  
 The Hon. John Eren  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos

The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek (*Teller*)  
 The Hon. Marsha Thomson  
 Mr Matt Viney

And so it passed in the negative.

- 9 CORRECTIONS AND SENTENCING ACTS (HOME DETENTION) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Business having been interrupted at 2.02 p.m. pursuant to Sessional Order 6 —*

- 10 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03.  
**NATURAL GAS EXTENSIONS** — The Honourable Theo Theophanous having given an answer to a question without notice relating to natural gas extensions in country Victoria —

The Honourable Peter Hall moved, That the Minister's answer be taken into consideration on the next day of meeting.

Question — put and resolved in the affirmative.

**QUESTIONS** — Questions without notice continued and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

- 11 CORRECTIONS AND SENTENCING ACTS (HOME DETENTION) BILL** — Debate continued on the question, That the Bill be now read a second time.

Question — put.

The Council divided.

AYES, 24

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton (*Teller*)  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos (*Teller*)  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer

NOES, 19

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum (*Teller*)  
 The Hon. Bill Forwood  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander (*Teller*)  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

And so it was resolved in the affirmative.

Question — That the Bill be now read a third time and that the Bill do pass — put.  
 The Council divided.

AYES, 24

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren (*Teller*)  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith (*Teller*)  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

NOES, 19

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop (*Teller*)  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva (*Teller*)  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**12 DRUGS, POISONS AND CONTROLLED SUBSTANCES (VOLATILE SUBSTANCES) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**13 STATE TAXATION ACTS (MISCELLANEOUS AMENDMENTS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

The Honourable Bill Forwood announced that he proposed to move amendments in Committee and requested that they be circulated, pursuant to Sessional Order 32. Accordingly, the amendments were circulated.

Question — put and resolved in the affirmative.

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

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the House adopted the Report, and the Bill was read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 14 APPROPRIATION (PARLIAMENT 2003/2004) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 15 APPROPRIATION (2003/2004) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time [the motion to take note of the **Budget Papers, 2003-04** having been authorized to be debated concurrently pursuant to an Order of the Council on 4 June 2003].

Debate resumed.

*Business having been interrupted by the President at 10.00 p.m. pursuant to Sessional Order 10 —*

Mr John Lenders moved, That the sitting be continued.

Question — put and resolved in the affirmative.

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

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 16 BUDGET PAPERS, 2003-04** — The concurrent debate having concluded —  
Question — That the Council take note of the Budget Papers, 2003-04 — put and resolved in the affirmative.

- 17 PRESENTATION OF ADDRESS TO THE GOVERNOR** — The President reported that, accompanied by Members of the Council, she had, this day, presented to the Governor the Address of the Legislative Council adopted on 8 May 2003 in reply to the Governor's Opening speech, and that the Governor had been pleased to make the following reply:

PRESIDENT AND HONOURABLE MEMBERS OF THE LEGISLATIVE COUNCIL

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



I fully rely on your wisdom in deliberating upon the important measures to be brought under your consideration, and I earnestly hope that the results of your labours will be conducive to the advancement and prosperity of this State.

**18 ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, this day, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:

*Audit (Amendment) Act*

*Constitution (Water Authorities) Act*

*Corrections (Amendment) Act*

*Courts Legislation (Amendment) Act*

*Energy Legislation (Consumer Protection and Other Amendments) Act*

*Estate Agents and Sale of Land Acts (Amendment) Act*

*Legal Practice (Validations) Act*

*Planning and Environment (Metropolitan Green Wedge Protection) Act*

*Road Safety (Heavy Vehicle Safety) Act*

*Royal Agricultural Showgrounds Act*

*Safe Drinking Water Act*

*Victims of Crime Assistance (Miscellaneous Amendments) Act*

*Water Legislation (Essential Services Commission and Other Amendments) Act.*

**19 PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk:

Parliamentary Committees Act 1968 — Minister's response to recommendations in Drug and Crime Prevention Committee's report on Motor Vehicle Theft.

**20 ANSWERS TO QUESTIONS ON NOTICE** — Answers to certain questions on notice were circulated.

**21 ADJOURNMENT** — Mr John Lenders moved, That the Council, at its rising, adjourn until a day and hour to be fixed by the President, which time of meeting will be notified in writing to each Member of the Council.

Question — put and resolved in the affirmative.

Mr John Lenders moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 11.10 p.m., adjourned until a day and hour to be fixed by the President, which time of meeting will be notified in writing to each Member of the Council.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*

# LEGISLATIVE COUNCIL OF VICTORIA

## MINUTES OF THE PROCEEDINGS Nos. 29, 30 and 31

### No. 29 — Tuesday, 16 September 2003

- 1 The Council met pursuant to the resolution of 11 June 2003, the President, having fixed this day at 2.00 p.m. as the time of meeting.  
The President took the Chair and read the Prayer.
- 2 **THE LATE HONOURABLE MICHAEL JOHN** — Mr John Lenders moved, That this House expresses its sincere sorrow at the death, on 6 June 2003, of the Honourable Michael John, and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a Member of the Legislative Assembly for the electoral district of Bendigo East from 1985 to 1999 and as Minister for Community Services and Minister Responsible for Aboriginal Affairs from 1992 to 1996.  
And other Members and the President having addressed the House —  
The question was put and, Members signifying their assent by rising in their places, unanimously resolved in the affirmative.
- 3 **SESSIONAL ORDERS SUSPENDED** — Mr John Lenders moved, by leave, That Sessional Order 28(b) be suspended to the extent necessary to permit debate on the condolence motion for the late Dr John William Gamaliel Ross to exceed the time allocated in the Sessional Order.  
Question — put and resolved in the affirmative.
- 4 **THE LATE DR. JOHN WILLIAM GAMALIEL ROSS** — Mr John Lenders moved, That this House expresses its sincere sorrow at the death, on 6 September 2003, of Dr. John William Gamaliel Ross, and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a Member of the Legislative Council for the Higinbotham Province from 1996 to 2002.  
And other Members and the President having addressed the House —  
The question was put and, Members signifying their assent by rising in their places, unanimously resolved in the affirmative.
- 5 **ADJOURNMENT** — Mr John Lenders moved, That as a further mark of respect to the memory of the late Honourable Michael John and the late Dr. John William Gamaliel Ross, the House do now adjourn until this day at 5.00 p.m.  
Question — put and resolved in the affirmative.  
And then the Council, at 3.47 p.m., adjourned until this day at 5.00 p.m.

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- 1 The President took the Chair.

**2 ASSENT TO ACTS** — The President read Messages from the Governor informing the Council —

That he had, on 16 June 2003, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:

*Attorney-General and Solicitor-General (Amendment) Act*

*Australian Crime Commission (State Provisions) Act*

*Corrections and Sentencing Acts (Home Detention) Act*

*Crimes (Family Violence) (Amendment) Act*

*Drugs, Poisons and Controlled Substances (Volatile Substances) Act*

*Fisheries (Amendment) Act*

*Livestock Disease Control (Amendment) Act*

*State Taxation Acts (Miscellaneous Amendments) Act*

*Victorian Urban Development Authority Act*

*Wrongs and Limitation of Actions Acts (Insurance Reform) Act.*

That he had, on 16 June 2003, given the Royal Assent to the undermentioned Acts presented to him by the Speaker of the Legislative Assembly:

*Appropriation (2003/2004) Act*

*Appropriation (Parliament 2003/2004) Act.*

That he had, on 2 September 2003, given the Royal Assent to the undermentioned Act presented to him by the Clerk of the Parliaments:

*Catchment and Land Protection (Amendment) Act.*

**3 CHILD EMPLOYMENT BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to reform the law relating to the employment of children under the age of 15, to repeal Division 9 of Part III of the Community Services Act 1970 and consequentially amend that Act and the Education Act 1958 and for other purposes* and desiring the concurrence of the Council.

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

**4 COMMONWEALTH GAMES ARRANGEMENTS (GOVERNANCE) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to further amend the Commonwealth Games Arrangements Act 2001 to establish the Melbourne 2006 Commonwealth Games Corporation and provide for its functions and powers, to provide for various matters relating to commercial arrangements and the use of logos and other insignia and for other purposes* and desiring the concurrence of the Council.

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

**5 NATIONAL ENVIRONMENT PROTECTION COUNCIL (VICTORIA) (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the National Environment Protection Council (Victoria) Act 1995 and for other purposes* and desiring the concurrence of the Council.

On the motion of Ms Candy Broad, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

**6 CONFISCATION (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to make various amendments to the Confiscation Act 1997, to consequentially amend the Crimes Act 1958, the Drugs, Poisons and Controlled Substances Act 1981 and the Sentencing Act 1991 and for other purposes* and desiring the concurrence of the Council.

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 7 ALBURY-WODONGA AGREEMENT (REPEAL) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to repeal the Albury-Wodonga Agreement Act 1973 and the Wodonga Area Land Acquisition Act 1973, to dissolve the Albury-Wodonga (Victoria) Corporation, to provide for the transfer of assets, contractual rights and obligations, and liabilities of that Corporation to the Albury-Wodonga Development Corporation and for other purposes* and desiring the concurrence of the Council.

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

- 8 CATCHMENT AND LAND PROTECTION (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to this Bill without amendment.

- 9 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

- 10 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Sessional Order 9.

- 11 PETITION — VAGRANCY ACT** — The Honourable Peter Hall presented a Petition bearing 131 signatures from certain citizens of Victoria praying that the Victorian Government preserve and retain the provision of the Vagrancy Act that makes witchcraft, sorcery, enchantment, palmistry and conjuration an offence.

Ordered to lie on the Table.

- 12 PAPERS** —

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — BUDGET ESTIMATES, 2003-04** — The Honourable Bill Forwood presented a Report from the Public Accounts and Estimates Committee on the 2003-04 Budget Estimates, together with Appendices and Minutes of Evidence.

Ordered to lie on the Table and the Report and Appendices to be printed.

The Honourable Bill Forwood moved, That the Council take note of the Report.

Question — put and resolved in the affirmative.

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**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE —**

**REGULATIONS ANNUAL REVIEW** — The Honourable Lidia Argondizzo presented the Annual Review 2002 from the Scrutiny of Acts and Regulations Committee on Regulations 2002, together with Appendices.

Ordered to lie on the Table and to be printed.

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**ALERT DIGESTS** — The Honourable Lidia Argondizzo presented the following Alert Digests from the Scrutiny of Acts and Regulations Committee:

Alert Digest No. 5 of 2003, together with Appendices.

Alert Digest No. 6 of 2003, together with Appendices.

Severally ordered to lie on the Table and to be printed.

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

Auditor-General —

Annual Plan, 2003-04.

Annual Report, 2002-03.

Report on Parliament's information technology upgrade, September 2003.

Commonwealth Games Arrangements Act 2001 —

Commonwealth Games Project Order, pursuant to section 18 of the Act.

Commonwealth Games Venue Order — Amendment, pursuant to section 18 of the Act.

Notice of approval of amendment to the Melbourne Planning Scheme — C82.

Crown Land (Reserves) Act 1978 — Minister's Orders of 4 July 2003 and 7 July 2003 giving approval to granting of leases at Albert Park Reserve and Watery Creek Gully Reserve and granting of a licence at Watery Creek Gully Reserve (four papers).

Drugs, Poisons and Controlled Substances Act 1981 — Standard for the Uniform Scheduling of Drugs and Poisons, No. 18, 2 May 2003, together with Amendment No. 1, 1 September 2003 and Minister's Notice regarding the amendment, commencement and availability of the Poisons Code (three papers).

Interpretation of Legislation Act 1984 —

Notices pursuant to section 32(3) in relation to —

Alcohol Interlock Guidelines.

Statutory Rule Nos. 72 and 98.

Notices pursuant to section 32(4) in relation to —

Amendment No.13, Building Code of Australia 1996.

Electricity Safety (Installations) Regulation 1999.

Judicial Remuneration Tribunal — Report No. 1 on Remuneration of Acting Magistrates, 23 July 2003.

Mount Baw Alpine Resort Management Board — Report for the year ended 31 October 2002.

Mount Buller Alpine Resort Management Board — Report for the year ended 31 October 2002 (two papers).

Mount Hotham Alpine Resort Management Board — Report for the year ended 31 October 2002.

National Crime Authority — Report, 2001-02.

Parliamentary Officers Act 1975 — Statement of appointments, alterations of classifications and of persons temporarily employed in the Parliamentary departments for the year 2002-2003 (9 papers).

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

Alpine Planning Scheme — Amendments C9 and C12.

Ararat Planning Scheme — Amendment C4.

Banyule Planning Scheme — Amendments C23 (Part 1 and Part 2), C37 and C39.

Baw Baw Planning Scheme — Amendment C23.

Bayside Planning Scheme — Amendments C2 (Part 1) and C33.

Bendigo — Greater Bendigo Planning Scheme — Amendments C48 and C50.

Brimbank Planning Scheme — Amendments C43, C45, C48 and C50.

Campaspe Planning Scheme — Amendment C24.

Casey Planning Scheme — Amendment C54.

Corangamite Planning Scheme — Amendment C6.

Planning and Environment Act 1987 — *continued*

- Dandenong — Greater Dandenong Planning Scheme — Amendments C15, C41 and C42.
  - Darebin Planning Scheme — Amendments C31 and C36.
  - Frankston Planning Scheme — Amendments C9, C19 and C26.
  - Gannawarra Planning Scheme — Amendment C6.
  - Geelong — Greater Geelong Planning Scheme — Amendments C11, C29, C32, C42, C48 (two papers), C55, C63, C68 and C75.
  - Glen Eira Planning Scheme — Amendment C36.
  - Golden Plains Planning Scheme — Amendment C15.
  - Hindmarsh Planning Scheme — Amendment C1.
  - Hobsons Bay Planning Scheme — Amendment C17 (Part 2).
  - Hume Planning Scheme — Amendments C39 and C44.
  - Indigo Planning Scheme — Amendment C17.
  - Kingston Planning Scheme — Amendments C26 and C27.
  - Manningham Planning Scheme — Amendments C13, C14 and C31.
  - Maribyrnong Planning Scheme — Amendment C42.
  - Maroondah Planning Scheme — Amendments C31 and C32.
  - Melbourne Planning Scheme — Amendments C56, C74 and C83.
  - Melton Planning Scheme — Amendment C24.
  - Mildura Planning Scheme — Amendment C11.
  - Mitchell Planning Scheme — Amendment C29.
  - Moira Planning Scheme — Amendments C11 and C12.
  - Monash Planning Scheme — Amendments C40, C42 and C46.
  - Moonee Valley Planning Scheme — Amendments C37, C39, C44 and C46.
  - Moorabool Planning Scheme — Amendment C17.
  - Moreland Planning Scheme — Amendments C24 and C25.
  - Mornington Peninsula Planning Scheme — Amendments C44 and C56.
  - Moyne Planning Scheme — Amendment C4.
  - Port Phillip Planning Scheme — Amendment C39.
  - Shepparton — Greater Shepparton Planning Scheme — Amendment C17 (Part 1).
  - Swan Hill Planning Scheme — Amendment C13.
  - Victoria Planning Provisions — Amendments VC18 and VC19.
  - Wangaratta Planning Scheme — Amendment C15.
  - Wellington Planning Scheme — Amendments C8, C9, C10 and C16.
  - Whitehorse Planning Scheme — Amendments C30, C43 (Part 1) and C47.
  - Whittlesea Planning Scheme — Amendments C47 and C54.
  - Wodonga Planning Scheme — Amendments C18 to C21.
  - Wyndham Planning Scheme — Amendments C6, C38 and C47.
  - Yarra Planning Scheme — Amendments C28, C49 and C58.
  - Yarra Ranges Planning Scheme — Amendment C30.
- Prevention of Cruelty to Animals Act 1986 — Code of Accepted Farming Practice for the Welfare of Poultry.
- Project Development and Construction Management Act 1994 — Orders in Council of 26 August 2003 of nomination and application orders (three papers).
- Rural Finance Act 1988 — Treasurer's directive of 14 July 2003 to Rural Finance Corporation.
- Statutory Rules under the following Acts of Parliament:
- Administration and Probate Act 1958 — No. 58.
  - Archaeological and Aboriginal Relics Preservation Act 1972 — No. 49.
  - Associations Incorporation Act 1981 — No. 93.
  - Bail Act 1977 — No. 55.

Statutory Rules — *continued*

- Building Act 1993 — No. 79.
- Building and Construction Industry Security of Payment Act 2002 — No. 50.
- Business Names Act 1962 — No. 92.
- Cancer Act 1958 — No. 83.
- Casino Control Act 1991 — No. 105.
- Co-operatives Act 1996 — No. 90.
- County Court Act 1958 — Nos. 53 and 70.
- Drugs, Poisons and Controlled Substances Act 1981 — No. 67.
- Electricity Industry Act 2000 — No. 73.
- Electricity Safety Act 1998 — Nos. 72 and 98.
- Emergency Management Act 1986 — No. 85.
- Environment Protection Act 1970 — No. 75.
- Fair Trading Act 1999 — No. 89.
- Firearms Act 1996 — No. 84.
- Fisheries Act 1995 — No. 101.
- Gaming Machine Control Act 1991 — Nos. 76 and 104.
- Gaming No. 2 Act 1997 — Nos. 100 and 103.
- Health Act 1958 — Nos. 64 to 66 and 82.
- Health Services Act 1988 — Nos. 68 and 94.
- Juries Act 2000 — No. 57.
- Land Tax Act 1958 — No. 80.
- Liquor Control Reform Act 1998 — Nos. 60 and 63.
- Magistrates' Court Act 1989 — Nos. 54, 61 and 71.
- Major Events (Crowd Management) Act 2003 — No. 86.
- National Parks Act 1975 — No. 74.
- Partnership Act 1958 — No. 91.
- Pathology Services Accreditation Act 1984 — Nos. 77 and 78.
- Pharmacists Act 1974 — No. 97.
- Residential Tenancies Act 1997 — No. 59.
- Road Safety Act 1986 — Nos. 51 and 87.
- Subordinate Legislation Act 1994 — No. 62.
- Supreme Court Act 1986 — Nos. 52, 69, 95, 96 and 102.
- Surveyors Act 1978 — No. 99.
- Tobacco Act 1987 — No. 88.
- Victorian Civil and Administrative Tribunal Act 1998 — Nos. 56 and 81.
- Subordinate Legislation Act 1994 —
  - Ministers' exception certificates under section 8(4) in respect of Statutory Rule Nos. 60 to 62, 64 to 71, 81, 86, 95, 96 and 102.
  - Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 49 to 51, 55, 59, 79, 82 to 84, 87 to 89, 94, 97, 101 and 103 to 105.

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

- Business Licensing Legislation (Amendment) Act 2003 — Part 1 and sections 14 and 20 — 11 August 2003 (*Gazette No. G30, 24 July 2003*).
- Estate Agents and Sale of Land Acts (Amendment) Act 2003 — Section 45 — 30 June 2003 (*Gazette No. G26, 26 June 2003*).
- Firearms (Trafficking and Handgun Control) Act 2003 — Whole Act (other than sections 3(1)(f) and (g) and (2), 10, 14, 18, 23 to 28, 30 to 37, 46(2), 50, 53, 55, 64, 65, 66, 74 and 75 — 1 July 2003 (*Gazette No. S130, 1 July 2003*).

Proclamations — *continued*

Health Practitioner Acts (Further Amendment) Act 2002 — Remaining provisions (except sections 37, 40, 42 and 44) — 1 July 2003 (*Gazette No. G26, 26 June 2003*).

Melbourne Cricket Ground (Amendment) Act 2003 — 12 June 2003 (*Gazette No. G24, 12 June 2003*).

Murray-Darling Basin (Amendment) Act 2003 — 1 July 2003 (*Gazette No. G26, 26 June 2003*).

Outworkers (Improved Protection) Act 2003 — 1 November 2003 (*Gazette No. G29, 17 July 2003*).

Seafood Safety Act 2003 — Remaining provisions (except Part 3 and sections 23, 27 to 58, 60, 64(5) and 92 — 1 July 2003 (*Gazette No. G26, 26 June 2003*).

Transport (Further Amendment) Act 2001 — Sections 15 and 17 — 20 June 2003 (*Gazette No. G25, 19 June 2003*).

Transport (Miscellaneous Amendments) Act 2003 — Division 1 of Part 3 — 15 July 2003 (*Gazette No. S138, 15 July 2003*).

University Acts (Amendment) Act 2003 — 1 July 2003 (*Gazette No. G26, 26 June 2003*).

Victorian Urban Development Authority Act 2003 — 1 August 2003 (*Gazette No. G31, 31 July 2003*).

- 13 COMMONWEALTH GAMES ARRANGEMENTS (GOVERNANCE) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Justin Madden) moved, That the Bill be now read a second time.

Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.

On the motion of the Honourable Philip Davis (for the Honourable Gordon Rich-Phillips), the debate was adjourned until the next day of meeting.

- 14 NATIONAL ENVIRONMENT PROTECTION COUNCIL (VICTORIA) (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for Ms Candy Broad) moved, That the Bill be now read a second time.

Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.

On the motion of the Honourable Graeme Stoney (for the Honourable Andrea Coote), the debate was adjourned until the next day of meeting.

- 15 ALBURY-WODONGA AGREEMENT (REPEAL) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders moved, That the Bill be now read a second time.

Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.

On the motion of the Honourable Wendy Lovell, the debate was adjourned until the next day of meeting.

- 16 CHILD EMPLOYMENT BILL** — The Order of the Day having been read for the second reading of this Bill, Mr Gavin Jennings moved, That the Bill be now read a second time.

On the motion of the Honourable Graeme Stoney (for the Honourable Philip Davis), the debate was adjourned until the next day of meeting.

- 17 CONFISCATION (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Justin Madden) moved, That the Bill be now read a second time.



Mr John Lenders made a statement pursuant to section 85 (5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

On the motion of the Honourable Graeme Stoney (for the Honourable C.A. Strong), the debate was adjourned until the next day of meeting.

- 18 TRAVEL AGENTS (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That the Bill be transmitted to the Assembly with a Message desiring their concurrence.

- 19 HEALTH LEGISLATION (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Business having been interrupted by the President at 10.00 pm pursuant to Sessional Order 10, the debate stood adjourned in the name of the Honourable David Davis.*

- 20 ADJOURNMENT** — The President proposed the question, That the House do now adjourn.

Debate ensued.

And then the Council, at 10.41 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 30 — Wednesday, 17 September 2003

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

- 2 **PAPERS** —

**ECONOMIC DEVELOPMENT COMMITTEE — EXPORT OPPORTUNITIES FOR VICTORIAN RURAL INDUSTRIES** — The Honourable Bruce Atkinson presented a Report from the Economic Development Committee on Export Opportunities for Victorian Rural Industries, together with Appendices and Minutes of Evidence.

Ordered to lie on the Table and the Report and Appendices to be printed.

The Honourable Bruce Atkinson moved, That the Council take note of the report.

Question — put and resolved in the affirmative.

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**PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk:

Anti-Cancer Council — Report, 2002 (two papers).

- 3 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Sessional Order 9.
- 4 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 9 inclusive, be postponed until later this day.
- 5 **WIND FARM DEVELOPMENT** — The Honourable Peter Hall moved, That this House calls on the Government to enact a 12 month moratorium on any further wind farm developments in order that:

- (a) local government councils can, with the financial support of the State Government, develop landscape overlays to planning schemes;
- (b) the current wind farm guidelines can be amended to provide communities with greater knowledge of local wind farm proposals, greater protection from intrusive developments and greater opportunity to participate in the planning process; and
- (c) the benefits of wind energy can be evaluated against other forms of renewable and fossil fuel energies to assess the economic, social and environmental benefits of wind-generated power.

Debate ensued.

Question — put.

The Council divided.

AYES, 16

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop (*Teller*)  
 The Hon. Ron Bowden  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 The Hon. Peter Hall (*Teller*)  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong

NOES, 22

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 Ms Dianne Hadden (*Teller*)  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen (*Teller*)  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 Mr Matt Viney

And so it passed in the negative.

**6 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

**7 HEALTH LEGISLATION (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That the Bill be transmitted to the Assembly with a Message desiring their concurrence.

- 8 AERODROME LANDING FEES BILL** — The Acting President announced the receipt of a Message from the Assembly transmitting a Bill *to provide for the fixing of a fee by an aerodrome operator for certain matters and for other purposes* and desiring the concurrence of the Council.

On the motion of Mr Gavin Jennings (for Mr John Lenders), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 9 ALBURY-WODONGA AGREEMENT (REPEAL) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 10 SUPERANNUATION ACTS (FAMILY LAW) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Emergency Services Superannuation Act 1986, the Government Superannuation Act 1999, the Parliamentary Salaries and Superannuation Act 1968, the State Employees Retirement Benefits Act 1979, the State Superannuation Act 1988, the Superannuation (Portability) Act 1989, the Transport Superannuation Act 1988 and the Unclaimed Monies Act 1962 and for other purposes* and desiring the concurrence of the Council.

On the motion of the Honourable Justin Madden (for Mr John Lenders), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 11 CHILD EMPLOYMENT BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

The Honourable Philip Davis moved, as an amendment, That all the words after “That” be omitted with the view of inserting in place thereof “this House refuses to read this Bill a second time until key stakeholders are consulted on options to address the needs of the community and ways to properly protect children”.

Debate ensued.

*Business having been interrupted by the President at 10.00 pm pursuant to Sessional Order 10, the debate stood adjourned in the name of Mr Robert Smith.*

- 12 ADJOURNMENT** — The President proposed the question, That the House do now adjourn.

Debate ensued.

And then the Council, at 10.32 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
Clerk of the Legislative Council

## No. 31 — Thursday, 18 September 2003

1 The President took the Chair and read the Prayer.

2 **SITTING OF THE COUNCIL** — Mr John Lenders moved, That the Council at its rising, adjourn until Tuesday, 7 October 2003.

Question — put and resolved in the affirmative.

3 **PETITIONS** —

**COLLINGWOOD CHILDREN'S FARM** — The Honourable Damian Drum presented a Petition bearing 11 signatures from certain citizens of Victoria requesting that the Victorian Government preserve the Collingwood Children's Farm and the adjacent historic areas, and does not allow residential development on this site.

Ordered to lie on the Table.

\* \* \* \*

**KEW RESIDENTIAL SERVICES SITE** — The Honourable David Davis presented a Petition bearing 1160 signatures from certain citizens of Victoria praying that the current Draft Urban Design Framework for the Kew Residential Services site that could see high density and high rise development of residential towers of seven stories and above in height be withdrawn and redrawn.

Ordered to lie on the Table.

The Honourable David Davis moved, That the Petition be taken into consideration on the next day of meeting.

Question — put and resolved in the affirmative.

\* \* \* \*

**MELBOURNE 2030 URBAN GROWTH BOUNDARY** — Mr Johan Scheffer presented a Petition bearing 6 signatures from certain citizens of Victoria requesting that the Government defer the finalisation of the Melbourne 2030 Urban Growth Boundary until their properties in the Shire of Nillumbik are included within its border.

Ordered to lie on the Table.

\* \* \* \*

**CAPITAL INDEXED LOANS** — The Honourable John Eren presented a Petition bearing 26 signatures from certain citizens of Victoria praying that the State Government sponsored Home Loans Schemes under the flawed new lending instrument called Capital Indexed Loans be made illegal in Victoria and that —

1. the existing loans be recalculated from Day One;
2. home ownership be achieved within 25 to 30 years from date of approval;
3. payments be set at an affordable level;
4. past borrowers be compensated for losses;
5. any further Government Home Ownership Schemes be offered in a way as to be easily understood by prospective loan recipients; and
6. the internal rate be set at an affordable rate.

Ordered to lie on the Table.

\* \* \* \*

**VAGRANCY ACT** — Ms Dianne Hadden presented a Petition bearing 18 signatures from certain citizens of Victoria requesting that the Victorian Government preserve and retain the provision of the *Vagrancy Act 1966* that makes witchcraft, sorcery, enchantment, palmistry and conjuration an offence.

Ordered to lie on the Table.

4 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Sessional Order 9.

- 5 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion to take note of Reports and Papers, Nos. 1 to 7 inclusive, be postponed until the next day of meeting.
- 6 EASTERN HEALTH REPORT, 2001-02** — The Honourable David Davis moved, That the Council take note of the Report of Eastern Health for the year 2001-02.  
Debate ensued.  
Question — put and resolved in the affirmative.
- 7 AERODROME LANDING FEES BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders moved, That the Bill be now read a second time.  
Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.  
On the motion of the Honourable Graeme Stoney (for the Honourable Gordon Rich-Phillips), the debate was adjourned until the next day of meeting.
- 8 SUPERANNUATION ACTS (FAMILY LAW) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders moved, That the Bill be now read a second time.  
Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.  
On the motion of the Honourable Graeme Stoney (for the Honourable C.A. Strong), the debate was adjourned until the next day of meeting.
- 9 CHILD EMPLOYMENT BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time and on the reasoned amendment, That all the words after “That” be omitted with the view of inserting in place thereof “this House refuses to read this Bill a second time until key stakeholders are consulted on options to address the needs of the community and ways to properly protect children”.  
Debate resumed.  
*Business having been interrupted at 2.02 p.m. pursuant to Sessional Order 6 —*
- 10 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.
- 11 CHILD EMPLOYMENT BILL** — Debate continued on the question, That the Bill be now read a second time and on the reasoned amendment, That all the words after “That” be omitted with the view of inserting in place thereof “this House refuses to read this Bill a second time until key stakeholders are consulted on options to address the needs of the community and ways to properly protect children”.  
Question — That the words and expressions proposed to be omitted stand part of the question — put.  
The Council divided.

AYES, 22

The Hon. Lidia Argondizzo  
Ms Candy Broad  
The Hon. Helen Buckingham  
Ms Elaine Carbines  
The Hon. Kaye Darveniza  
The Hon. John Eren  
Ms Dianne Hadden

NOES, 16

The Hon. Bruce Atkinson  
The Hon. Barry Bishop  
The Hon. Ron Bowden  
The Hon. Andrew Brideson  
The Hon. Andrea Coote  
The Hon. Richard Dalla-Riva  
The Hon. David Davis (*Teller*)

The Hon. Geoff Hilton  
 Ms Carolyn Hirsh (*Teller*)  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer (*Teller*)  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 Mr Matt Viney

The Hon. Philip Davis  
 The Hon. Peter Hall  
 The Hon. David Koch (*Teller*)  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative — Amendment negated.

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

The Council divided.

AYES, 36

The Hon. Lidia Argondizzo  
 The Hon. Bruce Atkinson  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson (*Teller*)  
 Ms Candy Broad  
 The Hon. Helen Buckingham (*Teller*)  
 Ms Elaine Carbines  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. Kaye Darveniza  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 The Hon. David Koch  
 Mr John Lenders  
 The Hon. Wendy Lovell  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 The Hon. Andrew Olexander  
 Mr Noel Pullen  
 The Hon. Gordon Rich-Phillips

NOES, 3

The Hon. Barry Bishop (*Teller*)  
 The Hon. Damian Drum (*Teller*)  
 The Hon. Peter Hall

Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. Theo Theophanous  
 Mr Matt Viney  
 The Hon. John Vogels

And so it was resolved in the affirmative.

Bill read a second time.

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

- 12 CONFISCATION (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Interruption of business pursuant to Sessional Order 10* —

The Acting President having interrupted business at 4.00 p.m., Mr. John Lenders moved, That the sitting be continued.

Question — put and resolved in the affirmative.

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

Question — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 13 COMMONWEALTH GAMES ARRANGEMENTS (GOVERNANCE) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 14 HUMAN SERVICES (COMPLEX NEEDS) BILL** — The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill *to facilitate the delivery of welfare services, health services, mental health services, disability services, drug and alcohol treatment services and housing and support services to certain persons with multiple and complex needs, to establish the Multiple and Complex Needs Panel and for other purposes* and desiring the concurrence of the Council.

On the motion of Mr John Lenders (for Mr Gavin Jennings), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 15 NON-EMERGENCY PATIENT TRANSPORT BILL** — The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill *to regulate the operation of the non-emergency transport of persons to or from medical*

*services and the operation of particular stand-by services at public events, to amend the Ambulance Services Act 1986 and for other purposes and desiring the concurrence of the Council.*

On the motion of Mr John Lenders (for Mr Gavin Jennings), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 16 SUPREME COURT (VEXATIOUS LITIGANTS) BILL** — The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill *to amend section 21 of the Supreme Court Act 1986 to clarify the power of the Supreme Court to declare a person to be a vexatious litigant* and desiring the concurrence of the Council.

On the motion of Mr John Lenders (for the Honourable Justin Madden), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 17 VICTORIAN INDUSTRY PARTICIPATION POLICY BILL** — The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill *to provide for the development and implementation of a Victorian Industry Participation Policy and require reports to Parliament on the policy's implementation and government agencies' compliance with it and for other purposes* and desiring the concurrence of the Council.

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

- 18 HERITAGE (AMENDMENT) BILL** — The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Heritage Act 1995 and the Magistrates' Court Act 1989 and for other purposes* and desiring the concurrence of the Council.

On the motion of Mr John Lenders (for the Honourable Justin Madden), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 19 NATIONAL ENVIRONMENT PROTECTION COUNCIL (VICTORIA) (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 20 ADJOURNMENT** — Ms Candy Broad moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 6.44 p.m., adjourned until Tuesday, 7 October 2003.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*



# LEGISLATIVE COUNCIL OF VICTORIA

## MINUTES OF THE PROCEEDINGS Nos. 32, 33 and 34

### No. 32 — Tuesday, 7 October 2003

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council —  
That he had, on 23 September 2003, given the Royal Assent to the undermentioned Act presented to him by the Clerk of the Parliaments:  
*Albury-Wodonga Agreement (Repeal) Act.*  
That he had, on 30 September 2003, given the Royal Assent to the undermentioned Acts presented to him by the Deputy Clerk of the Legislative Council, for and in the absence of the Clerk of the Parliaments:  
*Confiscation (Amendment) Act*  
*Commonwealth Games Arrangements (Governance) Act*  
*National Environment Protection Council (Victoria) (Amendment) Act.*
- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.
- 4 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Sessional Order 9.
- 5 **PAPERS** —  
**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — The Honourable Lidia Argondizzo presented Alert Digest No. 7 of 2003 from the Scrutiny of Acts and Regulations Committee, together with Appendices.  
Ordered to lie on the Table and to be printed.

\* \* \* \*

- PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:
- Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3)(a) in relation to Statutory Rule No. 76.
  - Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:
    - Bass Coast Planning Scheme — Amendment C8.
    - Bendigo — Greater Bendigo Planning Scheme — Amendment C4.
    - Dandenong — Greater Dandenong Planning Scheme — Amendment C51.
    - Darebin Planning Scheme — Amendment C42.
    - Hepburn Planning Scheme — Amendment C14.
    - Hume Planning Scheme — Amendment C47.
    - Loddon Planning Scheme — Amendment C10.
    - Melbourne Planning Scheme — Amendment C75.
    - Mornington Peninsula Planning Scheme — Amendment C7.

- Planning and Environment Act 1987 — *continued*  
 Murrindindi Planning Scheme — Amendment C11.  
 Stonnington Planning Scheme — Amendment C25.  
 Yarra Planning Scheme — Amendment C69.  
 Yarra Ranges Planning Scheme — Amendment C14.
- Rural Finance Act 1988 — Treasurer's directive of 28 September 2003 to the Rural Finance Corporation.
- Statutory Rules under the following Acts of Parliament:  
 County Court Act 1958 — No. 109.  
 Supreme Court Act 1986 — Corporations (Ancillary Provisions) Act 2001 — No. 107.  
 Supreme Court Act 1986 — Interpretation of Legislation Act 1984 — No. 108.  
 Tobacco Act 1987 — No. 106.  
 Victorian Civil and Administrative Tribunal Act 1998 — No. 110.
- Subordinate Legislation Act 1994 —  
 Minister's exception certificates under section 8(4) in respect of Statutory Rule Nos. 107 to 110.  
 Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 106.
- Water Act 1989 —  
 Campaspe Deep Lead Water Supply Protection Area (Groundwater) Management Plan 2003.  
 Katunga Water Supply Protection Area (Groundwater) Management Plan 2003.  
 Minister's Order of 18 September 2003 declaring a water supply protection area for Mid Loddon.

\* \* \* \*

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

- Albury-Wodonga Agreement (Repeal) Act 2003 — Whole Act (except sections 4, 5, 6, 11, 12, 16 and 17) — 2 October 2003 (*Gazette No. G40, 3 October 2003*).
- Control of Weapons and Firearms Acts (Search Powers) Act 2003 — Remaining provisions — 5 October 2003 (*Gazette No. G40, 3 October 2003*).
- Dandenong Development Board Act 2003 — 20 October 2003 (*Gazette No. G40, 3 October 2003*).

**6 HUMAN SERVICES (COMPLEX NEEDS) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr Gavin Jennings moved, That the Bill be now read a second time.

Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.

On the motion of the Honourable David Davis, the debate was adjourned until the next day of meeting.

**7 NON-EMERGENCY PATIENT TRANSPORT BILL** — The Order of the Day having been read for the second reading of this Bill, Mr Gavin Jennings moved, That the Bill be now read a second time.

Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.

On the motion of the Honourable David Davis, the debate was adjourned until the next day of meeting.

**8 SUPREME COURT (VEXATIOUS LITIGANTS) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Justin Madden) moved, That the Bill be now read a second time.

Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.

On the motion of the Honourable C.A. Strong the debate was adjourned until the next day of meeting.

- 9 VICTORIAN INDUSTRY PARTICIPATION POLICY BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Marsha Thomson) moved, That the Bill be now read a second time.

Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.

On the motion of the Honourable Andrea Coote (for the Honourable Bill Forwood), the debate was adjourned until the next day of meeting.

- 10 HERITAGE (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Justin Madden) moved, That the Bill be now read a second time.

Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.

On the motion of the Honourable Andrea Coote (for the Honourable David Davis), the debate was adjourned until the next day of meeting.

- 11 AERODROME LANDING FEES BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

On the motion of the Honourable Robert Mitchell, the debate was adjourned until the next day of meeting.

- 12 SUPERANNUATION ACTS (FAMILY LAW) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 13 CHILD EMPLOYMENT BILL** — The Order of the Day having been read for the committal of this Bill to a Committee of the Whole, the President left the Chair.

House in Committee.

Pursuant to Sessional Order 10, the Chair of Committees reported that the Committee had made progress in the Bill.

*Business having been interrupted by the President at 10.00 p.m. pursuant to Sessional Order 10 —*

- 14 ADJOURNMENT** — The President proposed the question, That the House do now adjourn.

Debate ensued.

And then the Council, at 10.25 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 33 — Wednesday, 8 October 2003

- 1 The President took the Chair and read the Prayer.
- 2 **PLANNING AND ENVIRONMENT (PORT OF MELBOURNE) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Planning and Environment Act 1987 and the Planning and Environment (Planning Schemes) Act 1996 in relation to planning for the Port of Melbourne* and desiring the concurrence of the Council.

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 3 **PETITION — VAGRANCY ACT** — Ms Diane Hadden presented a Petition bearing 11 signatures from certain citizens of Victoria requesting that the Victorian Government preserves and retains the provision of the Vagrancy Act 1966 that makes witchcraft, sorcery, enchantment, palmistry and conjuration an offence.

Ordered to lie on the Table.

- 4 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Sessional Order 9.

- 5 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 11 inclusive, be postponed until later this day.

- 6 **DISABILITY SERVICES** — The Honourable David Davis moved, That this House condemns the Government for its mismanagement of disability services, in particular, the redevelopment of the Kew Residential Services site and its imposition of an inappropriate Urban Design Framework as part of the Government's 2030 Plan for greater urban density and in particular —

- (a) the Government's plan to over-develop the Kew Residential Services site with high density, high rise development;
- (b) its destruction of public open space;
- (c) the Government's failure to properly plan for adequate local services including school capacity and proper traffic management

and condemns the Government for its failure to fully consult with the community on disability service delivery.

Debate ensued.

Question — put.

The Council divided.

AYES, 18

The Hon. Bruce Atkinson (*Teller*)  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 The Hon. Peter Hall  
 The Hon. David Koch

NOES, 24

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten (*Teller*)

The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips (*Teller*)  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen (*Teller*)  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

And so it passed in the negative.

- 7 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03.  
**COMMONWEALTH GAMES VILLAGE** — The Honourable Justin Madden having given an answer to a question without notice relating to the Commonwealth Games Village —

The Honourable Gordon Rich-Phillips moved, That the Minister's answer be taken into consideration on the next day of meeting.

Question — put and resolved in the affirmative.

**QUESTIONS** — Questions without notice continued.

- 8 HUMAN SERVICES (COMPLEX NEEDS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

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

- 10 SUPREME COURT (VEXATIOUS LITIGANTS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 11 NON-EMERGENCY PATIENT TRANSPORT BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**12 VICTORIAN INDUSTRY PARTICIPATION POLICY BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Business having been interrupted by the President at 10.00 pm pursuant to Sessional Order 10 the debate stood adjourned in the name of Mr Robert Smith.*

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

Debate ensued.

And then the Council, at 10.29 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
Clerk of the Legislative Council

### No. 34 — Thursday, 9 October 2003

1 The President took the Chair and read the Prayer.

**2 CONSTITUTION (SUPREME COURT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Constitution Act 1975 to broaden the eligibility criteria for appointment as a Judge of the Supreme Court and to permit the appointment of an Acting Chief Justice and Acting President of the Court of Appeal when there is, or is about to be, a vacancy in the relevant office* and desiring the concurrence of the Council.

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and, by leave, and after debate, to be read a second time later this day.

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

Albury-Wodonga Agreement (Repeal) Act 2003 — Minister's determination of 3 October 2003 relating to the Albury-Wodonga Area Development Winding-Up Agreement, pursuant to section 13(2) of the Act.

Statutory Rules under the following Acts of Parliament:

Control of Weapons Act 1990 — No. 117.

Firearms Act 1996 — No. 118.

Mental Health Act 1986 — No. 111.

Subordinate Legislation Act 1994 — Nos. 112 to 116.

Subordinate Legislation Act 1994 — Ministers' exception certificates under section 8(4) in respect of Statutory Rule Nos. 111 to 116.

**4 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Sessional Order 9.

**5 AUDITOR-GENERAL'S REPORT ON DRUG EDUCATION** — The Honourable C.A. Strong (for the Honourable David Davis) moved, That the Council take note of the Auditor-General's Report on Drug education in government schools, March 2003.

Debate ensued.

Question — put and resolved in the affirmative.

- 6 BALI BOMBINGS ANNIVERSARY** — Mr John Lenders moved, That as the first anniversary of the Bali bombings approaches the Legislative Council of Victoria —
- (a) pauses and reflects on the loss of 202 innocent lives – including 88 Australians and the suffering of survivors, families and friends as a consequence of the bombings;
  - (b) applauds the efforts of thousands of people in Australia and Bali who gave selfless assistance in the aftermath of the bombings to heal the wounded, comfort the bereaved and bring the perpetrators to justice;
  - (c) extends our thoughts and prayers at this sad time to the peace-loving Balinese, who suffered greatly as a result of this outrage; and
  - (d) remembers the lives lost, re-affirms our commitment to political and religious freedom, tolerance and compassion, confirms our resolution to oppose terrorism, prejudice and extremism and renews our hope for a more peaceful world.

And other Members having addressed the House —

The question was put and, Members signifying their assent by standing in their places in silence for 88 seconds, unanimously resolved in the affirmative.

- 7 CONSTITUTION (SUPREME COURT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden moved, That the Bill be now read a second time.

On the motion of the Honourable C.A. Strong, the debate was adjourned until later this day.

- 8 PLANNING AND ENVIRONMENT (PORT OF MELBOURNE) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden moved, That the Bill be now read a second time.

The Honourable Justin Madden made a statement pursuant to section 85 (5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

On the motion of the Honourable Graeme Stoney (for the Honourable David Davis), the debate was adjourned until the next day of meeting.

- 9 VICTORIAN INDUSTRY PARTICIPATION POLICY BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 10 CONSTITUTION (SUPREME COURT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

*Business having been interrupted at 2.02 p.m. pursuant to Sessional Order 6 —*

- 11 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

- 12 CONSTITUTION (SUPREME COURT) BILL** — Debate continued on the question, That the Bill be now read a second time.

*Interruption of business pursuant to Sessional Order 10 —*

The President having interrupted business at 4.00 p.m., Mr Gavin Jennings moved, That the sitting be continued.

Question — put and resolved in the affirmative.

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

Question — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 13 CEMETERIES AND CREMATORIA BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to provide for the management and operation of cemeteries and crematoria, to repeal the Cemeteries Act 1958, to amend the Crimes Act 1958 and to consequentially amend other Acts and for other purposes* and desiring the concurrence of the Council.

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

- 14 GRAIN HANDLING AND STORAGE (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Grain Handling and Storage Act 1995 to ensure that disputes relating to access to grain handling and storage services at the ports of Geelong and Portland are primarily resolved by an arbitrated access regime and for other purposes* and desiring the concurrence of the Council.

On the motion of the Honourable Theo Theophanous, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 15 INSTRUMENTS (ENDURING POWERS OF ATTORNEY) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Instruments Act 1958 to revise the laws relating to enduring powers of attorney and for other purposes* and desiring the concurrence of the Council.

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 16 MENTAL HEALTH (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Mental Health Act 1986 with respect to involuntary patients, confidentiality and other matters, to amend the Coroners Act 1985 with respect to reportable deaths and for other purposes* and desiring the concurrence of the Council.

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

- 17 HEALTH LEGISLATION (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to this Bill without amendment.

- 18 ADJOURNMENT** — Mr John Lenders moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 6.41 p.m., adjourned until Tuesday next.

W.R. TUNNECLIFFE  
Clerk of the Legislative Council



# LEGISLATIVE COUNCIL OF VICTORIA

## MINUTES OF THE PROCEEDINGS Nos. 35, 36 and 37

### No. 35 — Tuesday, 14 October 2003

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Lieutenant-Governor, as the Governor's Deputy, informing the Council that she had, this day, given the Royal Assent to the undermentioned Acts presented to her by the Clerk of the Parliaments:
  - Constitution (Supreme Court) Act*
  - Health Legislation (Amendment) Act*
  - Human Services (Complex Needs) Act*
  - Non-Emergency Patient Transport Act*
  - Superannuation Acts (Family Law) Act*
  - Supreme Court (Vexatious Litigants) Act*
  - Victorian Industry Participation Policy Act.*
- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.
- 4 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Sessional Order 9.
- 5 **GOVERNMENT BUSINESS PROGRAM** — Mr John Lenders moved, That, pursuant to Sessional Order 16, the Orders of the Day, Government Business, relating to the following Bills be considered and completed by 4.00 p.m. on Thursday, 16 October 2003:
  - Instruments (Enduring Powers of Attorney) Bill
  - Grain Handling and Storage (Amendment) Bill
  - Mental Health (Amendment) Bill
  - Cemeteries and Crematoria Bill
  - Heritage (Amendment) Bill
  - Planning and Environment (Port of Melbourne) Bill
  - Child Employment Bill.Debate ensued.  
Question — put and resolved in the affirmative.
- 6 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:
  - Fisheries Act 1995 — Review of Fisheries Levy Administration: Review of Section 151 of the *Fisheries Act 1995*, September 2003.
  - Gascor Pty Ltd — Report, 2002-03.

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

Brimbank Planning Scheme — Amendment C36.

Campaspe Planning Scheme — Amendment C27.

Casey Planning Scheme — Amendment C59.

Horsham Planning Scheme — Amendment C16.

Victoria Planning Provisions — Amendment VC21.

Project Development and Construction Management Act 1994 — Orders in Council of 7 October 2003 of nomination and application orders (three papers).

Recreational Fishing Licence — Report on Disbursement of Revenue from Trust Account, 2002-03.

A Statutory Rule under the Fair Trading Act 1999 — No. 119.

Subordinate Legislation Act 1994 — Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 119.

Treasury Corporation of Victoria — Report, 2002-03.

\* \* \* \*

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

Commonwealth Games Arrangements (Governance) Act 2003 — Whole Act (except section 8) — 7 October 2003; section 8 — 5 November 2003 (*Gazette No. S182, 7 October 2003*).

Fair Trading (Amendment) Act 2003 — Remaining provisions (except sections 11, 75 and 76) — 9 October 2003 (*Gazette No. G41, 9 October 2003*).

**7 INSTRUMENTS (ENDURING POWERS OF ATTORNEY) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr Gavin Jennings (for the Honourable Justin Madden) moved, That the Bill be now read a second time.

Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.

On the motion of the Honourable C.A. Strong, the debate was adjourned until later this day.

**8 GRAIN HANDLING AND STORAGE (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr Gavin Jennings (for the Honourable Theo Theophanous) moved, That the Bill be now read a second time.

Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.

On the motion of the Honourable Graeme Stoney (for the Honourable Philip Davis), the debate was adjourned until the next day of meeting.

**9 MENTAL HEALTH (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr Gavin Jennings moved, That the Bill be now read a second time.

Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.

On the motion of the Honourable David Davis, the debate was adjourned until later this day.

**10 CEMETERIES AND CREMATORIA BILL** — The Order of the Day having been read for the second reading of this Bill, Mr Gavin Jennings moved, That the Bill be now read a second time.

Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.

On the motion of the Honourable David Davis, the debate was adjourned until later this day.

- 11 HERITAGE (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 12 PLANNING AND ENVIRONMENT (PORT OF MELBOURNE) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 13 VICTORIAN QUALIFICATIONS AUTHORITY (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Victorian Qualifications Authority Act 2000 and for other purposes* and desiring the concurrence of the Council.

On the motion of the Honourable Theo Theophanous, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 14 ADJOURNMENT** — Mr John Lenders moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 10.44 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 36 — Wednesday, 15 October 2003

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

2 **PAPERS** —

**ROAD SAFETY COMMITTEE — OLDER ROAD USERS** — The Honourable Graeme Stoney presented a Report from the Road Safety Committee on Road Safety for Older Road Users together with Appendices, Minutes of Evidence and Discussion Notes.

Ordered to lie on the Table and the Report and Appendices to be printed.

The Honourable Graeme Stoney moved, That the Council take note of the report.

Question — put and resolved in the affirmative.

**PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk:

Auditor-General — Report on Improving literacy standards in government schools, October 2003.

- 3 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Sessional Order 9.
- 4 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 11 inclusive, be postponed until later this day.
- 5 SMALL BUSINESS SECTOR** — The Honourable Bruce Atkinson moved, That this House condemns the Minister for Small Business for failing to adequately represent and advocate the interests of the small business sector in Government and for failing to establish and implement an effective policy platform to advance the small business sector in Victoria.

Debate ensued.

Question — put.

The Council divided.

AYES, 17

The Hon. Bruce Atkinson  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden (*Teller*)  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 The Hon. Peter Hall  
 The Hon. David Koch (*Teller*)  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

NOES, 22

The Hon. Lidia Argondizzo  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines (*Teller*)  
 The Hon. Kaye Darveniza (*Teller*)  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 Mr Matt Viney

And so it passed in the negative.

- 6 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03.
- 7 VICTORIAN QUALIFICATIONS AUTHORITY (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Theo Theophanous moved, That the Bill be now read a second time.

Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.

On the motion of the Honourable C.A. Strong, the debate was adjourned until the next day of meeting.

- 8 INSTRUMENTS (ENDURING POWERS OF ATTORNEY) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 9 GRAIN HANDLING AND STORAGE (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 10 MENTAL HEALTH (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 11 CEMETERIES AND CREMATORIA BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

The Honourable David Davis moved, as an amendment, That all the words after “That” be omitted with the view of inserting in place thereof “this House refuses to read this Bill a second time until consultation has taken place with key stakeholders concerning heritage issues, industry structure and freedom of choice in the selection of headstones and grave monuments”.

Debate ensued.

*Business having been interrupted by the President at 10.00 pm pursuant to Sessional Order 10 the debate stood adjourned in the name of the Honourable David Davis.*

- 12 ADJOURNMENT** — The President proposed the question, That the House do now adjourn.

Debate ensued.

And then the Council, at 10.31 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 37 — Thursday, 16 October 2003

- 1 The President took the Chair and read the Prayer.
- 2 **SCOTS' CHURCH PROPERTIES (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Scots' Church Properties Act 1891 to alter the operation of The Scots' Church Trust Deed in relation to certain lands and for other purposes* and desiring the concurrence of the Council.

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 3 **TRAVEL AGENTS (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to this Bill without amendment.
- 4 **SITTING OF THE COUNCIL** — Mr John Lenders moved, That, notwithstanding any sitting of the Council on Friday, 17 October 2003 for the completion of the Government Business Program determined on 14 October 2003, the Council, at its rising, adjourn until Tuesday, 28 October 2003.

Question — put and resolved in the affirmative.

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

Legal Ombudsman — Report on the Victorian Lawyers RPA Ltd.

National Parks Advisory Council — Report, 2002-03.

- 6 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Sessional Order 9.
- 7 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion to take note of Reports and Papers, Nos. 1 to 4 inclusive, be postponed until the next day of meeting.

- 8 **AUDITOR-GENERAL'S REPORT ON PARLIAMENT'S INFORMATION TECHNOLOGY UPGRADE, SEPTEMBER 2003** — The Honourable Philip Davis moved, That the Council take note of the Auditor-General's Report on Parliament's information technology upgrade, September 2003.

Debate ensued.

Question — put and resolved in the affirmative.

- 9 **CEMETERIES AND CREMATORIA BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time and on the reasoned amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this House refuses to read this Bill a second time until consultation has taken place with key stakeholders concerning heritage issues, industry structure and freedom of choice in the selection of headstones and grave monuments".

Debate resumed.

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

The Council divided.

AYES, 23

The Hon. Lidia Argondizzo  
Ms Candy Broad  
The Hon. Helen Buckingham

NOES, 18

The Hon. Bruce Atkinson  
The Hon. Barry Bishop  
The Hon. Ron Bowden

Ms Elaine Carbines	The Hon. Andrew Brideson
The Hon. Kaye Darveniza	The Hon. Andrea Coote
The Hon. John Eren ( <i>Teller</i> )	The Hon. Richard Dalla-Riva ( <i>Teller</i> )
Ms Dianne Hadden ( <i>Teller</i> )	The Hon. David Davis ( <i>Teller</i> )
The Hon. Geoff Hilton	The Hon. Philip Davis
Ms Carolyn Hirsh	The Hon. Damian Drum
Mr Gavin Jennings	The Hon. Bill Forwood
Mr John Lenders	The Hon. Peter Hall
The Hon. John McQuilten	The Hon. David Koch
The Hon. Justin Madden	The Hon. Wendy Lovell
Ms Jenny Mikakos	The Hon. Andrew Olexander
The Hon. Robert Mitchell	The Hon. Gordon Rich-Phillips
The Hon. Sang Nguyen	The Hon. Graeme Stoney
Mr Noel Pullen	The Hon. C.A. Strong
Ms Glenyys Romanes	The Hon. John Vogels
Mr Johan Scheffer	
Mr Robert Smith	
Mr Adem Somyurek	
The Hon. Theo Theophanous	
Mr Matt Viney	

And so it was resolved in the affirmative — Amendment negated.

Question — That the Bill be now read a second time — put and resolved in the affirmative.

Ordered — That the Bill be committed to a Committee of the whole later this day.

**10 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

**11 CEMETERIES AND CREMATORIA BILL** — The Order of the Day having been read for the committal of this Bill to a Committee of the whole, the President left the Chair. House in Committee.

The President resumed the Chair, and the Chair of Committees having reported that the Committee had agreed to the Bill with amendments, the House adopted the Report, and the Bill was read a third time and passed.

Ordered — That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with amendments, and desiring their concurrence.

**12 CHILD EMPLOYMENT BILL** — The Order of the Day having been read for the further consideration of this Bill in Committee of the whole, the President left the Chair. House in Committee.

*Interruption of business pursuant to Sessional Order 10 —*

The President having interrupted business at 4.00 p.m., Mr John Lenders moved, That —

- (a) pursuant to Sessional Order 10 the sitting be continued to enable Bills received from the Legislative Assembly this day to be introduced into this House this day; and
- (b) pursuant to Sessional Order 23(a) the sitting be extended to complete the unfinished Government Business Program determined on 14 October 2003.

Question — put and resolved in the affirmative.

Further consideration of the Bill continued in Committee of the whole.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill with amendments, the Report was adopted.

Question — That the Bill be now read a third time and that the Bill do pass — put.

The Council divided.

AYES, 21

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 Ms Elaine Carbines  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton (*Teller*)  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 Ms Jenny Mikakos (*Teller*)  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

NOES, 16

The Hon. Bruce Atkinson  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis (*Teller*)  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 The Hon. Peter Hall  
 The Hon. David Koch (*Teller*)  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney

And so it was resolved in the affirmative.

Bill read a third time and passed.

Ordered — That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with amendments, and desiring their concurrence.

**13 EDUCATION LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Children and Young Persons Act 1989, the Education Act 1958, the Teaching Service Act 1981 and the Victorian Institute of Teaching Act 2001 and for other purposes* and desiring the concurrence of the Council.

On the motion of the Honourable Theo Theophanous, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**14 EDUCATION (WORKPLACE LEARNING) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Education Act 1958 to make further provision for learning in the workplace and for other purposes* and desiring the concurrence of the Council.

On the motion of the Honourable Theo Theophanous, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.



**15 ROYAL BOTANIC GARDENS (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Royal Botanic Gardens Act 1991 and for other purposes* and desiring the concurrence of the Council.

On the motion of Mr John Lenders (for Ms Candy Broad), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**16 WATER LEGISLATION (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Water Act 1989 and the Water Industry Act 1994 and for other purposes* and desiring the concurrence of the Council.

On the motion of Mr John Lenders (for Ms Candy Broad), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**17 ADJOURNMENT** — Mr John Lenders moved, That the House do now adjourn. Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 9.59 p.m., adjourned until Tuesday, 28 October 2003.

W.R.TUNNECLIFFE  
*Clerk of the Legislative Council*

# LEGISLATIVE COUNCIL OF VICTORIA

## MINUTES OF THE PROCEEDINGS Nos. 38 and 39

### No. 38 — Tuesday, 28 October 2003

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 21 October 2003, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:  
*Grain Handling and Storage (Amendment) Act*  
*Heritage (Amendment) Act*  
*Instruments (Enduring Powers of Attorney) Act*  
*Mental Health (Amendment) Act*  
*Planning and Environment (Port of Melbourne) Act*  
*Travel Agents (Amendment) Act.*
- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.
- 4 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Sessional Order 9.
- 5 **PETITION — PLANNING SCHEME AMENDMENT VC19** — The Honourables Philip Davis and John Vogels each presented a Petition bearing 969 and 126 signatures, respectively, from certain citizens of Victoria requesting that the Victorian Government and the Minister for Planning take note of the objection to Planning Amendment VC19 and that they not proceed with this amendment.  
Severally ordered to lie on the Table.
- 6 **PAPERS** —  
**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — The Honourable Lidia Argondizzo presented Alert Digest No. 8 of 2003 from the Scrutiny of Acts and Regulations Committee, together with Appendices.  
Ordered to lie on the Table and to be printed.  
\* \* \* \*
- PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:  
*Agriculture Victoria Services Pty Ltd — Report, 2002-03.*  
*Auditor-General — Report on Managing logging in State forests, October 2003.*  
*Budget Sector — Quarterly Financial Report No. 4 for the period ended 30 June 2003.*  
*City West Water Limited — Report, 2002-03 (two papers).*  
*Commonwealth Games Arrangements Act 2001 — Notices of Approval of Amendments to the Melbourne Planning Scheme — C85 and C87.*

- Dairy Food Safety Victoria — Minister for Agriculture's report of receipt of the 2002-03 report.
- Duties Act 2000 — Treasurer's report of 21 October 2003 of approved exemptions made on corporate reconstructions for 2002-03.
- Equal Opportunity Commission — Report, 2002-03.
- Greyhound Racing Victoria — Report, 2002-03.
- Harness Racing Victoria — Report, 2002-03.
- Legal Ombudsman's Office — Report, 2002-03.
- Legal Practice Act 1996 — Practitioner Remuneration Order, 14 October 2003.
- National Parks Act 1975 — Advice of National Parks Advisory Council to Minister on proposed excisions from Point Addis and Twelve Apostles Marine National Parks.
- Phytogene Pty Ltd — Minister for Agriculture's report of receipt of the 2002-03 report.
- Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:
- Bendigo — Greater Bendigo Planning Scheme — Amendment C52.
  - Colac Otway Planning Scheme — Amendment C16.
  - Darebin Planning Scheme — Amendment C37.
  - East Gippsland Planning Scheme — Amendment C14.
  - Frankston Planning Scheme — Amendment C15.
  - Geelong — Greater Geelong Planning Scheme — Amendment C40.
  - Manningham Planning Scheme — Amendment C15.
  - Moreland Planning Scheme — Amendment C39.
  - Towong Planning Scheme — Amendment C11.
  - Wellington Planning Scheme — Amendment C19.
  - Whittlesea Planning Scheme — Amendment C48.
  - Yarra Planning Scheme — Amendment C45.
- Public Advocate's Office — Report, 2002-03.
- Public Prosecutions Office — Report, 2002-03.
- Public Record Office — Report, 2002-03.
- South East Water Limited — Report, 2002-03.
- Statutory Rules under the following Acts of Parliament:
- Occupational Health and Safety Act 1985 — No. 121.
  - Pharmacists Act 1974 — No. 120.
- Subordinate Legislation Act 1994 — Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 120.
- Veterinary Practitioners Registration Board of Victoria — Minister for Agriculture's report of receipt of the 2002-03 report.
- VicFleet Pty Ltd — Minister for Finance's report of receipt of the 2002-03 report.
- Victorian Environmental Assessment Council — Report, 2002-03.
- Victorian Government Purchasing Board — Report, 2002-03.
- Yarra Valley Water Limited — Report, 2002-03 (two papers).

\* \* \* \*

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

- Australian Crime Commission (State Provisions) Act 2003 — Items 11 and 14 of Schedule 1 — 16 October 2003 (*Gazette No. G42, 16 October 2003*).
- Health Legislation (Research Involving Human Embryos and Prohibition of Human Cloning) Act 2003 — 16 October 2003 (*Gazette No. G42, 16 October 2003*).

Proclamations — *continued*

Terrorism (Community Protection) Act 2003 — Part 2 — 16 October 2003  
(*Gazette No. G42, 16 October 2003*).

- 7 SCOTS' CHURCH PROPERTIES (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Justin Madden) moved, That the Bill be now read a second time.  
Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.  
On the motion of the Honourable C.A. Strong, the debate was adjourned until later this day.
- 8 ROYAL BOTANIC GARDENS (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for Ms Candy Broad) moved, That the Bill be now read a second time.  
Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.  
On the motion of the Honourable Andrea Coote, the debate was adjourned until later this day.
- 9 WATER LEGISLATION (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for Ms Candy Broad) moved, That the Bill be now read a second time.  
Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.  
On the motion of the Honourable Graeme Stoney, the debate was adjourned until later this day.
- 10 EDUCATION LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Theo Theophanous) moved, That the Bill be now read a second time.  
Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.  
On the motion of the Honourable Bruce Atkinson, the debate was adjourned until later this day.
- 11 EDUCATION (WORKPLACE LEARNING) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Theo Theophanous) moved, That the Bill be now read a second time.  
Mr John Lenders made a statement pursuant to section 85 (5) of the *Constitution Act 1975* on the reasons for altering or varying this section.  
On the motion of the Honourable Bruce Atkinson, the debate was adjourned until later this day.
- 12 VICTORIAN QUALIFICATIONS AUTHORITY (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.  
Debate resumed.  
Question — put and resolved in the affirmative.  
Bill read a second time and, by leave, read a third time and passed.  
Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 13 SCOTS' CHURCH PROPERTIES (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

*And the Deputy President having ruled the Bill to be a Private Bill —*

The Honourable Justin Madden moved, That this Bill be dealt with as a Public Bill.

Question — put and resolved in the affirmative.

Debate resumed.

Question — That the Bill be now read a second time — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 14 ROYAL BOTANIC GARDENS (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 15 PORT SERVICES (PORT MANAGEMENT REFORM) BILL** — The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Port Services Act 1995 and the Marine Act 1988 to make further provision for the establishment, management and operation of ports in Victoria, to make consequential amendments to other Acts and for other purposes* and desiring the concurrence of the Council.

On the motion of Ms Candy Broad, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 16 WATER LEGISLATION (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Business having been interrupted by the President at 10.00 pm pursuant to Sessional Order 10, the debate stood adjourned in the name of the Honourable Geoff Hilton.*

- 17 ADJOURNMENT** — The President proposed the question, That the House do now adjourn.

Debate ensued.

And then the Council, at 10.26 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
Clerk of the Legislative Council

## No. 39 — Wednesday, 29 October 2003

- 1 The President took the Chair and read the Prayer.
- 2 **EXTRACTIVE INDUSTRIES DEVELOPMENT (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend*

*the Extractive Industries Development Act 1995 to make further provisions for extractive industries* and desiring the concurrence of the Council.

On the motion of Mr John Lenders (for the Honourable Theo Theophanous), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

### 3 PAPERS —

**PARLIAMENTARY DEPARTMENTS** — Ms Glenyys Romanes moved, by leave, That there be laid before this House a copy of the report of —

- (a) the Clerk on the Operations of the Department of the Legislative Council for the year 2002-03;
- (b) the Librarian on the Operations of the Department of the Parliamentary Library for the year 2002-03;
- (c) the Chief Reporter on the operations of the Department of Victorian Parliamentary Debates for the year 2002-03; and
- (d) the Joint Secretaries on the operations of the Joint Services Department for the year 2002-03.

Question — put and resolved in the affirmative.

The said Reports were thereupon presented by Ms Glenyys Romanes and ordered to lie on the Table.

\* \* \* \*

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

Crown Land (Reserves) Act 1978 — Minister's Order of 7 October 2003 giving approval to the granting of a lease at Mt Wombat Preservation of Native Species Reserve.

Essential Services Commission — Report to the Minister for Energy Industries and Resources on a Review of provisions of the *Gas Industry Act 2001* relating to Significant Producers.

Legal Practitioners Liability Committee — Report, 2002-03.

Police Appeals Board — Report, 2002-03.

Statutory Rules under the following Acts of Parliament:

Conservation, Forests and Lands Act 1987 — No. 122.

Outworkers (Improved Protection) Act 2003 — No. 123.

Subordinate Legislation Act 1994 — Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 122 and 123.

Transport Accident Commission — Report, 2002-03.

Victorian Meat Authority — Report, 2002-03.

Victorian WorkCover Authority — Report, 2002-03.

**4 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Sessional Order 9.

**5 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 9 inclusive, be postponed until later this day.

**6 REVOCATION OF PLANNING SCHEME AMENDMENT** — The Honourable Philip Davis moved, That pursuant to section 38(2) of the *Planning and Environment Act 1987* this House revokes Amendment VC19 to the Victoria Planning Provisions.

Debate ensued.

Question — put.

The Council divided.

## AYES, 18

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood (*Teller*)  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell (*Teller*)  
 The Hon. Andrew Olexander  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

## NOES, 23

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh (*Teller*)  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell (*Teller*)  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

And so it passed in the negative.

- 7 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.
- 8 PORT SERVICES (PORT MANAGEMENT REFORM) BILL** — The Order of the Day having been read for the second reading of this Bill, Ms Candy Broad moved, That the Bill be now read a second time.  
 Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.  
 On the motion of the Honourable Ron Bowden, the debate was adjourned until the next day of meeting.
- 9 WATER LEGISLATION (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.  
 Debate resumed.  
 Question — put and resolved in the affirmative.  
 Bill read a second time and, by leave, read a third time and passed.  
 Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 10 EDUCATION LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

House in Committee.

The Acting President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the House adopted the Report, and the Bill was read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 11 EDUCATION (WORKPLACE LEARNING) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the House adopted the Report, and the Bill was read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 12 VICTORIAN CURRICULUM AND ASSESSMENT AUTHORITY (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Victorian Curriculum and Assessment Authority Act 2000 and for other purposes* and desiring the concurrence of the Council.

On the motion of the Honourable Theo Theophanous, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 13 AERODROME LANDING FEES BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Question — put and resolved in the affirmative.

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

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the House adopted the Report, and the Bill was read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 14 ADJOURNMENT** — Mr John Lenders moved, That the Council, at its rising, adjourn until Wednesday, 5 November 2003.

Question — put and resolved in the affirmative.

Mr John Lenders moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 10.15 p.m., adjourned until Wednesday, 5 November 2003.

W.R. TUNNECLIFFE  
Clerk of the Legislative Council





# LEGISLATIVE COUNCIL OF VICTORIA

## MINUTES OF THE PROCEEDINGS Nos. 40 and 41

### No. 40 — Wednesday, 5 November 2003

- 1 The President took the Chair and read the Prayer.
- 2 **LOCAL GOVERNMENT (DEMOCRATIC REFORM) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Local Government Act 1989, the City of Melbourne Act 2001 and the Docklands Act 1991 and for other purposes* and desiring the concurrence of the Council.  
On the motion of Ms Candy Broad, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 3 **RESIDENTIAL TENANCIES (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Residential Tenancies Act 1997 to make provision for the Director of Housing to pay amounts of bonds on behalf of tenants by means of vouchers, to enable the refund of amounts of certain bonds to the Director of Housing, to provide that it is a function of the Residential Tenancies Bond Authority to collect certain information and to disclose that information to the Director of Housing and for other purposes* and desiring the concurrence of the Council.  
On the motion of Ms Candy Broad, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 4 **ANIMALS LEGISLATION (ANIMAL WELFARE) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Domestic (Feral and Nuisance) Animals Act 1994, the Meat Industry Act 1993, the Ombudsman Act 1973, the Prevention of Cruelty to Animals Act 1986 and the Veterinary Practice Act 1997 and for other purposes* and desiring the concurrence of the Council.  
On the motion of the Honourable Theo Theophanous, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 5 **ELECTORAL (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Electoral Act 2002 and for other purposes* and desiring the concurrence of the Council.  
On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 6 **MESSAGES FROM ASSEMBLY** — The President announced the receipt of Messages from the Assembly acquainting the Council that they have agreed to the amendments made by the Council in the following Bills:  
Cemeteries and Crematoria Bill; and  
Child Employment Bill.
- 7 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

- Accident Compensation Conciliation Service — Report, 2002-03.
- Adult, Community and Further Education Board — Report, 2002-03.
- Albury-Wodonga Development Corporation — Report, 2002-03.
- Alexandra District Hospital — Minister for Health's report of receipt of the 2002-03 report.
- Alpine Health — Report, 2002-03 (three papers).
- Ambulance Service Victoria — Metropolitan Region — Report, 2002-03.
- Architects Registration Board of Victoria — Report, 2002-03.
- Austin Health — Report, 2002-03 (two papers).
- Australian Centre for the Moving Image — Report, 2002-03.
- Australian Food Industry Science Centre — Report, 2002-03.
- Australian Grand Prix Corporation — Report, 2002-03.
- Bairnsdale Regional Health Service — Report, 2002-03.
- Ballarat Health Services — Report, 2002-03.
- Barwon Health — Report, 2002-03.
- Barwon Region Water Authority — Report, 2002-03.
- Bass Coast Regional Health — Report, 2002-03 (two papers).
- Bayside Health — Report, 2002-03.
- Benalla and District Memorial Hospital — Report, 2002-03 (two papers).
- Bendigo Health Care Group — Report, 2002-03.
- Bethlehem Health Care Melbourne Inc. — Report for the period ended 26 June 2002.
- Boort District Hospital — Minister for Health's report of receipt of the 2002-03 report.
- Building Commission — Report, 2002-03.
- Casey's Weir and Major Creek Rural Water Authority — Minister for Water's report of receipt of the 2002-03 report.
- Casterton Memorial Hospital — Report, 2002-03.
- Central Gippsland Health Service — Report, 2002-03.
- Central Gippsland Region Water Authority — Report, 2002-03.
- Central Highlands Region Water Authority — Report, 2002-03.
- Chief Electrical Inspector's Office — Report, 2002-03.
- Cobram District Hospital — Report, 2002-03 (two papers).
- Cohuna District Hospital — Report, 2002-03.
- Colac Area Health — Report, 2002-03.
- Coleraine District Health Services — Minister for Health's report of receipt of the 2002-03 report.
- Coliban Region Water Authority — Report, 2002-03.
- Corangamite Catchment Management Authority — Report, 2002-03.
- Country Fire Authority — Report, 2002-03.
- Djerriwarrh Health Services — Report, 2002-03.
- Eastern Health — Report, 2002-03.
- East Gippsland Catchment Management Authority — Report, 2002-03.
- East Gippsland Region Water Authority — Report, 2002-03.
- Echuca Regional Health — Report, 2002-03.
- EcoRecycle Victoria — Report, 2002-03.
- Education and Training Department — Report, 2002-03.
- Emergency Communications Victoria — Report for the period 4 June 2002 to 30 June 2003.
- Emerald Tourist Railway Board — Report, 2002-03.

Emergency Services Superannuation Scheme — Report, 2002-03.  
Environment Protection Authority — Report, 2002-03 (two papers).  
Essential Services Commission — Report, 2002-03.  
Federation Square Management Pty Ltd — Report, 2002-03.  
Film Victoria — Report, 2002-03.  
Fisheries Co-Management Council — Report, 2002-03.  
Food Safety Council — Minister for Health's report of receipt of the 2002-03 report.  
Gambling Research Panel — Report, 2002-03.  
Gas Safety Office — Report, 2002-03.  
Geelong Performing Arts Centre Trust — Report, 2002-03.  
Gippsland and Southern Rural Water Authority — Report, 2002-03.  
Gippsland Southern Health Service — Report, 2002-03 (two papers).  
Glenelg Hopkins Catchment Management Authority — Report, 2002-03 (two papers).  
Glenelg Region Water Authority — Report, 2002-03.  
Goulburn Broken Catchment Management Authority — Report, 2002-03.  
Goulburn-Murray Rural Water Authority — Report, 2002-03.  
Goulburn Valley Health — Report, 2002-03.  
Goulburn Valley Region Water Authority — Report, 2002-03.  
Government Superannuation Office — Report, 2002-03.  
Grampians Region Water Authority — Report, 2002-03.  
Greater Victoria Wine Grape Industry Development Committee — Minister for Agriculture's report of receipt of the 2002-03 report.  
Hastings Port Holding Corporation — Report, 2002-03.  
Health Purchasing Victoria — Minister for Health's report of receipt of the 2002-03 report.  
Hepburn Health Service — Report, 2002-03.  
Heritage Council — Report, 2002-03.  
Hesse Rural Health Service — Minister for Health's report of receipt of the 2002-03 report.  
Heywood Rural Health — Report, 2002-03.  
Human Services Department — Report, 2002-03.  
Infertility Treatment Authority — Report, 2002-03.  
Infrastructure Department — Report, 2002-03.  
Inglewood and Districts Health Service — Minister for Health's report of receipt of the 2002-03 report.  
Innovation, Industry and Regional Development Department — Report, 2002-03.  
Intellectual Disability Review Panel — Report, 2002-03.  
Intellectually Disabled Persons' Services Act 1986 — Report of Community Visitors for 2002-03.  
Justice Department — Report, 2002-03.  
Kilmore and District Hospital — Report, 2002-03.  
Kooweerup Regional Health Service — Report, 2002-03 (two papers).  
Kyabram and District Health Services — Report, 2002-03.  
Kyneton District Health Service — Report, 2002-03.  
Latrobe Regional Hospital Pty Ltd — Report for the period 1 July 2002 to 5 May 2003.  
Legal Practice Board — Report, 2002-03.  
Library Board of Victoria — Report, 2002-03.

- Lorne Community Hospital — Minister for Health's report of receipt of the 2002-03 report.
- Lower Murray Region Water Authority — Report, 2002-03.
- Maldon Hospital — Minister for Health's report of receipt of the 2002-03 report.
- Mallee Catchment Management Authority — Report, 2002-03.
- Mallee Track Health and Community Service — Report, 2002-03.
- Manangatang and District Hospital — Minister for Health's report of receipt of the 2002-03 report.
- Maryborough District Health Service — Report, 2002-03.
- Mclvor Health and Community Services — Minister for Health's report of receipt of the 2002-03 report.
- Melbourne 2006 Commonwealth Games Pty Ltd — Report, 2002-03.
- Melbourne and Olympic Parks Trust — Report, 2002-03.
- Melbourne Convention and Exhibition Trust — Report, 2002-03.
- Melbourne Cricket Ground Trust — Report for the year ended 31 March 2003.
- Melbourne Market Authority — Report, 2002-03.
- Melbourne Port Corporation — Report, 2002-03.
- Melbourne Water Corporation — Report, 2002-03.
- Members of Parliament (Register of Interests) Act 1978 — Summary of Returns, June 2003 and Summary of Variations Notified between 6 June and 30 September 2003.
- Mental Health Act 1986 — Report of Community Visitors for 2002-03.
- Mental Health Review Board — Minister for Health's report of receipt of the 2002-03 report.
- Mercy Public Hospitals Inc — Report, 2002-03 (two papers).
- Metropolitan Fire and Emergency Services Board — Report, 2002-03.
- Mount Alexander Hospital — Report, 2002-03.
- Moyne Health Services — Report, 2002-03.
- Murray Valley Citrus Marketing Board — Report, 2002-03.
- Murray Valley Wine Grape Industry Development Committee — Minister for Agriculture's report of receipt of the 2002-03 report.
- Nathalia District Hospital — Minister for Health's report of receipt of the 2002-03 report.
- National Parks Act 1975 —  
Report, 2002-03.  
Reports in relation to certain parks, pursuant to section 30L of the Act.
- North Central Catchment Management Authority — Report, 2002-03.
- North East Catchment Management Authority — Report, 2002-03 (two papers).
- North East Health Wangaratta — Report, 2002-03.
- North East Region Water Authority — Report, 2002-03.
- Northern Health — Report, 2002-03.
- Numurkah District Health Service — Report, 2002-03 (two papers).
- Nurses Board of Victoria — Report, 2002-03.
- Omeo District Hospital — Minister for Health's report of receipt of the 2002-03 report.
- Orbost Regional Health — Report, 2002-03 (two papers).
- Osteopaths Registration Board — Minister for Health's report of receipt of the 2002-03 report.
- Otway Health and Community Services — Minister for Health's report of receipt of the 2002-03 report.

Overseas Projects Corporation of Victoria Ltd — Report, 2002-03.  
Parks Victoria — Report, 2002-03.  
Parliamentary Contributory Superannuation Fund — Report, 2002-03.  
Peninsula Health — Report, 2002-03.  
Peter MacCallum Cancer Institute — Report, 2002-03.  
Pharmacy Board of Victoria — Minister for Health's report of receipt of the 2002-03 report.  
Phillip Island Nature Park — Report, 2002-03 (two papers).  
Physiotherapists Registration Board of Victoria — Minister for Health's report of receipt of the 2002-03 report.  
Plumbing Industry Commission — Report, 2002-03.  
Podiatrists Registration Board of Victoria — Minister for Health's report of receipt of the 2002-03 report.  
Police — Office of the Chief Commissioner — Report, 2002-03 (two papers).  
Portland and District Hospital — Report, 2002-03.  
Portland Coast Region Water Authority — Report, 2002-03.  
Port Phillip and Westernport Catchment Management Authority — Report, 2002-03.  
Premier and Cabinet Department — Report, 2002-03.  
Primary Industries Department — Report, 2002-03.  
Prince Henry's Institute of Medical Research — Report for the period 1 January 2002 to 30 June 2003.  
Psychosurgery Review Board — Minister for Health's report of receipt of the 2002-03 report.  
Public Transport Corporation — Report, 2002-03.  
Queen Elizabeth Centre — Report, 2002-03.  
Queen Victoria Women's Centre Trust — Report, 2002-03.  
Regional Development Victoria — Report for the period 3 March 2003 to 30 June 2003.  
Residential Tenancies Bond Authority — Report, 2002-03.  
Roads Corporation — Report, 2002-03.  
Rochester and Elmore District Health Service — Report, 2002-03.  
Royal Botanic Gardens Board — Report, 2002-03.  
Royal Victorian Eye and Ear Hospital — Report, 2002-03.  
Rural Ambulance Victoria — Report, 2002-03.  
Rural Finance Act 1988 — Treasurer's directive of 22 October 2003 to Rural Finance Corporation.  
Rural Finance Corporation — Report, 2002-03.  
Seymour and District Memorial Hospital — Report, 2002-03.  
Shrine of Remembrance Trustees — Minister for Planning's report of receipt of the 2002-03 report.  
South Eastern Medical Complex Limited — Report, 2002-03.  
Southern Health — Report, 2002-03.  
South Gippsland Region Water Authority — Report, 2002-03.  
South West Healthcare — Minister for Health's report of receipt of the 2002-03 report.  
South West Region Water Authority — Report, 2002-03.  
Spencer Street Station Authority — Report, 2002-03 (two papers).  
State Electricity Commission of Victoria — Report, 2002-03.  
State Sport Centres Trust — Report, 2002-03.

- St. Vincent's Health — Report, 2002-03 (four papers).
- Sunraysia Rural Water Authority — Report, 2002-03.
- Surveyor-General — Report on the Administration of the *Survey Co-ordination Act 1958* for 2002-03.
- Sustainability and Environment Department — Report, 2002-03.
- Sustainable Energy Authority Victoria — Report, 2002-03.
- Swan Hill District Hospital — Report, 2002-03.
- Terang and Mortlake Health Service — Report, 2002-03.
- Timboon and District Healthcare Service — Minister for Health's report of receipt of the 2002-03 report.
- Tourism Victoria — Report, 2002-03.
- Treasury and Finance Department — Report, 2002-03.
- Tricontinental Holdings Limited — Report for the year ended 31 December 2002.
- Trust for Nature — Minister for Environment's report of receipt of the 2002-03 report.
- Tweedle Child and Family Health Service — Minister for Health's report of receipt of the 2002-03 report.
- Upper Murray Health and Community Services — Report, 2002-03.
- Victorian Arts Centre Trust — Report, 2002-03.
- Victorian Broiler Industry Negotiation Committee — Minister for Agriculture's report of receipt of the 2002-03 report.
- Victorian Casino and Gaming Authority — Report, 2002-03.
- Victorian Catchment Management Council — Report, 2002-03.
- Victorian Channels Authority — Report, 2002-03 (two papers).
- Victorian Coastal Council — Report, 2002-03.
- Victorian Communities Department — Report, 2002-03.
- Victorian Curriculum and Assessment Authority — Report, 2002-03.
- Victorian Electoral Commission — Report, 2002-03.
- Victorian Energy Networks Corporation — Report, 2002-03.
- Victorian Funds Management Corporation — Report, 2002-03.
- Victorian Health Promotion Foundation — Report, 2002-03.
- Victorian Institute of Forensic Medicine — Report, 2002-03 (six papers).
- Victorian Institute of Forensic Mental Health — Report, 2002-03.
- Victorian Institute of Sport Trust — Report, 2002-03 (two papers).
- Victorian Institute of Teaching — Report for the period 20 June 2002 to 30 June 2003.
- Victorian Law Reform Commission — Report, 2002-03.
- Victorian Learning and Employment Skills Commission — Report, 2002-03.
- Victorian Legal Aid — Report, 2002-03.
- Victorian Managed Insurance Authority — Report, 2002-03.
- Victorian Medical Consortium Pty Ltd — Report, 2002-03.
- Victorian Multicultural Commission — Report, 2002-03.
- Victorian Privacy Commissioner's Office — Report, 2002-03.
- Victorian Qualifications Authority — Report, 2002-03.
- Victorian Rail Track — Report, 2002-03 (two papers).
- Victorian Strawberry Industry Development Committee — Minister for Agriculture's report of receipt of the 2002-03 report.
- Victorian Tomato Industry Development Corporation — Minister for Agriculture's report of failure to submit 2002-03 report.
- Western Health — Report, 2002-03.

Westernport Region Water Authority — Report, 2002-03 (two papers).  
Western Region Water Authority — Report, 2002-03.  
West Gippsland Catchment Management Authority — Report, 2002-03.  
Wimmera Catchment Management Authority — Report, 2002-03.  
Wimmera-Mallee Rural Water Authority — Report, 2002-03.  
Wodonga Regional Health Service — Report, 2002-03 (four papers).  
Women's and Children's Health Service — Report, 2002-03.  
Yarra Bend Park Trust — Minister for Planning's report of receipt of the 2002-03 report.  
Yarram and District Health Service — Report, 2002-03 (two papers).  
Yarrawonga District Health Service — Report, 2002-03.  
Yea and District Memorial Hospital — Minister for Health's report of receipt of the 2002-03 report.  
Young Farmers' Finance Council — Report, 2002-03.  
Zoological Parks and Garden Board — Report, 2002-03.

**8 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Sessional Order 9.

**9 ROYAL CHILDREN'S HOSPITAL AND WOMEN AND CHILDREN'S HEALTH NETWORK** — The Honourable David Davis moved, by leave, That —

- (a) a Select Committee of five members be appointed to inquire into and report on:
  - (i) the operation of the Royal Children's Hospital and the Women and Children's Health Network;
  - (ii) the financial position of the Royal Children's Hospital; and
  - (iii) the relationship between the Royal Children's Hospital and the Women and Children's Health Network and the Department of Human Services including its various agents and agencies or any person or persons involved in the management of the Hospital and/or Health Network or involved in the development or setting of policy in relation to the Hospital or Network.
- (b) the Committee shall consist of three members nominated by the Leader of the Government, and two members nominated by the Leader of the Opposition.
- (c) the members shall be appointed by lodgement of the names with the President by the Leaders no later than 4.00 p.m. on the day after the House agrees to this resolution.
- (d) the first meeting of the Committee shall be held at 10.30 a.m. on the first Friday following the lodgement of the names of the Members with the President.
- (e) the Committee may proceed to the dispatch of business notwithstanding that all members have not been appointed and notwithstanding any vacancy.
- (f) three members of the Committee shall constitute a quorum.
- (g) reports of the Committee may be presented to the Council from time to time and that the Committee present its final report to the Council on or before 6 February 2004.
- (h) the presentation of a report or interim report of the Committee shall not be deemed to terminate the Committee's appointment, powers or functions.



- (i) the foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders and practice of the Council, shall have effect notwithstanding anything contained in the Standing Orders.

Debate ensued.

Question — put.

The Council divided.

AYES, 19

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander (*Teller*)  
 The Hon. Gordon Rich-Phillips (*Teller*)  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

NOES, 24

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten (*Teller*)  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen (*Teller*)  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

And so it passed in the negative.

**10 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

**11 EXTRACTIVE INDUSTRIES DEVELOPMENT (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Theo Theophanous moved, That the Bill be now read a second time.

Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.

On the motion of the Honourable Philip Davis, the debate was adjourned until the next day of meeting.

**12 VICTORIAN CURRICULUM AND ASSESSMENT AUTHORITY (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Theo Theophanous moved, That the Bill be now read a second time.

Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.

On the motion of the Honourable Andrea Coote (for the Honourable Bruce Atkinson), the debate was adjourned until the next day of meeting.

**13 PORT SERVICES (PORT MANAGEMENT REFORM) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**14 EMERALD TOURIST RAILWAY (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Emerald Tourist Railway Act 1977 to provide for the Emerald Tourist Railway Board to lease vested Crown land for up to 50 years with the approval of the Minister and for other purposes* and desiring the concurrence of the Council.

On the motion of the Honourable Justin Madden (for the Honourable Marsha Thomson), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**15 ADJOURNMENT** — The Honourable Justin Madden moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 5.39 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 41 — Thursday, 6 November 2003

1 The President took the Chair and read the Prayer.

2 **SITTING OF THE COUNCIL** — Mr John Lenders moved, That the Council, at its rising, adjourn until Tuesday, 18 November 2003.

Question — put and resolved in the affirmative.

3 **PETITION — RURAL AND REGIONAL RACING CLUBS** — The Honourable David Koch presented a Petition bearing 562 signatures from certain citizens of Victoria praying that the State Government further reviews proposed changes to the Victorian racing industry to remove administration and autonomy of rural and regional racing clubs, downsize training facilities and dilute existing race dates.

Ordered to lie on the Table.

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

Adult Parole Board — Report, 2002-03.

Barwon Regional Waste Management Group — Minister for Environment's report of receipt of the 2002-03 report.

Border Groundwaters Agreement Review Committee — Report, 2002-03.

Calder Regional Waste Management Group — Minister for Environment's report of receipt of the 2002-03 report.

Central Highlands Region Water Authority — Report, 2001-02.

- Central Murray Regional Waste Management Group — Minister for Environment's report of receipt of the 2002-03 report.
- Crown Land (Reserves) Act 1978 — Minister's Order of 14 October 2003 giving approval to the granting of a lease at Queens Park, Highton.
- Dental Health Services Victoria — Report, 2002-03.
- Desert Fringe Regional Waste Management Group — Minister for Environment's report of receipt of the 2002-03 report.
- Eastern Regional Waste Management Group — Minister for Environment's report of receipt of the 2002-03 report.
- Gippsland Regional Waste Management Group — Minister for Environment's report of receipt of the 2002-03 report.
- Goulburn Regional Waste Management Group — Minister for Environment's report of receipt of the 2002-03 report.
- Grampians Regional Waste Management Group — Minister for Environment's report of receipt of the 2002-03 report.
- Highlands Regional Waste Management Group — Minister for Environment's report of receipt of the 2002-03 report.
- Interpretation of Legislation Act 1984 — Notice pursuant to section 32(4) in relation to the State Environment Protection Policy (Waters of Victoria).
- Members of Parliament (Register of Interests) Act 1978 — Cumulative Summary of Returns, 30 September 2003.
- Mildura Regional Waste Management Group — Minister for Environment's report of receipt of the 2002-03 report.
- Mornington Peninsula Regional Waste Management Group — Minister for Environment's report of receipt of the 2002-03 report.
- Museums Board of Victoria — Report, 2002-03.
- National Gallery of Victoria — Report, 2002-03.
- North East Victorian Regional Waste Management Group — Minister for Environment's report of receipt of the 2002-03 report.
- Northern Regional Waste Management Group — Minister for Environment's report of receipt of the 2002-03 report.
- Ombudsman — Report, 2002-03.
- Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:
- Benalla Planning Scheme — Amendment C1.
  - Corangamite Planning Scheme — Amendment C9.
  - Indigo Planning Scheme — Amendment C18.
  - Manningham Planning Scheme — Amendment C34.
  - Maribyrnong Planning Scheme — Amendment C14 (Part 2).
  - Melton Planning Scheme — Amendment C40.
  - Moorabool Planning Scheme — Amendment C25.
  - Shepparton — Greater Shepparton Planning Scheme — Amendment C36.
- Radiation Advisory Committee — Minister for Health's report of receipt of the 2002-03 report.
- South Eastern Regional Waste Management Group — Minister for Environment's report of receipt of the 2002-03 report.
- South Western Regional Waste Management Group — Minister for Environment's report of receipt of the 2002-03 report.
- Western Regional Waste Management Group — Minister for Environment's report of receipt of the 2002-03 report.

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

Business Licensing Legislation (Amendment) Act 2003 — Remaining provisions — 1 November 2003 (*Gazette No. G44, 30 October 2003*).

Port Services (Port of Melbourne Reform) Act 2003 — Remaining provisions of Parts 3 and 4 — 3 November 2003. (*Gazette No. G44, 30 October 2003*).

Travel Agents (Amendment) Act 2003 — Sections 5 and 7 — 1 November 2003 (*Gazette No. G44, 30 October 2003*).

- 5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Sessional Order 9.
- 6 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion to take note of Reports and Papers, Nos. 1 to 5 inclusive, be postponed until later this day.
- 7 AUDITOR-GENERAL'S REPORT ON MANAGING LOGGINGS IN STATE FORESTS** — The Honourable Graeme Stoney moved, That the Council take note of the Auditor General's Report on managing logging in State Forests, October 2003.  
Debate ensued.  
Question — put and resolved in the affirmative.
- 8 EMERALD TOURIST RAILWAY (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Marsha Thomson moved, That the Bill be now read a second time.  
Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.  
On the motion of the Honourable Philip Davis (for the Honourable Andrea Coote), the debate was adjourned until the next day of meeting.
- 9 LOCAL GOVERNMENT (DEMOCRATIC REFORM) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for Ms Candy Broad) moved, That the Bill be now read a second time.  
Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.  
On the motion of the Honourable Philip Davis (for the Honourable John Vogels), the debate was adjourned until the next day of meeting.
- 10 RESIDENTIAL TENANCIES (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for Ms Candy Broad) moved, That the Bill be now read a second time.  
Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.  
On the motion of the Honourable Philip Davis (for the Honourable Wendy Lovell), the debate was adjourned until the next day of meeting.
- 11 ANIMALS LEGISLATION (ANIMAL WELFARE) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Theo Theophanous) moved, That the Bill be now read a second time.  
Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.  
On the motion of the Honourable Philip Davis, the debate was adjourned until the next day of meeting.

**12 ELECTORAL (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Justin Madden) moved, That the Bill be now read a second time.

Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.

On the motion of the Honourable Philip Davis (for the Honourable C.A. Strong), the debate was adjourned until the next day of meeting.

**13 EXTRACTIVE INDUSTRIES DEVELOPMENT (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**14 VICTORIAN CURRICULUM AND ASSESSMENT AUTHORITY (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Business having been interrupted at 2.02 p.m. pursuant to Sessional Order 6 —*

**15 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

**16 VICTORIAN CURRICULUM AND ASSESSMENT AUTHORITY (AMENDMENT) BILL** — Debate continued on the question, That the Bill be now read a second time.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**17 ADJOURNMENT** — The Honourable Theo Theophanous moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 4.09 p.m., adjourned until Tuesday, 18 November 2003.

W.R.TUNNECLIFFE  
*Clerk of the Legislative Council*

# LEGISLATIVE COUNCIL OF VICTORIA

## MINUTES OF THE PROCEEDINGS Nos. 42, 43 and 44

### No. 42 — Tuesday, 18 November 2003

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 11 November 2003, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:
  - Aerodrome Landing Fees Act*
  - Cemeteries and Crematoria Act*
  - Child Employment Act*
  - Education (Workplace Learning) Act*
  - Education Legislation (Miscellaneous Amendments) Act*
  - Extractive Industries Development (Amendment) Act*
  - Port Services (Port Management Reform) Act*
  - Royal Botanic Gardens (Amendment) Act*
  - Scots' Church Properties (Amendment) Act*
  - Victorian Curriculum and Assessment Authority (Amendment) Act*
  - Victorian Qualifications Authority (Amendment) Act*
  - Water Legislation (Amendment) Act.*
- 3 **FAIR TRADING (FURTHER AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Fair Trading Act 1999 to further regulate telephone marketing agreements and to improve the operation of that Act, to amend the Fair Trading (Amendment) Act 2003 in relation to implied conditions and warranties and to amend the Co-operatives Act 1996, the Electricity Industry Act 2000, the Gas Industry Act 2001 and other Acts and for other purposes* and desiring the concurrence of the Council.

On the motion of Mr John Lenders, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 4 **PROFESSIONAL STANDARDS BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to provide for the limitation of liability of members of occupational associations in certain circumstances and to facilitate improvement in the standards of services provided by those members and for other purposes* and desiring the concurrence of the Council.

On the motion of Mr John Lenders, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 5 **STATE TAXATION ACTS (FURTHER MISCELLANEOUS AMENDMENTS) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to make further miscellaneous amendments to the Duties Act 2000, the Taxation Administration Act 1997, the Land Tax Act 1958 and the First Home Owner Grant Act 2000 and for other purposes* and desiring the concurrence of the Council.

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

- 6 ROAD SAFETY (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Road Safety Act 1986, the Transport Act 1983, the Marine Act 1988, the Accident Compensation Act 1985, the Transport Accident Act 1986, the Melbourne City Link Act 1995 and the Road Safety (Responsible Driving) Act 2002, to make consequential amendments to the Magistrates' Court Act 1989 and for other purposes* and desiring the concurrence of the Council.

On the motion of Ms Candy Broad, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 7 ACCIDENT COMPENSATION AND TRANSPORT ACCIDENT ACTS (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Accident Compensation Act 1985, the Accident Compensation (WorkCover Insurance) Act 1993 and the Transport Accident Act 1986 and for other purposes* and desiring the concurrence of the Council.

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

- 8 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

- 9 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Sessional Order 9.

**10 PAPERS —**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — The Honourable Lidia Argondizzo presented Alert Digest No. 9 of 2003 from the Scrutiny of Acts and Regulations Committee, together with Appendices.

Ordered to lie on the Table and to be printed.

\* \* \* \*

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

Alpine Resorts Co-ordinating Council — Minister for Environment's report of receipt of the 2002-03 report.

Budget Sector — Quarterly Financial Report No. 1 for the period ended 30 September 2003.

Crown Land (Reserves) Act 1978 — Minister's Order of 23 October 2003 giving approval for the granting of a licence at Watery Gully Creek Reserve.

Health Services Act 1988 — Report of Community Visitors for 2002-03.

Housing Guarantee Fund Ltd and Domestic Building (HH) Indemnity Fund — Report, 2002-03.

Optometrists Registration Board — Minister for Health's report of receipt of the 2002-03 report.

Planning and Environment Act 1987 —

Notices of Approval of the following amendments to planning schemes:

Ararat Planning Scheme — Amendment C5.

Bayside Planning Scheme — Amendment C34.

Boroondara Planning Scheme — Amendments C29 and 53.

Brimbank Planning Scheme — Amendment C57.

Dandenong — Greater Dandenong Planning Scheme — Amendment C24.

Planning and Environment Act 1987 — *continued*

Frankston Planning Scheme — Amendment C27.

La Trobe Planning Scheme — Amendment C15.

Maroondah Planning Scheme — Amendments C16 and C35.

Melbourne Planning Scheme — Amendment C84.

Monash Planning Scheme — Amendment C31.

Moorabool Planning Scheme — Amendment C27.

Moreland Planning Scheme — Amendment C36.

Mornington Peninsula Planning Scheme — Amendment C45.

Shepparton — Greater Shepparton Planning Scheme — Amendment C25.

Wangaratta Planning Scheme — Amendment C11 (Part 2).

Wodonga Planning Scheme — Amendment C23.

Yarra Planning Scheme — Amendment C20.

Urban Growth Boundary — Notices of Approval of the following amendments to planning schemes:

Cardinia Planning Scheme — Amendment C55.

Casey Planning Scheme — Amendment C70.

Frankston Planning Scheme — Amendment C29.

Dandenong — Greater Dandenong Planning Scheme — Amendment C53.

Hume Planning Scheme — Amendment C48.

Kingston Planning Scheme — Amendment C38.

Knox Planning Scheme — Amendment C41.

Melton Planning Scheme — Amendment C41.

Mornington Peninsula Planning Scheme — Amendment C57.

Nillumbik Planning Scheme — Amendment C27.

Whittlesea Planning Scheme — Amendment C63.

Wyndham Planning Scheme — Amendment C62.

Yarra Ranges Planning Scheme — Amendment C36.

Public Employment Office — Report, 2002-03.

State Trustees Limited — Report, 2002-03 (two papers).

Statutory Rules under the following Acts of Parliament:

Associations Incorporation Act 1981 — No. 128.

Business Names Act 1962 — No. 127.

Country Fire Authority Act 1958 — No. 130.

Estate Agents Act 1980 — No. 126.

Evidence Act 1958 — No. 131.

Magistrates' Court Act 1989 — No. 132.

Metropolitan Fire Brigades Act 1958 — No. 129.

Motor Car Traders Act 1986 — No. 125.

Travel Agents Act 1986 — No. 124.

Subordinate Legislation Act 1994 — Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 124 to 132.

Victorian Relief Committee — Report, 2002-03.

\* \* \* \*

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

Seafood Safety Act 2003 — Part 3 (except sections 9, 17 and 18) and section 60 — 13 November 2003; sections 9, 17, 18, 23, 27 to 58, 64(5) and 92 — 1 January 2004 (*Gazette No. G46, 13 November 2003*).

**11 EMERALD TOURIST RAILWAY (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.



Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 12 RESIDENTIAL TENANCIES (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 13 ELECTORAL (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 14 CRIMES (STALKING) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Crimes Act 1958 with respect to the offence of stalking and for other purposes* and desiring the concurrence of the Council.

On the motion of Mr John Lenders (for the Honourable Justin Madden), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 15 TRANSPORT (RIGHTS AND RESPONSIBILITIES) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Transport Act 1983 and the Road Safety Act 1986 and for other purposes* and desiring the concurrence of the Council.

On the motion of Mr John Lenders (for Ms Candy Broad), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 16 ADJOURNMENT** — Mr John Lenders moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 10.11 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
Clerk of the Legislative Council

## No. 43 — Wednesday, 19 November 2003

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

- 2 **PETITION — KEW INTERSECTION TRAFFIC HAZARD** — The Honourable Richard Dalla-Riva presented a Petition bearing 164 signatures from certain citizens of Victoria praying that the Victorian Government will recommend the installation of

right-turn arrows on the traffic lights at the intersection of Wrixon Street, Auburn Road and Barkers Road, Kew, as a matter of high priority.

Ordered to lie on the Table.

- 3 PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk:

Auditor-General — Report on Addressing the needs of Victorian prisoners, November 2003.

- 4 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Sessional Order 9.

- 5 BUSINESS POSTPONED** —

Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 4 inclusive, No. 7 and Nos. 9 to 12 inclusive, be postponed until later this day.

Ordered — That the consideration of Notices of Motion, General Business, Nos. 5, 6 and 8 be postponed until the next day of meeting.

- 6 TAFE INSTITUTES** — The Honourable Peter Hall moved, That this House acknowledges that programs, knowledge and skill acquisition are being restricted by the current funding pressures being experienced by both TAFE Institutes and schools.

Debate ensued.

Question — put.

The Council divided.

AYES, 18

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter (*Teller*)  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 The Hon. Peter Hall (*Teller*)  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

NOES, 23

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten (*Teller*)  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen (*Teller*)  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

And so it passed in the negative.

- 7 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03.
- GOVERNMENT CONSULTANTS** — Mr John Lenders having given an answer to a question without notice relating to the engagement of consultants as ministerial advisers —
- The Honourable Bill Forwood moved, That the Minister's answer be taken into consideration on the next day of meeting.
- Question — put and resolved in the affirmative.
- QUESTIONS** — Questions without notice continued.
- 8 ROAD SAFETY (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Ms Candy Broad moved, That the Bill be now read a second time.
- Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.
- On the motion of the Honourable David Koch, the debate was adjourned until the next day of meeting.
- 9 ACCIDENT COMPENSATION AND TRANSPORT ACCIDENT ACTS (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders moved, That the Bill be now read a second time.
- Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.
- On the motion of the Honourable Bill Forwood, the debate was adjourned until later this day.
- 10 PROFESSIONAL STANDARDS BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders moved, That the Bill be now read a second time.
- Mr John Lenders made a statement pursuant to section 85 (5) of the *Constitution Act 1975* on the reasons for altering or varying this section.
- On the motion of the Honourable Philip Davis (for the Honourable C.A. Strong), the debate was adjourned until the next day of meeting.
- 11 STATE TAXATION ACTS (FURTHER MISCELLANEOUS AMENDMENTS) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders moved, That the Bill be now read a second time.
- Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.
- On the motion of the Honourable Philip Davis (for the Honourable Bill Forwood), the debate was adjourned until the next day of meeting.
- 12 FAIR TRADING (FURTHER AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders moved, That the Bill be now read a second time.
- Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.
- On the motion of the Honourable Philip Davis (for the Honourable Andrew Olexander), the debate was adjourned until the next day of meeting.
- 13 CRIMES (STALKING) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden moved, That the Bill be now read a second time.
- Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.

On the motion of the Honourable Philip Davis (for the Honourable C.A. Strong), the debate was adjourned until the next day of meeting.

**14 TRANSPORT (RIGHTS AND RESPONSIBILITIES) BILL** — The Order of the Day having been read for the second reading of this Bill, Ms Candy Broad moved, That the Bill be now read a second time.

Ordered — That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.

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

**15 LOCAL GOVERNMENT (DEMOCRATIC REFORM) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

The Honourable John Vogels moved, as an amendment, That all the words after “That” be omitted with the view of inserting in place thereof “this House refuses to read this Bill a second time until there has been an independent and objective review of the costs and benefits arising from the introduction of proportional representation to multi-member ward municipalities and un-subdivided municipalities”.

Debate ensued.

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

The Council divided.

AYES, 23

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer (*Teller*)  
 Mr Robert Smith (*Teller*)  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 Mr Matt Viney

NOES, 18

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips (*Teller*)  
 The Hon. C.A. Strong (*Teller*)  
 The Hon. John Vogels

And so it was resolved in the affirmative — Amendment negatived.

Question — That the Bill be now read a second time — put and resolved in the affirmative.

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

House in Committee.

Pursuant to Sessional Order 10, the Chair of Committees reported that the Committee had made progress in the Bill.

*Business having been interrupted by the President at 10.00 p.m. pursuant to Sessional Order 10 —*

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

And then the Council, at 10.00 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
Clerk of the Legislative Council

## No. 44 — Thursday, 20 November 2003

1 The President took the Chair and read the Prayer.

2 **PARTNERSHIP (VENTURE CAPITAL FUNDS) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill to *amend the Partnership Act 1958 to provide for the formation of incorporated limited partnerships and for other purposes* and desiring the concurrence of the Council.

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

3 **ANZAC DAY (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill to *amend the Anzac Day Act 1958 to recognise and commemorate service by Australians for their country in all conflicts, including peace-keeping activities, to make other amendments to that Act, to make various consequential amendments to other Acts and for other purposes* and desiring the concurrence of the Council.

On the motion of the Honourable Marsha Thomson, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

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

Auditor-General — Report on the Finances of the State of Victoria, 2002-03, November 2003.

A Statutory Rule under the Fisheries Act 1995 — No. 133.

Victorian Civil and Administrative Tribunal — Report, 2002-03.

Victorian Law Reform Commission — Report on People with Intellectual Disabilities at Risk: A legal framework for Compulsory Care.

5 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Sessional Order 9.

6 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion to take note of Reports and Papers, Nos. 1 to 5 inclusive, be postponed until later this day.

7 **AUDITOR-GENERAL'S REPORT ON VICTORIAN PRISONERS NEEDS** — The Honourable Richard Dalla-Riva moved, That the Council take note of the Auditor General's Report on Addressing the needs of Victorian prisoners, November 2003.

Debate ensued.

Question — put and resolved in the affirmative.

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

- 9 ACCIDENT COMPENSATION AND TRANSPORT ACCIDENT ACTS (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Business having been interrupted at 2.07 p.m. pursuant to Sessional Order 6 —*

- 10 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03.

**PRESIDENT'S RULINGS** — The President having ruled on points of order on an answer to a question without notice given by the Minister for Finance relating to a contract received by AKZ Consulting—

The Honourable Bill Forwood moved, That the rulings of the President in relation to the points of order be taken into consideration on the next day of meeting.

Question — put.

The Council divided.

AYES, 17

The Hon. Bruce Atkinson (*Teller*)  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood (*Teller*)  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong

NOES, 24

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbinis  
 The Hon. Kaye Darveniza (*Teller*)  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney (*Teller*)

And so it passed in the negative.

**QUESTIONS** — Questions without notice continued and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

**11 ACCIDENT COMPENSATION AND TRANSPORT ACCIDENT ACTS (AMENDMENT) BILL** — Debate continued on the question, That the Bill be now read a second time.

Question — put and resolved in the affirmative.

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

House in Committee.

Pursuant to Sessional Order 10, the Chair of Committees reported that the Committee had made progress in the Bill.

*Interruption of business pursuant to Sessional Order 10 —*

The President having interrupted business at 4.00 p.m., the Honourable Marsha Thomson moved, That the sitting be continued.

Question — put and resolved in the affirmative.

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Further consideration of the Bill continued in Committee of the whole.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill with amendments, the House adopted the Report, and the Bill was read a third time and passed.

Ordered — That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with amendments, and desiring their concurrence.

**12 HEALTH LEGISLATION (FURTHER AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend various Acts relating to the registration of health practitioners and the Health Records Act 2001 and the Health Services Act 1988 and to repeal the Pathology Services Accreditation Act 1984 and for other purposes* and desiring the concurrence of the Council.

On the motion of Mr John Lenders (for Mr Gavin Jennings), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**13 FISHERIES (FURTHER AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Fisheries Act 1995, the Confiscation Act 1997 and the Magistrates' Court Act 1989 and for other purposes* and desiring the concurrence of the Council.

On the motion of Mr John Lenders (for the Honourable Theo Theophanous), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**14 FORESTS AND NATIONAL PARKS ACTS (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Forests Act 1958 to provide for supply of hardwood sawlog levels not to exceed total sustainable yield rates and to make amendments to that Act relating to the administration of the Act and regulation-making powers, to amend the Conservation, Forests and Lands Act 1987 to provide for the delegation of certain powers to VicForests, to amend the National Parks Act 1975 to make further provision in relation to the boundaries of certain parks and to make other minor amendments to that Act and the Fisheries Act 1995 and for other purposes* and desiring the concurrence of the Council.

On the motion of Mr John Lenders (for Ms Candy Broad), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**15 ROAD SAFETY (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

House in Committee.

*And having continued to sit until after 12 midnight —*

FRIDAY, 21 NOVEMBER 2003

The Acting President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the House adopted the Report, and the Bill was read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 16 WRONGS AND OTHER ACTS (LAW OF NEGLIGENCE) BILL** — The Acting President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Wrongs Act 1958, the Wrongs and Limitation of Actions Acts (Insurance Reform) Act 2003, the Victorian Managed Insurance Authority Act 1996 and the Building Act 1993 and for other purposes* and desiring the concurrence of the Council.

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

- 17 URBAN GROWTH BOUNDARY — PLANNING SCHEMES AMENDMENTS RATIFICATION** — The Honourable Justin Madden moved, That pursuant to section 46AH of the *Planning and Environment Act 1987*, the following 13 amendments to modify the Urban Growth Boundary be ratified —

Nillumbik Planning Scheme — Amendment C27.

Frankston Planning Scheme — Amendment C29.

Yarra Ranges Planning Scheme — Amendment C36.

Kingston Planning Scheme — Amendment C38.

Knox Planning Scheme — Amendment C41.

Melton Planning Scheme — Amendment C41.

Hume Planning Scheme — Amendment C48.

Greater Dandenong Planning Scheme — Amendment C53.

Cardinia Planning Scheme — Amendment C55.

Mornington Peninsula Planning Scheme — Amendment C57.

Wyndham Planning Scheme — Amendment C62.

Whittlesea Planning Scheme — Amendment C63.

Casey Planning Scheme — Amendment C70.

Debate ensued.

The Honourable David Davis moved, as an amendment, That all the words and expressions after “That” be omitted with the view of inserting in place thereof “the ratification” of the 13 proposed planning scheme amendments modifying the Urban Growth Boundary tabled in this House on 18 November 2003 not be considered until all such amendments have been placed on public exhibition for a minimum period of 4 weeks and that all affected communities have been notified of the proposed changes and provided with an opportunity to comment”.

Debate ensued.

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

The Council divided.



## AYES, 22

The Hon. Lidia Argondizzo  
 The Hon. Helen Buckingham (*Teller*)  
 Ms Elaine Carbines (*Teller*)  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 Mr Matt Viney

## NOES, 16

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Andrew Brideson (*Teller*)  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell (*Teller*)  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. John Vogels

And so it was resolved in the affirmative — Amendment negated.

Question — That pursuant to section 46AH of the Planning and Environment Act 1987, the following 13 amendments to modify the Urban Growth Boundary be ratified —

- Nillumbik Planning Scheme — Amendment C27.
- Frankston Planning Scheme — Amendment C29.
- Yarra Ranges Planning Scheme — Amendment C36.
- Kingston Planning Scheme — Amendment C38.
- Knox Planning Scheme — Amendment C41.
- Melton Planning Scheme — Amendment C41.
- Hume Planning Scheme — Amendment C48.
- Greater Dandenong Planning Scheme — Amendment C53.
- Cardinia Planning Scheme — Amendment C55.
- Mornington Peninsula Planning Scheme — Amendment C57.
- Wyndham Planning Scheme — Amendment C62.
- Whittlesea Planning Scheme — Amendment C63.
- Casey Planning Scheme — Amendment C70.

— put and resolved in the affirmative.

**18 ADJOURNMENT** — Mr John Lenders moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 9.43 a.m., adjourned until Tuesday next.

W.R. TUNNECLIFFE  
 Clerk of the Legislative Council

# LEGISLATIVE COUNCIL OF VICTORIA

## MINUTES OF THE PROCEEDINGS Nos. 45, 46 and 47

### No. 45 — Tuesday, 25 November 2003

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, this day, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:  
*Electoral (Amendment) Act*  
*Emerald Tourist Railway (Amendment) Act*  
*Residential Tenancies (Amendment) Act*  
*Road Safety (Amendment) Act.*
- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03.
- 4 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Sessional Order 9.
- 5 **GOVERNMENT BUSINESS PROGRAM** — Mr John Lenders moved, That, pursuant to Sessional Order 16, the Orders of the Day, Government Business, relating to the following Bills be considered and completed by 4.00 p.m. on Thursday, 27 November 2003:  
Health Legislation (Further Amendment) Bill  
Forests and National Parks Acts (Amendment) Bill  
Wrongs Partnership (Venture Capital Funds) Bill  
Anzac Day (Amendment) Bill  
Professional Standards Bill  
Transport (Rights and Responsibilities) Bill  
Animals Legislation (Animal Welfare) Bill  
Local Government (Democratic Reform) Bill  
Fair Trading (Further Amendment) Bill.  
Debate ensued.  
Question — put and resolved in the affirmative.
- 6 **PETITIONS** —  
**2030 URBAN GROWTH BOUNDARY** — Mr Johan Scheffer presented a Petition bearing 3 signatures from certain citizens of Victoria requesting that the Legislative Council not ratify the amendment to the Urban Growth Boundary of Amendment C27 of the Nillumbik Planning Scheme until further investigations of the Planning Scheme are conducted and their properties are equitably included within the Urban Growth Boundary borders.  
Ordered to lie on the Table.

**MULTI PURPOSE TAXI PROGRAM** — The Honourable Peter Hall presented a Petition bearing 956 signatures from certain citizens of Victoria requesting that the Legislative Council not support the introduction of a financial cap to the Multi Purpose Taxi Program and that any proposed changes be delayed until full and proper consultation has been held with stakeholders, including the taxi industry, to consider other options for the efficient operation of the program, so that the special circumstances and needs of the elderly and disabled in rural Victoria are fully considered.

Ordered to lie on the Table.

\* \* \* \*

**HEAVY VEHICLE DIVERSION, CLAYTON** — The Honourable Andrew Brideson presented a Petition bearing 153 signatures from certain citizens of Victoria praying that the Victorian Government take immediate action to direct all heavy vehicles, including semi trailers, tip trucks, B-doubles, tankers and vans using Clayton Road through the Clayton Shopping Centre to Westall Road, Clayton South.

Ordered to lie on the Table.

## 7 PAPERS —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — REGULATIONS ANNUAL REVIEW** — The Honourable Lidia Argondizzo presented the Annual Review 2002 from the Scrutiny of Acts and Regulations Committee on Regulations 2002, together with Appendices.

Ordered to lie on the Table and to be printed.

\* \* \* \*

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

Beaufort and Skipton Health Service —

Minister for Health's report of failure to submit 2002-03 report within the prescribed period and the reasons therefor.

Report, 2002-03.

Crown Land (Reserves) Act 1978 — Minister's Order of 23 October 2003 giving approval for the granting of a lease at Queens Park Reserve, Moonee Valley.

Dunmunkle Health Services —

Minister for Health's report of failure to submit 2002-03 report within the prescribed period and the reasons therefor.

Minister for Health's report of receipt of the 2002-03 report.

East Grampians Health Service —

Minister for Health's report of failure to submit 2002-03 report within the prescribed period and the reasons therefor.

Report, 2002-03.

Edenhope and District Memorial Hospital —

Minister for Health's report of failure to submit 2002-03 report within the prescribed period and the reasons therefor.

Report, 2002-03.

Falls Creek Alpine Resort Management Board — Report for the year ended 31 October 2002.

First Mildura Irrigation Trust — Minister for Water's report of failure to submit 2002-03 report within the prescribed period.

Footy Consortium Pty Ltd — Report, 2002-03.

Kerang District Health —

Minister for Health's report of failure to submit 2002-03 report within the prescribed period and the reasons therefor.

Report, 2002-03.

Latrobe Regional Hospital —

Minister for Health's report of failure to submit 2002-03 report within the prescribed period and the reasons therefor.

Report, 2002-03.

Pathology Services Accreditation Board — Minister for Health's report of receipt of the 2000-01 and 2001-02 reports.

Planning and Environment Act 1987—

Notices of Approval of the following amendments to planning schemes:

Ballarat Planning Scheme — Amendment C48.

Baw Baw Planning Scheme — Amendment C22.

Darebin Planning Scheme — Amendment C48.

Geelong — Greater Geelong Planning Scheme — Amendment C85.

Hobsons Bay Planning Scheme — Amendment C40.

Melton Planning Scheme — Amendment C48.

South Gippsland Planning Scheme — Amendment C16.

Wyndham Planning Scheme — Amendment C53.

Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan — Amendment No. 116.

South Gippsland Hospital —

Minister for Health's report of failure to submit 2002-03 report within the prescribed period and the reasons therefor.

Minister for Health's report of receipt of the 2002-03 report.

Stawell Regional Health —

Minister for Health's report of failure to submit 2002-03 report within the prescribed period and the reasons therefor.

Report, 2002-03 (two papers).

Tallangatta Health Service —

Minister for Health's report of failure to submit the 2002-03 report within the prescribed period and the reasons therefor.

Report, 2002-03 (two papers).

Tattersall's Club Keno Pty Ltd — Report, 2002-03.

Water Act 1989 — Diamond Creek Water Supply Protection Area Stream Flow Management Plan 2003.

Western District Health Service —

Minister for Health's report of failure to submit 2002-03 report within the prescribed period and the reasons therefor.

Report, 2002-03.

West Gippsland Healthcare Group —

Minister for Health's report of failure to submit 2002-03 report within the prescribed period and the reasons therefor.

Report, 2002-03.

Wimmera Health Care Group —

Minister for Health's report of failure to submit 2002-03 report within the prescribed period and the reasons therefor.

Report, 2002-03.

- 8 HEALTH LEGISLATION (FURTHER AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for Mr Gavin Jennings) moved, That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

Mr John Lenders (for Mr Gavin Jennings) moved, That the Bill be now read a second time.

On the motion of the Honourable Philip Davis (for the Honourable David Davis), the debate was adjourned until the next day of meeting.

- 9 FORESTS AND NATIONAL PARKS ACTS (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for Ms Candy Broad) moved, That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

Mr John Lenders (for Ms Candy Broad) moved, That the Bill be now read a second time.

On the motion of the Honourable Graeme Stoney the debate was adjourned until later this day.

- 10 WRONGS AND OTHER ACTS (LAW OF NEGLIGENCE) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders moved, That the Bill be now read a second time.

Mr John Lenders made a statement pursuant to section 85 (5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

On the motion of the Honourable C.A. Strong, the debate was adjourned until the next day of meeting.

- 11 PARTNERSHIP (VENTURE CAPITAL FUNDS) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders moved, That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Andrew Olexander, the debate was adjourned until later this day.

- 12 ANZAC DAY (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Marsha Thomson moved, That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Marsha Thomson moved, That the Bill be now read a second time.

On the motion of the Honourable Bruce Atkinson, the debate was adjourned until later this day.

- 13 FISHERIES (FURTHER AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Marsha Thomson (for the Honourable Theo Theophanous) moved, That the Bill be now read a second time.

The Honourable Marsha Thomson made a statement pursuant to section 85 (5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

On the motion of the Honourable Philip Davis, the debate was adjourned until the next day of meeting.

- 14 PROFESSIONAL STANDARDS BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 15 TRANSPORT (RIGHTS AND RESPONSIBILITIES) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 16 PARTNERSHIP (VENTURE CAPITAL FUNDS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 17 ROAD SAFETY (DRUG DRIVING) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Road Safety Act 1986 to provide for random drug testing for drivers and create new offences for failing a drug test and for other purposes* and desiring the concurrence of the Council.

On the motion of the Honourable Marsha Thomson (for Ms Candy Broad), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 18 SHOP TRADING REFORM (SIMPLIFICATION) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Shop Trading Reform Act 1996 to simplify the management and enforcement of shop trading in Victoria and for other purposes* and desiring the concurrence of the Council.

On the motion of the Honourable Marsha Thomson, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 19 FIREARMS (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Firearms Act 1996 and for other purposes* and desiring the concurrence of the Council.

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 20 ADJOURNMENT** — The President proposed the question, That the House do now adjourn.

Debate ensued.

And then the Council, at 10.36 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
Clerk of the Legislative Council

## No. 46 — Wednesday, 26 November 2003

- 1 The President took the Chair and read the Prayer.
- 2 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:
  - Auditor-General — Report on Public Sector Agencies: Results of special reviews and 30 June 2003 financial statement audits, November 2003.
  - Consumer Affairs Victoria — Report, 2002-03.
  - Statutory Rules under the following Acts of Parliament:
    - Cemeteries Act 1958 — No. 134.
    - Road Safety Act 1986 — Nos. 135 and 136.
    - Subordinate Legislation Act 1994 — No. 137.
- 3 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Sessional Order 9.
- 4 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 11 inclusive, be postponed until the next day of meeting.
- 5 **BUSINESS RECYCLING FACILITIES** — The Honourable Richard Dalla-Riva moved, That this House expresses its concern at the crisis in business recycling facilities in Victoria and calls on the Government to take urgent and immediate action to assist and require local governments to provide business recycling in their area.

Debate ensued.

Question — put.

The Council divided.

AYES, 17

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden (*Teller*)  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum (*Teller*)  
 The Hon. Bill Forwood  
 The Hon. Peter Hall  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong

NOES, 23

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen (*Teller*)  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith

Mr Adem Somyurek (*Teller*)  
The Hon. Marsha Thomson  
Mr Matt Viney

And so it passed in the negative.

- 6 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.
- 7 BUSINESS POSTPONED** — Ordered — That the consideration of the Notice of Motion, Government Business, be postponed until the next day of meeting.
- 8 SHOP TRADING REFORM (SIMPLIFICATION) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Marsha Thomson moved, That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Marsha Thomson moved, That the Bill be now read a second time.

On the motion of the Honourable Bruce Atkinson the debate was adjourned until the next day of meeting.

- 9 FIREARMS (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden moved, That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Justin Madden moved, That the Bill be now read a second time.

On the motion of the Honourable Richard Dalla-Riva, the debate was adjourned until the next day of meeting.

- 10 ROAD SAFETY (DRUG DRIVING) BILL** — The Order of the Day having been read for the second reading of this Bill, Ms Candy Broad moved, That the Bill be now read a second time.

Ms Candy Broad made a statement pursuant to section 85 (5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

On the motion of the Honourable Andrea Coote (for the Honourable David Koch), the debate was adjourned until the next day of meeting.

- 11 ANZAC DAY (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 12 OMBUDSMAN** — The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the following resolution and desiring the concurrence of the Council:

Governor —

We the Legislative Assembly of Victoria, in Parliament assembled, with the concurrence of the Legislative Council of Victoria, pray that the Governor in Council will be pleased to exercise the authority vested in the Governor in Council by section 3(5)(b) of the *Ombudsman Act 1973*, by removing Barry William Perry from his office as Ombudsman as a result of his invalidity.

Ordered — That the Message be now taken into consideration.



Mr Gavin Jennings moved, That the Council concur with the Assembly and agree to the said resolution.

Question — put and resolved in the affirmative.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have concurred with the Assembly and have agreed to the said resolution.

- 13 FORESTS AND NATIONAL PARKS ACTS (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 14 CRIMES (MONEY LAUNDERING) BILL** — The Acting President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Crimes Act 1958, the Confiscation Act 1997 and the Surveillance Devices Act 1999 and for other purposes* and desiring the concurrence of the Council.

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 15 ACCIDENT COMPENSATION AND TRANSPORT ACCIDENT ACTS (AMENDMENT) BILL** — The Acting President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the amendments made by the Council in this Bill.

- 16 WRONGS AND OTHER ACTS (LAW OF NEGLIGENCE) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the House adopted the Report, and the Bill was read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

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

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 11.07 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
Clerk of the Legislative Council

## No. 47 — Thursday, 27 November 2003

1 The President took the Chair and read the Prayer.

2 **BUSINESS OF THE COUNCIL** — Mr John Lenders moved, That —

(a) the Council, at its rising, adjourn until Tuesday, 2 December 2003 at 9.30 a.m.

(b) Sessional Orders 2 and 5 be suspended to the extent necessary to enable General Business to take precedence of all other business for 2 hours following Members' Statements, during the sitting of the Council on Wednesday, 3 December 2003; and

(c) Sessional Orders 2, 3 and 13 be suspended to the extent necessary to enable Government Business to take precedence of all other business following Members' Statements, excluding questions, during the sitting of the Council on Thursday, 4 December 2003.

Question — put and resolved in the affirmative.

3 **PETITIONS** —

**PUBLIC LIABILITY INSURANCE** — The Honourable Ron Bowden presented a Petition bearing 1,960 signatures from certain citizens of Victoria requesting that the Victorian Government legislate to provide suitable and affordable public liability insurance cover to help protect community sporting bodies from excessive insurance premiums.

Ordered to lie on the Table.

\* \* \* \*

**FAIR TRADING (FURTHER AMENDMENT) BILL** — The Honourable Andrew Olexander presented a Petition bearing 115 signatures from certain citizens of Victoria praying that the Government —

(i) reconsider the telemarketing provisions of the Fair Trading (Further Amendment) Bill 2003 in view of likely job and investment impacts;

(ii) conduct a Regulatory Impact Review as required under the National Competition Policy regulations; and

(iii) consider the negative impact on Victoria of acting unilaterally in what is clearly a national area of responsibility.

Ordered to lie on the Table.

\* \* \* \*

**MULTI PURPOSE TAXI PROGRAM** — The Honourables Peter Hall and Barry Bishop each presented Petitions bearing 138 and 1,344 signatures, respectively, from certain citizens of Victoria requesting that the Legislative Council not support the introduction of a financial cap to the Multi Purpose Taxi Program and that any proposed changes be delayed until full and proper consultation has been held with stakeholders, including the taxi industry, to consider other options for the efficient operation of the program, so that the special circumstances and needs of the elderly and disabled in rural Victoria are fully considered.

Severally ordered to lie on the Table.

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

Alexandra District Hospital — Report, 2002-03 (two papers).

Boort District Hospital — Report, 2002-03.

Coleraine District Hospital — Report, 2002-03 (three papers).

East Wimmera Health Service —

Minister for Health's report of failure to submit 2002-03 report within the prescribed period and the reasons therefor.

Report, 2002-03.

Freedom of Information Act 1982 — Report of the Attorney-General on the operation of the Act, 2002-03.

Health Services Commissioner — Report, 2002-03.

Hesse Rural Health Service — Report, 2002-03.

Inglewood and District Health Service — Report, 2002-03.

Lorne Community Hospital — Report, 2002-03.

Maldon Hospital — Report, 2002-03.

Manangatang and District Hospital — Report, 2002-03.

Mclvor Health and Community Services — Report, 2002-03.

Melbourne Health — Report, 2002-03.

Members of Parliament (Register of Interests) Act 1978 — Summary of Variations notified between 1 October 2003 and 26 November 2003.

Nathalia District Hospital — Report, 2002-03.

Omeo District Hospital — Report, 2002-03 (two papers).

Osteopaths Registration Board of Victoria — Report, 2002-03.

Otway Health and Community Services — Report, 2002-03.

Parliamentary Committees Act 1968 — Minister's response to recommendations in Environment and Natural Resources Committee's Inquiry into Veterinary Pathology Services.

Physiotherapists Registration Board of Victoria — Report, 2002-03.

Podiatrists Registration Board of Victoria — Report, 2002-03.

Robinvale District Health Services —

Minister for Health's report of failure to submit 2002-03 report within the prescribed period and the reasons therefor.

Report, 2002-03.

South West Healthcare — Report, 2002-03.

Subordinate Legislation Act 1994 — Minister's exemption certificates under section 9(6) in respect of Statutory Rule Nos. 136 and 137.

Timboon and District Healthcare Service — Report, 2002-03.

Tweddle Child and Family Health Service — Report, 2002-03 (two papers).

Victoria Grants Commission — Report for the year ended 31 August 2003.

VITS LanguageLink — Premier's report of receipt of 2002-03 report.

Yea and District Memorial Hospital — Report, 2002-03.

**5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Sessional Order 9.

**6 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion to take note of Reports and Papers, Nos. 1 to 5 inclusive, be postponed until later this day.

**7 AUDITOR-GENERAL'S REPORT ON VICTORIA'S FINANCES, 2002-03** — The Honourable Bill Forwood moved, That the Council take note of the Auditor-General's Report on the Finances of the State of Victoria, 2002-03, November 2003.

Debate ensued.

Question — put and resolved in the affirmative.

**8 BUSINESS POSTPONED** — Ordered — That the consideration of the Notice of Motion, Government Business, be postponed until the next day of meeting.

- 9 CRIMES (MONEY LAUNDERING) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Marsha Thomson (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 30, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Marsha Thomson (for the Honourable Justin Madden) moved, That the Bill be now read a second time.

On the motion of the Honourable Graeme Stoney (for the Honourable C.A. Strong), the debate was adjourned until the next day of meeting.

- 10 HEALTH LEGISLATION (FURTHER AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the House adopted the Report, and the Bill was read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 11 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

- 12 FAIR TRADING (FURTHER AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

The Honourable Andrew Olexander moved, as an amendment, That all the words after “That” be omitted with the view of inserting in place thereof “this House refuses to read this Bill a second time until there has been an independent cost-benefit analysis of the Bill’s impact on employment and investment in regional Victoria and until further consultation on employment and investment loss is undertaken with workers and businesses in this sector of the economy”.

Debate ensued.

*Business having been interrupted by the Acting President at 4.00 p.m. pursuant to Sessional Order 23 (a) —*

The Honourable Theo Theophanous moved, That, pursuant to Sessional Order 23(a) the sitting be extended to complete the unfinished Government Business Program determined on 25 November 2003.

Question — put and resolved in the affirmative.

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Debate continued on the question, That the Bill be now read a second time and on the reasoned amendment, That all the words after “That” be omitted with the view of inserting in place thereof “this House refuses to read this Bill a second time until there has been an independent cost-benefit analysis of the Bill’s impact on employment and investment in regional Victoria and until further consultation on employment and investment loss is undertaken with workers and businesses in this sector of the economy.”

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

The Council divided.

AYES, 23

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren (*Teller*)  
 Ms Dianne Hadden (*Teller*)  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

NOES, 18

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander (*Teller*)  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong (*Teller*)

And so it was resolved in the affirmative — Amendment negatived.

Question — That the Bill be now read a second time — put and resolved in the affirmative.

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

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the House adopted the Report, and the Bill was read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 13 GAMBLING REGULATION BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to re-enact and consolidate the law relating to various forms of gambling, to establish a Victorian Commission for Gambling Regulation, to amend the Casino Control Act 1991 and other Acts, to repeal 8 Acts relating to gambling and for other purposes* and desiring the concurrence of the Council.

On the motion of Mr John Lenders (for the Honourable Justin Madden), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**14 PARLIAMENTARY COMMITTEES BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to establish certain parliamentary committees, to set out the functions, powers and procedures of certain parliamentary committees and to repeal the Parliamentary Committees Act 1968 and for other purposes* and desiring the concurrence of the Council.

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

**15 BUSINESS OF THE HOUSE** — Mr John Lenders moved, by leave, That Sessional Order 23(a) be suspended as necessary to enable the sitting of the Council to continue beyond 10.00 p.m. this day to enable the completion of the Government Business Program determined on 25 November 2003.

Question — put and resolved in the affirmative.

**16 ANIMALS LEGISLATION (ANIMAL WELFARE) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

The Honourable Philip Davis moved, as an amendment, That all the words after “That” be omitted with the view of inserting in place thereof “this House refuses to read this Bill a second time until key stakeholders have been consulted concerning the importance of provisions prohibiting and regulating activities and procedures dealing with animal welfare to be dealt with by statute rather than by regulation”.

Debate ensued.

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

AYES, 23

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton (*Teller*)  
 Ms Carolyn Hirsh  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos (*Teller*)  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

NOES, 18

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva (*Teller*)  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips (*Teller*)  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong

And so it was resolved in the affirmative — Amendment negated.

Question — That the Bill be now read a second time — put and resolved in the affirmative.

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

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the House adopted the Report, and the Bill was read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 17 BUSINESS OF THE HOUSE** — Mr John Lenders moved, by leave, That Sessional Order 23(c) be suspended as necessary to now require the Chair to put all relevant questions at 10.45 pm this day in accordance with Sessional Orders 19, 20 and 21 for the purpose of bringing to conclusion the Government Business Program determined on 25 November 2003.

Question — put and resolved in the affirmative.

- 18 LOCAL GOVERNMENT (DEMOCRATIC REFORM) BILL** — The Order of the Day having been read for the further consideration of this Bill in Committee of the whole, the President left the Chair.

House in Committee.

*Business having been interrupted by the Chair of Committees at 10.45 p.m. pursuant to the resolution of the House this day —*

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the House adopted the report, and the Bill was read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 19 ADJOURNMENT** — Mr John Lenders moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 10.58 p.m., adjourned until Tuesday next at 9.30 am.

W.R.TUNNECLIFFE  
*Clerk of the Legislative Council*

# LEGISLATIVE COUNCIL OF VICTORIA

## MINUTES OF THE PROCEEDINGS Nos. 48, 49 and 50

### No. 48 — Tuesday, 2 December 2003

- 1 The President took the Chair and read the Prayer.
- 2 **GOVERNMENT BUSINESS PROGRAM** — Mr Gavin Jennings moved, That, pursuant to Sessional Order 16, the Notice of Motion, Government Business relating to the approval of Amendment No. 116 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan and the Orders of the Day, Government Business, relating to the following Bills be considered and completed by 4.00 p.m. on Thursday, 4 December 2003:

- Gambling Regulation Bill
- Parliamentary Committees Bill
- Crimes (Stalking) Bill
- Road Safety (Drug Driving) Bill
- Crimes (Money Laundering) Bill
- Shop Trading Reform (Simplification) Bill
- State Taxation Acts (Further Miscellaneous Amendments) Bill
- Fisheries (Further Amendment) Bill
- Firearms (Amendment) Bill.

Debate ensued.

Question — put and resolved in the affirmative.

- 3 **PAPERS** —

**SUPREME COURT JUDGES** — The Honourable Justin Madden presented, by command of the Governor, the Report of the Supreme Court Judges for the year 2002.

Ordered to lie on the Table.

\* \* \* \*

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

Food Safety Council — Report, 2002-03.

Health Purchasing Victoria — Report, 2002-03.

Mental Health Review Board — Report, 2002-03.

Parliamentary Committees Act 1968 — Treasurer's interim responses to recommendations of Public Accounts and Estimates Committee's reports on 2000-01 Budget Outcomes and 2002-03 Budget Estimates.

Pharmacy Board of Victoria — Report, 2002-03.

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

Banyule Planning Scheme — Amendment C41.

Casey Planning Scheme — Amendment C47.

Hume Planning Scheme — Amendment C19 (Part 1).



Planning and Environment Act 1987 — *continued*

Macedon Ranges Planning Scheme — Amendment C27.

Mount Alexander Planning Scheme — Amendment C21.

Nillumbik Planning Scheme — Amendment C9.

Shepparton — Greater Shepparton Planning Scheme — Amendment C11.

Victoria Planning Provisions — Amendment VC22.

Warnambool Planning Scheme — Amendment C19.

Psychosurgery Review Board — Report, 2002-03.

Statutory Rules under the following Acts of Parliament:

Building Act 1993 — No. 140.

County Court Act 1958 — No. 138.

Police Regulation Act 1958 — No. 139.

Public Records Act 1973 — No. 141.

Subordinate Legislation Act 1994 —

Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 138.

Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 134.

Surveyors Board of Victoria — Minister for Planning's report of receipt of the 2002-03 report.

Urban and Regional Land Corporation — Report for the period ended 31 July 2003.

**4 BUSINESS POSTPONED** — Ordered — That the consideration of the Notice of Motion, Government Business, be postponed until the next day of meeting.

**5 GAMBLING REGULATION BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden moved, That the Bill be now read a second time.

The Honourable Justin Madden made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

On the motion of the Honourable David Davis, the debate was adjourned until the next day of meeting.

**6 PARLIAMENTARY COMMITTEES BILL** — The Order of the Day having been read for the second reading of this Bill, Mr Gavin Jennings (for Mr John Lenders) moved, That the Bill be now read a second time.

Mr Gavin Jennings made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

On the motion of the Honourable Andrew Brideson, the debate was adjourned until later this day.

**7 CRIMES (STALKING) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put.

The Council divided.

AYES, 24

The Hon. Lidia Argondizzo

Ms Candy Broad

The Hon. Helen Buckingham

Ms Elaine Carbines

NOES, 18

The Hon. Bruce Atkinson (*Teller*)

The Hon. W.R. Baxter (*Teller*)

The Hon. Barry Bishop

The Hon. Ron Bowden

The Hon. Kaye Darveniza  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh (*Teller*)  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos (*Teller*)  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong

And so it was resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 8 ROAD SAFETY (DRUG DRIVING) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Business having been interrupted at 2.02 p.m. pursuant to Sessional Order 6 —*

- 9 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

- 10 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Sessional Order 9.

- 11 ROAD SAFETY (DRUG DRIVING) BILL** — Debate continued on the question, That the Bill be now read a second time.

Question — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 12 CRIMES (MONEY LAUNDERING) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 13 SHOP TRADING REFORM (SIMPLIFICATION) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 14 PARLIAMENTARY COMMITTEES BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 15 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 7 and 8, be postponed until later this day.

- 16 FIREARMS (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Business having been interrupted by the President at 10.00 pm pursuant to Sessional Order 10 —*

- 17 ADJOURNMENT** — The President proposed the question, That the House do now adjourn.

Debate ensued.

And then the Council, at 10.31 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
Clerk of the Legislative Council

## No. 49 — Wednesday, 3 December 2003

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 2 December 2003, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:
  - Accident Compensation and Transport Accident Acts (Amendment) Act*
  - Anzac Day (Amendment) Act*
  - Forests and National Parks Acts (Amendment) Act*
  - Health Legislation (Further Amendment) Act*
  - Partnership (Venture Capital Funds) Act*
  - Professional Standards Act*
  - Transport (Rights and Responsibilities) Act*
  - Wrongs and Other Acts (Law of Negligence) Act.*

**3 PETITIONS —**

**ACCOMMODATION AND SUPPORT SERVICES FOR YOUNG PEOPLE WITH DISABILITIES** — Ms Dianne Hadden presented a Petition bearing 453 signatures from certain citizens of Victoria praying that a house or other appropriate and suitable accommodation, together with the appropriate support services to meet emotional, social, educational and physical needs, be provided for young disabled people presently living in aged care facilities in the Grampians Region.

Ordered to lie on the Table.

\* \* \* \*

**PALLIATIVE CARE, OUTER EASTERN SUBURBS** — The Honourable David Davis (for the Honourable Andrew Olexander) presented a Petition bearing 2,309 signatures from certain citizens of Victoria praying that the Victorian Government recognise the needs of patients requiring palliative care and provide a palliative care hospice and adequate in-patient palliative care services in Melbourne's outer east.

Ordered to lie on the Table.

\* \* \* \*

**MULTI PURPOSE TAXI PROGRAM** — The Honourables Peter Hall, Barry Bishop, and Damian Drum and Ms Dianne Hadden each presented Petitions bearing 133, 123, 572 and 143 signatures, respectively, from certain citizens of Victoria requesting that the Legislative Council not support the introduction of a financial cap to the Multi Purpose Taxi Program and that any proposed changes be delayed until full and proper consultation has been held with stakeholders, including the taxi industry, to consider other options for the efficient operation of the program, so that the special circumstances and needs of the elderly and disabled in rural Victoria are fully considered.

Severally ordered to lie on the Table.

\* \* \* \*

**SHEPPARTON HOSPITAL PAEDIATRIC BEDS** — The Honourable Wendy Lovell presented a Petition bearing 1,529 signatures from certain citizens of Victoria praying that the Victorian Government and the Board of Goulburn Valley Health fully consult the Goulburn Valley community with a view to seeking community agreement for a modified redevelopment proposal for Shepparton Hospital that would not reduce the number of paediatric beds.

Ordered to lie on the Table.

\* \* \* \*

**WESTERN PORT HIGHWAY** — The Honourable Ron Bowden presented a Petition bearing 214 signatures from certain citizens of Victoria requesting that the Government of Victoria prevent residential subdivision developments and the installation of traffic lights along the Western Port Highway between Dandenong and the Frankston–Cranbourne Road.

Ordered to lie on the Table.

\* \* \* \*

**CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) ENFORCEMENT ACT 1995** — The Honourable Bruce Atkinson presented a Petition bearing 3,272 signatures from certain citizens of Victoria requesting that the Legislative Council amend the Classification (Publications, Films and Computer Games) Enforcement Act 1995 to allow adult films classified X to be sold from restricted premises in Victoria.

Ordered to lie on the Table.

**TENANT SUPPORT PROGRAM** — The Honourable David Davis (for the Honourable Andrew Olexander) presented a Petition bearing 1,716 signatures from certain citizens of Victoria requesting that the Legislative Council support the efforts of the Tenant and Consumer Support Agencies and Specialist Services and move to retain, improve and resource the current State-wide Consumer and Tenant Support Program that has professionally and successfully advocated for all vulnerable tenants and consumers in Victoria at a local level for at least 20 years.

Ordered to lie on the Table.

**4 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Sessional Order 9.

**5 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 12 inclusive, be postponed until later this day.

**6 DISADVANTAGED VICTORIANS** — The Honourable Bill Forwood moved, That this House condemns the State Government for its hard-hearted attack on disadvantaged Victorians, and the organisations which support them.

Debate ensued.

Question — put.

The Council divided.

AYES, 17

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden (*Teller*)  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Gordon Rich-Phillips (*Teller*)  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong

NOES, 23

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten (*Teller*)  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer (*Teller*)  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

And so it passed in the negative.

**7 MINISTERIAL STATEMENT — MINING, EXTRACTIVE AND PETROLEUM INDUSTRIES** — The Honourable Theo Theophanous made a Ministerial Statement in relation to the Challenge for the Mining, Extractive and Petroleum Industries.

The Honourable Theo Theophanous moved, by leave, That the Standing and Sessional Orders be suspended to the extent necessary to enable the lead speakers for the Opposition and Third Party to speak for no more than 20 minutes each on a motion to take note of the Ministerial Statement.

Question — put and resolved in the affirmative.

The Honourable Theo Theophanous moved, by leave, That the Council take note of the Ministerial Statement.

Debate ensued.

Question — put and resolved in the affirmative.

**8 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

**9 BUSINESS POSTPONED** — Ordered — That the consideration of the Notice of Motion, Government Business, be postponed until the next day of meeting.

**10 FISHERIES (FURTHER AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put.

The Council divided.

AYES, 20

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 The Hon. Robert Mitchell (*Teller*)  
 The Hon. Sang Nguyen  
 Mr Noel Pullen (*Teller*)  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 Mr Matt Viney

NOES, 16

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Andrew Brideson (*Teller*)  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva (*Teller*)  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong

And so it was resolved in the affirmative.

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

House in Committee.

The Acting President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the House adopted the Report.

Question — That the Bill be now read a third time — put.  
The Council divided.

AYES, 24

The Hon. Lidia Argondizzo  
Ms Candy Broad  
The Hon. Helen Buckingham  
Ms Elaine Carbines  
The Hon. Kaye Darveniza  
The Hon. John Eren  
Ms Dianne Hadden  
The Hon. Geoff Hilton  
The Hon. Carolyn Hirsh  
Mr Gavin Jennings  
Mr John Lenders  
The Hon. John McQuilten  
The Hon. Justin Madden  
Ms Jenny Mikakos  
The Hon. Robert Mitchell  
The Hon. Sang Nguyen (*Teller*)  
Mr Noel Pullen  
Ms Glenyys Romanes  
Mr Johan Scheffer  
Mr Robert Smith  
Mr Adem Somyurek (*Teller*)  
The Hon. Theo Theophanous  
The Hon. Marsha Thomson  
Mr Matt Viney

NOES, 17

The Hon. Bruce Atkinson  
The Hon. W.R. Baxter  
The Hon. Barry Bishop  
The Hon. Ron Bowden  
The Hon. Andrew Brideson  
The Hon. Andrea Coote  
The Hon. Richard Dalla-Riva  
The Hon. David Davis (*Teller*)  
The Hon. Philip Davis  
The Hon. Damian Drum  
The Hon. Bill Forwood (*Teller*)  
The Hon. Peter Hall  
The Hon. David Koch  
The Hon. Wendy Lovell  
The Hon. Gordon Rich-Phillips  
The Hon. Graeme Stoney  
The Hon. C.A. Strong

And so it was resolved in the affirmative.

Bill read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**11 FIREARMS (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**12 STATE TAXATION ACTS (FURTHER MISCELLANEOUS AMENDMENTS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the House adopted the Report, and the Bill was read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

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

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 10.23 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
Clerk of the Legislative Council

## No. 50 — Thursday, 4 December 2003

1 The President took the Chair and read the Prayer.

2 **PETITION — MULTI PURPOSE TAXI PROGRAM** — Ms Jenny Mikakos presented a Petition bearing 41 signatures from certain citizens of Victoria requesting that the Legislative Council not support the introduction of a financial cap to the Multi Purpose Taxi Program and that any proposed changes be delayed until full and proper consultation has been held with stakeholders, including the taxi industry, to consider other options for the efficient operation of the program, so that the special circumstances and needs of the elderly and disabled in rural Victoria are fully considered.

Ordered to lie on the Table.

3 **PAPERS —**

**MINISTER FOR FINANCE'S RESPONSE TO AUDITOR-GENERAL'S REPORTS** — Mr John Lenders moved, by leave, That there be laid before this House a copy of the Response by the Minister for Finance to the Auditor-General's Reports tabled during 2002-03.

Question — put and resolved in the affirmative.

The said paper was thereupon presented by Mr John Lenders and ordered to lie on the Table.

\* \* \* \*

**PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk:

Budget Sector — Budget Update, 2003-04.

4 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Sessional Order 9.

5 **UPPER YARRA VALLEY AND DANDENONG RANGES REGIONAL STRATEGY PLAN** — The Honourable Justin Madden moved, That pursuant to section 46D(1)(c) of the *Planning and Environment Act 1987*, Amendment No. 116 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan be approved.

Debate ensued.

Question — put and resolved in the affirmative.

6 **GAMBLING REGULATION BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.



The Honourable David Davis moved, as an amendment, That all the words after “That” be omitted with the view of inserting in place thereof “this House refuses to read this Bill a second time until interested stakeholders including pubs and clubs, anti gaming activists and the general public have been genuinely consulted on the appropriate regulation of signage after an independent cost-benefit analysis of the Government’s proposal on signage, the Government’s inappropriate use of the Community Support Fund under current legislation, and the inability of the Government to control or diminish serious individual problems of gambling addiction”.

Debate ensued.

*Business having been interrupted at 2.02 p.m. pursuant to Sessional Order 6 —*

**7 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

**8 GAMBLING REGULATION BILL** — Debate continued on the question, That the Bill be now read a second time and on the reasoned amendment, That all the words after “That” be omitted with the view of inserting in place thereof “this House refuses to read this Bill a second time until interested stakeholders including pubs and clubs, anti gaming activists and the general public have been genuinely consulted on the appropriate regulation of signage after an independent cost-benefit analysis of the Government’s proposal on signage, the Government’s inappropriate use of the Community Support Fund under current legislation, and the inability of the Government to control or diminish serious individual problems of gambling addiction”.

*Business having been interrupted by the President at 4.00 p.m. pursuant to Sessional Order 23(a) —*

The Honourable Marsha Thomson moved, That, pursuant to Sessional Order 23(a) the sitting be extended to complete the unfinished Government Business Program determined on 2 December 2003.

Question — put and resolved in the affirmative.

Debate continued on the question, That the Bill be now read a second time and on the reasoned amendment, That all the words after “That” be omitted with the view of inserting in place thereof “this House refuses to read this Bill a second time until interested stakeholders including pubs and clubs, anti gaming activists and the general public have been genuinely consulted on the appropriate regulation of signage after an independent cost-benefit analysis of the Government’s proposal on signage, the Government’s inappropriate use of the Community Support Fund under current legislation, and the inability of the Government to control or diminish serious individual problems of gambling addiction”.

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

The Council divided.

AYES, 22

The Hon. Lidia Argondizzo  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh

NOES, 16

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis

Mr Gavin Jennings	The Hon. Damian Drum
Mr John Lenders	The Hon. Bill Forwood
The Hon. John McQuilten	The Hon. Peter Hall
The Hon. Justin Madden	The Hon. David Koch ( <i>Teller</i> )
Ms Jenny Mikakos	The Hon. Wendy Lovell ( <i>Teller</i> )
The Hon. Robert Mitchell	The Hon. Gordon Rich-Phillips
Mr Noel Pullen	The Hon. Graeme Stoney
Ms Glenyys Romanes	The Hon. C.A. Strong
Mr Johan Scheffer	
Mr Robert Smith ( <i>Teller</i> )	
Mr Adem Somyurek	
The Hon. Theo Theophanous	
The Hon. Marsha Thomson	
Mr Matt Viney ( <i>Teller</i> )	

And so it was resolved in the affirmative — Amendment negated.

Question — That the Bill be now read a second time — put and resolved in the affirmative.

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

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the House adopted the Report, and the Bill was read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

## 9 PAPERS —

**PREMIER'S DRUG PREVENTION COUNCIL REPORT** — Mr John Lenders moved, by leave, That there be laid before this House a copy of the Premier's Drug Prevention Council Report for the year 2002-03.

Question — put and resolved in the affirmative.

The said report was thereupon presented by Mr John Lenders and ordered to lie on the Table.

\* \* \* \*

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

A Statutory Rule under the Supreme Court Act 1986 — No. 142.

Subordinate Legislation Act 1994 — Ministers' exception certificates under section 8(4) in respect of Statutory Rule Nos. 140 and 142.

**10 ADJOURNMENT** — Mr John Lenders moved, That the Council, at its rising, adjourn until a day and hour to be fixed by the President, which time of meeting will be notified in writing to each Member of the Council.

Debate ensued.

Question — put and resolved in the affirmative.

Mr John Lenders moved, That the House do now adjourn.

Question — put and resolved in the affirmative.

And then the Council, at 5.23 p.m., adjourned until a day and hour to be fixed by the President, which time of meeting will be notified in writing to each Member of the Council.

W.R.TUNNECLIFFE  
*Clerk of the Legislative Council*



## LEGISLATIVE COUNCIL

### MINUTES OF THE PROCEEDINGS Nos. 51 and 52

#### No. 51 — Tuesday, 30 March 2004

- 1 The Council met in accordance with adjournment, the President, pursuant to resolution having fixed this day at 2.00 p.m. as the time of meeting.

The President took the Chair and read the Prayer.

- 2 **THE LATE HONOURABLE SIR RUPERT JAMES HAMER, AC, KCMG, ED** — Mr John Lenders moved, That this House expresses its sincere sorrow at the death, on 23 March 2004, of the Honourable Sir Rupert James Hamer, AC, KCMG, ED, and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a Member of the Legislative Council for the East Yarra Province from 1958 to 1971, Member of the Legislative Assembly for the electoral district of Kew from 1971 to 1981, Minister of Immigration, Assistant Chief Secretary, Assistant Attorney-General from 1962 to 1964, Minister for Local Government from 1964 to 1971, Chief Secretary and Deputy Premier from 1971 to 1972, Premier of Victoria from 1972 to 1981, Treasurer from 1972 to 1979, Minister of the Arts from 1972 to 1979, Minister of State Development, Decentralisation and Tourism from 1979 to 1981, and Minister of Economic Development March 1981.

And other Honourable Members and the President having addressed the House —

The question was put and, Honourable Members signifying their assent by rising in their places, unanimously resolved in the affirmative.

- 3 **THE LATE HONOURABLE VERNON FRANCIS WILCOX, CBE, QC** — Mr John Lenders moved, That this House expresses its sincere sorrow at the death, on 13 March 2004, of the Honourable Vernon Francis Wilcox, CBE, QC, and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a Member of the Legislative Assembly for the electoral district of Camberwell from 1956 to 1976 and as Assistant Chief Secretary, Assistant Attorney-General, and Minister of Immigration from 1964 to 1965, Assistant Attorney-General, Minister of Labour and Industry from 1965 to 1967, Minister of Transport from 1967 to 1973, and Attorney-General from 1973 to 1976.

And other Honourable Members and the President having addressed the House —

The question was put and, Honourable Members signifying their assent by rising in their places, unanimously resolved in the affirmative.

- 4 **ADJOURNMENT** — Mr John Lenders moved, That as a further mark of respect to the memories of the late Honourables Sir Rupert James Hamer, AC, KCMG, ED and Vernon Francis Wilcox, CBE, QC, the House adjourn until tomorrow at 2.00 p.m.

Question — put and resolved in the affirmative.

And then the Council, at 4.52 p.m., adjourned until tomorrow at 2.00 p.m.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 52 — Wednesday, 31 March 2004

- 1 The President took the Chair and read the Prayer.
- 2 **SPANISH TERRORIST ATTACKS** — Mr John Lenders moved, That the Council agree to the following Resolution:  
 We, the Legislative Council of Victoria, offer our deepest and sincere condolences to the families of the victims of the Spanish terrorist bombings, and the survivors of this brutal atrocity, and join the people of Victoria in expressing shock and outrage at this senseless waste of life.  
 Debate ensued.  
 The question was put and, Honourable Members signifying their assent by rising in their places and standing in silence for one minute, unanimously resolved in the affirmative.
- 3 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council —  
 That he had, on 9 December 2003, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:  
*Animals Legislation (Animal Welfare) Act*  
*Crimes (Money Laundering) Act*  
*Crimes (Stalking) Act*  
*Fair Trading (Further Amendment) Act*  
*Firearms (Amendment) Act*  
*Fisheries (Further Amendment) Act*  
*Local Government (Democratic Reform) Act*  
*Parliamentary Committees Act*  
*Road Safety (Drug Driving) Act*  
*Shop Trading Reform (Simplification) Act*  
*State Taxation (Further Miscellaneous Amendments) Act.*  
 That he had, on 16 December 2003, given the Royal Assent to the undermentioned Act presented to him by the Clerk of the Parliaments:  
*Gambling Regulation Act.*
- 4 **WRONGS (REMARRIAGE DISCOUNT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Wrongs Act 1958 with respect to wrongful deaths and for other purposes* and desiring the concurrence of the Council.  
 On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 5 **PUBLIC PROSECUTIONS (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Public Prosecutions Act 1994 to confer an immunity from personal liability in certain circumstances on certain persons performing duties under that Act and for other purposes* and desiring the concurrence of the Council.  
 On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 6 **NURSES (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Nurses Act 1993 to provide for the endorsement of registration of nurses registered in division 2 of the register of nurses kept under that Act and for other purposes* and desiring the concurrence of the Council.

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

- 7 UNCLAIMED MONEYS (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Unclaimed Moneys Act 1962 and for other purposes* and desiring the concurrence of the Council.

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

- 8 GAS INDUSTRY (RESIDUAL PROVISIONS) (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Gas Industry (Residual Provisions) Act 1994 and for other purposes* and desiring the concurrence of the Council.

On the motion of the Honourable Theo Theophanous, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 9 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

- 10 CORRECTION OF BILL TITLES** — Mr John Lenders moved, by leave, That where a Bill has passed through both Houses and any title of the Bill includes a reference to a calendar year earlier than that in which passage of a Bill was completed, the Clerk of the Parliaments be empowered to alter the calendar year reference in the Bill title and any corresponding reference within the Bill itself to accord with the year in which its passage was completed.

Question — put and resolved in the affirmative.

- 11 PETITIONS** —

**MULTI PURPOSE TAXI PROGRAM** — The Honourable Peter Hall presented a Petition bearing 299 signatures from certain citizens of Victoria requesting that the Legislative Council not support the introduction of a financial cap to the Multi Purpose Taxi Program and that any proposed changes be delayed until full and proper consultation has been held with stakeholders, including the taxi industry, to consider other options for the efficient operation of the program, so that the special circumstances and needs of the elderly and disabled in rural Victoria are fully considered.

Ordered to lie on the Table

\* \* \* \* \*

**ACCOMMODATION AND SUPPORT SERVICES FOR YOUNG PEOPLE WITH DISABILITIES** — Ms Dianne Hadden presented a Petition bearing 85 signatures from certain citizens of Victoria praying that a house or other appropriate and suitable accommodation, together with the appropriate support services to meet emotional, social, educational and physical needs, be provided for young disabled people presently living in aged care facilities in the Grampians Region.

Ordered to lie on the Table.

\* \* \* \* \*

**TOXIC WASTE FACILITY, OUYEN** — The Honourable Barry Bishop presented a Petition bearing 190 signatures from certain citizens of Victoria requesting that the Victorian Government abandon its proposal to place a toxic waste facility in the Ouyen area.

Ordered to lie on the Table.

- 12 PAPERS** —

**GARDINER FOUNDATION** — The Honourable Theo Theophanous moved, by leave, That there be laid before this House a copy of the Gardiner Foundation Report for 2002-03.

Question — put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable Theo Theophanous and ordered to lie on the Table.

\* \* \* \* \*

**LAW REFORM COMMITTEE — FORENSIC SAMPLING AND DNA DATABASES —**

Ms Dianne Hadden presented a Report from the Law Reform Committee on Forensic Sampling and DNA Databases in Criminal Investigations, together with Appendices and Minutes of Evidence.

Ordered to lie on the Table and the Report and Appendices to be printed.

Ms Dianne Hadden moved, That the Council take note of the Report.

Debate ensued.

Question — put and resolved in the affirmative.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGESTS —**

The Honourable Lidia Argondizzo presented the following Alert Digests from the Scrutiny of Acts and Regulations Committee:

Alert Digest No. 1 of 2004, together with an Appendix.

Alert Digest No. 2 of 2004, together with Appendices.

Severally ordered to lie on the Table and to be printed.

\* \* \* \* \*

**DRUGS AND CRIME PREVENTION COMMITTEE — FRAUD AND ELECTRONIC COMMERCE —**

Pursuant to the *Parliamentary Committees Act 2003*, the Clerk presented a Final Report from the Drugs and Crime Prevention Committee on Fraud and Electronic Commerce, together with Appendices and Minutes of Evidence.

\* \* \* \* \*

**ENVIRONMENT AND NATURAL RESOURCES COMMITTEE — SOIL ACIDITY —**

Pursuant to the *Parliamentary Committees Act 2003*, the Clerk presented a Report from the Environment and Natural Resources Committee on the Impact and Trends in Soil Acidity, together with Appendices and Minutes of Evidence.

\* \* \* \* \*

**GOVERNMENT RESPONSES TO PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE REPORTS ON BUDGET ESTIMATES AND OUTCOMES —**

Pursuant to the *Parliamentary Committees Act 2003*, the Clerk presented Government responses to recommendations in the following Public Accounts and Estimates Committee reports:

2000-01 Budget Outcomes;

2002-03 Budget Estimates; and

2003-04 Budget Estimates.

\* \* \* \* \*

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

Altona Memorial Park —

Minister for Health's report of failure to submit 2002 report to the Minister within the prescribed period and the reasons therefor.

Report, 2002.

Anderson's Creek Cemetery Trust —

Minister for Health's report of failure to submit 2002 report to the Minister within the prescribed period and the reasons therefor.

Report, 2002.

Ballaarat General Cemeteries Trust —

Minister for Health's report of failure to submit 2002 report to the Minister within the prescribed period and the reasons therefor.

Report, 2002.

Beechworth Health Service —

Minister for Health's report of failure to submit 2002-03 report to the Minister within the prescribed period and the reasons therefor.

Report, 2002-03.

Bendigo Cemeteries Trust —

Minister for Health's report of failure to submit 2002 report to the Minister within the prescribed period and the reasons therefor.

Report, 2002.

Budget Sector — Mid-year Financial Report, 2003-04, incorporating the Quarterly Financial Report No. 2 for the period ended 31 December 2003.

Cheltenham and Regional Cemeteries Trust —

Minister for Health's report of failure to submit 2002 report to the Minister within the prescribed period and the reasons therefor.

Report, 2002.

Crown Land (Reserves) Act 1978 — Minister's Orders giving approval to the granting of a lease at Mt Rouse Public Park Reserve, O'Donnell Gardens Reserve and the Shakespeare Grove Reserve, Riddells Creek Recreation Reserve, St Vincent Gardens Reserve and Torquay Public Reserve and granting of licences at Dallas Brooks Drive House and Gallery, and Mordialloc-Mentone Beach Park Reserve (seven papers).

Docklands Authority —

Minister for Major Project's report of failure to submit report for the year ended 31 July 2003 to the Minister within the prescribed period and the reasons therefor.

Report for the year ended 31 July 2003.

Drugs, Poisons and Controlled Substances Act 1981 — Standard for the Uniform Scheduling of Drugs and Poisons, No. 18, Amendment No. 2, 1 January 2004 and Notice regarding amendment of Part 2 of Chapter 1 and Minister's Notices regarding the amendment, commencement and availability of the Poisons Code (three papers).

Falls Creek Alpine Resort Management Board — Minister for Environment's report of failure to submit report for the period 1 November 2002 to 31 October 2003 to the Minister within the prescribed period and the reasons therefor.

Fawkner Crematorium and Memorial Park —

Minister for Health's report of failure to submit 2002 to the Minister within the prescribed period and the reasons therefor.

Report, 2002.

Geelong Cemeteries Trust —

Minister for Health's report of failure to submit 2002 report to the Minister within the prescribed period and the reasons therefor.

Report, 2002.

Keilor Cemetery Trust —

Minister for Health's report of failure to submit 2002 report to the Minister within the prescribed period and the reasons therefor.

Report, 2002.

Lake Mountain Alpine Resort Management Board — Report for the year ended 31 October 2003.



Lilydale Memorial Park and Cemetery Trust —

Minister for Health's report of failure to submit 2002 report to the Minister within the prescribed period and the reasons therefor.

Report, 2002.

Mansfield District Hospital —

Minister for Health's report of failure to submit 2002-03 report to the Minister within the prescribed period and the reasons therefor.

Report, 2002-03 (two papers).

Melbourne City Link Act 1995 —

City Link and Extension Projects Integration and Facilitation Agreement Eleventh Amending Deed, 24 December 2003, pursuant to section 15B(5) of the Act.

Exhibition Street Extension Seventh Amending Deed, 24 December 2003, pursuant to section 15D(6) of the Act.

Melbourne City Link Nineteenth Amending Deed, 24 December 2003, pursuant to section 15(2) of the Act.

Statement of Variation No. 1/2003 Detailed Tolling Strategy, 24 December 2003, pursuant to section 15B(5).

Mildura Cemetery Trust —

Minister for Health's report of failure to submit 2002 report to the Minister within the prescribed period and the reasons therefor.

Report, 2002.

Mount Baw Baw Alpine Resort Management Board — Minister for Environment's report of failure to submit report for the period 1 November 2002 to 31 October 2003 to the Minister within the prescribed period and the reasons therefor.

Mount Buller Alpine Resort Management Board — Minister for Environment's report of failure to submit report for the period 1 November 2002 to 31 October 2003 to the Minister within the prescribed period and the reasons therefor.

Mount Hotham Alpine Resort Management Board — Report for the year ended 31 October 2003.

Mount Stirling Alpine Resort Management Board — Minister for Environment's report of failure to submit report for the period 1 November 2002 to 31 October 2003 to the Minister within the prescribed period and the reasons therefor.

Murray-Darling Basin Commission — Report, 2001-02.

National Environment Protection Council — Report, 2002-03.

Necropolis Springvale —

Minister for Health's report of failure to submit 2002 report to the Minister within the prescribed period and the reasons therefor.

Report, 2002.

Northern Victorian Fresh Tomato Industry Development Committee — Minister for Agriculture's report of receipt of 2002-03 report.

Parliamentary Committees Act 2003 — Minister's response to recommendations in Economic Development Committee's Report on Export Opportunities for Victorian Rural Industries.

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

Ararat Planning Scheme — Amendment C6.

Ballarat Planning Scheme — Amendments C67 (Part 1), C68 and C70.

Banyule Planning Scheme — Amendments C33 (Part 1) and C34 (Part 1).

Bass Coast Planning Scheme — Amendments C22, C31 and C33.

Baw Baw Planning Scheme — Amendments C19 and C25.

Planning and Environment Act 1987 — *continued*

- Bayside Planning Scheme — Amendments C2 (Part 2), C29 (Part 1) and C32.
- Bendigo — Greater Bendigo Planning Scheme — Amendments C27 and C56.
- Brimbank Planning Scheme — Amendments C52, C55 and C56.
- Buloke Planning Scheme — Amendment C4.
- Cardinia Planning Scheme — Amendments C13 (Part 2), C20, C32 (Part 2), C34 (Part 2), C53 and C54.
- Casey Planning Scheme — Amendments C38, C49 and C71.
- Central Goldfields Planning Scheme — Amendment C5.
- Corangamite Planning Scheme — Amendments C2 and C10.
- Dandenong — Greater Dandenong Planning Scheme — Amendment C38.
- Darebin Planning Scheme — Amendment C56.
- East Gippsland Planning Scheme — Amendments C16 and C21.
- Frankston Planning Scheme — Amendment C23.
- Geelong — Greater Geelong Planning Scheme — Amendments C35, C64, C66 and C90.
- Glen Eira Planning Scheme — Amendments C19 (Part 2), C28, C29, C32 and C33.
- Golden Plains Planning Scheme — Amendment C16.
- Hepburn Planning Scheme — Amendments C13, C20 and C21.
- Hobsons Bay Planning Scheme — Amendments C21, C24 and C32.
- Horsham Planning Scheme — Amendment C17.
- Hume Planning Scheme — Amendments C31 and C49.
- Indigo Planning Scheme — Amendment C23.
- Knox Planning Scheme — Amendments C22 and C23.
- La Trobe Planning Scheme — Amendment C22.
- Macedon Ranges Planning Scheme — Amendment C29.
- Manningham Planning Scheme — Amendments C24, C33 (Part 1), C38 and C39.
- Maribyrnong Planning Scheme — Amendments C17(Part 1) and C30.
- Maroondah Planning Scheme — Amendment C33.
- Melbourne Planning Scheme — Amendments C39, C86, C89 and No. 81.
- Melton Planning Scheme — Amendment C26.
- Mildura Planning Scheme — Amendments C12, C17, C19, C22 and C24 (Part 1).
- Mitchell Planning Scheme — Amendments C15 (Part 2), C31 and C33.
- Moira Planning Scheme — Amendments C13 and C15.
- Monash Planning Scheme — Amendments C32 and C50.
- Moonee Valley Planning Scheme — Amendment C47.
- Mornington Peninsula Planning Scheme — Amendments C40 (Part 2), C47 (Part 1) and C60 to C63.
- Mount Alexander Planning Scheme — Amendment C17.
- Moyne Planning Scheme — Amendments C10 and C11.
- Nillumbik Planning Scheme — Amendments C19, C22 (Part 1) and C29.
- Port Phillip Planning Scheme — Amendment C35.
- Pyrenees Planning Scheme — Amendments C2 and C8.
- Queenscliffe Planning Scheme — Amendment C13.

Planning and Environment Act 1987 — *continued*

- Shepparton — Greater Shepparton Planning Scheme — Amendments C43 and C45.
  - South Gippsland Planning Scheme — Amendments C12 and C27.
  - Surf Coast Planning Scheme — Amendment C17.
  - Swan Hill Planning Scheme — Amendment C6 (Part 1).
  - Victoria Planning Provisions — Amendment VC20.
  - Warrnambool Planning Scheme — Amendments C27, C30, C33, C34 and C35.
  - Wellington Planning Scheme — Amendments C11, C21 and C22.
  - West Wimmera Planning Scheme — Amendment C5.
  - Whitehorse Planning Scheme — Amendments C44 and C49.
  - Whittlesea Planning Scheme — Amendment C49.
  - Wyndham Planning Scheme — Amendments C30, C54, C57 and C60.
  - Yarra Planning Scheme — Amendments C40 and C44.
  - Yarra Ranges Planning Scheme — Amendments C25, C31 and C39.
  - Yarriambiack Planning Scheme — Amendment C2.
- Preston Cemetery Trust —
- Minister for Health's report of failure to submit 2002 report to the Minister within the prescribed period and the reasons therefor.
  - Report, 2002.
- Prevention of Cruelty to Animals Act 1986 — Code of Practice for the Tethering of Animals (Revision Number 1).
- Project Development and Construction Management Act 1994 — Orders in Council of 28 January 2004 and 10 March 2004 of nomination and application orders (four papers).
- Rural Finance Act 1988 — Treasurer's directives of 24 December 2003 and 15 March 2004 to the Rural Finance Corporation.
- Snowy Hydro Limited — Report for the period 29 June 2002 to 28 June 2003.
- Statutory Rules under the following Acts of Parliament:
- Australian Crime Commission (State Provisions) Act 2003 — No. 15/2004.
  - Building Act 1993 — No. 2/2004.
  - Children's Services Act 1996 — No. 14/2004.
  - Conservation, Forests and Lands Act 1987 — No. 11/2004.
  - Country Fire Authority Act 1958 — No. 9/2004.
  - Electricity Safety Act 1998 — Nos. 146 and 149/2003.
  - Estate Agents Act 1980 — No. 148/2003 and Nos. 3 and 4/2004.
  - Firearms Act 1996 — No. 154/2003.
  - Fisheries Act 1995 — No. 145/2003 and No. 22/2004.
  - Forests Act 1958 — Nos. 6 and 7/2004.
  - Health Act 1958 — No. 8/2004.
  - Health Services Act 1988 — No. 19/2004.
  - Land Act 1958 — No. 152/2003.
  - Livestock Disease Control Act 1994 — No. 1/2004.
  - Magistrates' Court Act 1989 — No. 144/2003.
  - Marine Act 1988 — No. 143/2003 and No. 16/2004.
  - National Parks Act 1975 — No. 150/2003.
  - Occupational Health and Safety Act 1985 — No. 10/2004.

Statutory Rules — *continued*

Occupational Health and Safety Act 1985 — Dangerous Goods Act 1985 — No. 157/2003.

Petroleum (Submerged Lands) Act 1982 — No. 13/2004.

Police Regulation Act 1958 — Nos. 155/2003 and 12/2004.

Sale of Land Act 1962 — No. 5/2004.

Subordinate Legislation Act 1994 — No. 151/2003 and Nos. 17 and 18/2004.

Survey Co-ordination Act 1958 — No. 21/2004.

Transport Accident Act 1986 — No. 156/2003.

Valuation of Land Act 1960 — No. 153/2003.

Victims of Crime Assistance Act 1996 — No. 147/2003.

Wildlife Act 1975 — No. 20/2004.

## Subordinate Legislation Act 1994 —

Ministers' exception certificates under section 8(4) in respect of Statutory Rule Nos. 144, 150, 151 and 152/2003 and Nos. 17 and 18/2004.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 145, 147, 148, 153 and 155/2003 and Nos. 4, 6, 7, 11, 14, 15 and 20/2004.

## Templestowe Cemetery Trust —

Minister for Health's report of failure to submit 2002 report to the Minister within the prescribed period and the reasons therefor.

Report, 2002.

## Water Act 1989 — Hoddles Creek Water Supply Protection Area Stream Flow Management Plan 2003.

## West Wimmera Health Service —

Minister for Health's report of failure to submit 2002-03 report to the Minister within the prescribed period and the reasons therefor.

Report, 2002-03.

## Wyndham Cemetery Trust —

Minister for Health's report of failure to submit 2002 report to the Minister within the prescribed period and the reasons therefor.

Report, 2002.

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

Accident Compensation and Transport Accident Acts (Amendment) Act 2003 — Section 5 — 1 February 2004 (*Gazette No. G5, 29 January 2004*); sections 10 to 12 — 1 March 2004 (*Gazette No. G9, 26 February 2004*).

Albury-Wodonga Agreement (Repeal) Act 2003 — Sections 4 to 6, 11, 12, 16 and 17 — 1 March 2004 (*Gazette No. G9, 26 February 2004*).

Animals Legislation (Animal Welfare) Act 2003 — Section 32 — 22 January 2004 (*Gazette No. G4, 22 January 2004*).

Child Employment Act 2003 — 12 June 2004 (*Gazette No. S61, 15 March 2004*).

Estate Agents and Sale of Land Acts (Amendment) Act 2003 — Remaining provisions (except section 21) — 1 February 2004 (*Gazette No. G5, 29 January 2004*).

Federal Awards (Uniform System) Act 2003 — Sections 1 (except paragraph (b)) and 2 and Part 5 — 17 December 2003 (*Gazette No. S238, 17 December 2003*).

Federal Courts (Consequential Amendments) Act 2000 — Sections 22 and 23 — 8 March 2004 (*Gazette No. G10, 4 March 2004*).

Instruments (Enduring Powers of Attorney) Act 2003 — 1 April 2004 (*Gazette No. G8, 19 February 2004*).

Local Government (Democratic Reform) Act 2003 — Part 2, sections 15 to 18, 21, 22, 24 to 26, 32, 33, 35(1), 36, 37, 40 to 42, 46, 47 to 51, 52(1), 52(2), 52(4), 52(5), 54 to 56, 61, 64 to 69, 78, 79, 84 to 88, 92, 93, 95(1), 95(2), 96, 99, 102, 103 and 104 — 10 December 2003; sections 34 and 35(2) — 7 January 2004; sections 80, 82 and 83 — 13 February 2004 (*Gazette No. S230, 10 December 2003*).

Non-Emergency Patient Transport Act 2003 — Sections 1, 2, 65, 66 and 67 — 25 March 2004 (*Gazette No. G13, 25 March 2004*).

Port Services (Port Management Reform) Act 2003 — Sections 5(2), 5(3), 9, 23, 26(1) and 29 — 1 January 2004 (*Gazette No. G51, 18 December 2003*).

Terrorism (Community Protection) Act 2003 — Part 6 — 25 February 2004 (*Gazette No. S42, 25 February 2004*).

Water Legislation (Essential Services Commission and Other Amendments) Act 2003 — Remaining provisions, except for sections 5, 6 and 9 — 1 January 2004 (*Gazette No. G50, 11 December 2003*).

Wrongs and Limitation of Actions Acts (Insurance Reform) Act 2003 — Sections 3, 17 and 18 — 1 January 2004 (*Gazette No. G51, 18 December 2003*).

Wrongs and Other Acts (Law of Negligence) Act 2003 — Part 5 — 1 January 2004 (*Gazette No. G51, 18 December 2003*).

- 13 RIGHT OF REPLY — CITY OF BOROONDARA** — Pursuant to the Standing Orders of the Legislative Council, the President presented a Right of Reply from the City of Boroondara to statements made in the Council by the Honourable David Davis on 8 October 2003.

Ordered to lie on the Table and to be printed.

- 14 MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 9.

- 15 JOINT SITTING — SENATE VACANCY** — The President announced the receipt of —

- (a) a Message from the Governor transmitting a letter from the President of the Senate notifying that a vacancy had occurred in the Senate through the resignation of Senator the Honourable Richard Kenneth Robert Alston; and
- (b) a Message from the Assembly acquainting the Council that they had agreed to meet the Council to choose a person to hold the vacant place, and proposing that the place and time of the Joint Sitting be the Assembly Chamber on Wednesday, 31 March 2004 at 6.15 p.m., and requesting the agreement of the Council.

Ordered — That the Assembly's Message be now taken into consideration.

Mr John Lenders moved, by leave, That this House meet the Legislative Assembly for the purpose of sitting and voting together to choose a person to hold the place in the Senate rendered vacant by the resignation of Senator the Honourable Richard Kenneth Robert Alston, and, as proposed by the Assembly, the place and time of such meeting be the Legislative Assembly Chamber on Wednesday, 31 March 2004 at 6.15 p.m.

Question — put and resolved in the affirmative.

Ordered — That a Message be sent to the Assembly acquainting them therewith.

- 16 SESSIONAL ORDERS** — Leave having being granted to move his notice of motion in an amended form, Mr John Lenders moved, That the Sessional Orders of the Council, adopted on 26 February 2003, be amended as follows:

**Days and hours of meeting**

1. In Sessional Order 1 after “Tuesday at 2.00 pm” insert “and at 9.30 am in the final week of each Autumn and Spring sitting period”.

**Routine of business**

2. In Sessional Order 2, in paragraph (c), omit “Motions to take note of reports and papers (30 minutes)” and insert “Statements on reports and papers (60 minutes)”.

**Government Business**

3. In Sessional Order 3, omit “5.23 (a), (b), (c), (e) and (f)” and insert “5.23 (a), (b), (c) and (e)”.

**General Business**

4. Omit Sessional Order 5 and insert:  
“The transaction of General Business will take precedence of all other business on Wednesday for three hours following Members’ Statements, excluding any period of suspension of the sitting: Provided that, in the final sitting week of each Autumn and Spring sitting period General Business will take precedence for two hours.”  
“Unless otherwise ordered by the Council, when debate has concluded on each General Business matter the President must put the question.”  
“Of the time allocated for consideration of a General Business matter under Sessional Order 5, not less than five minutes must be given to the mover of the motion to exercise his or her right of reply prior to the question being put.”

**Notices of Motion**

5. Insert the following new Sessional Order to follow Sessional Order 9:  
“Standing Order 5.04 be suspended to provide that notices of motion may be given after the presentation of papers for a period not exceeding 15 minutes. No notice of motion will, without leave of the Council, be received after the Council has proceeded to the Orders of the Day.”

**Discharge of Business from the Notice Paper**

6. Insert the following new Sessional Order to precede Sessional Order 10:  
“Standing Order 5.12 be suspended to provide that a notice of motion and an Order of the Day, General Business, other than for the consideration of a Bill, will be discharged from the Notice Paper after it has been listed for 20 consecutive sitting days.”

**Daily Adjournment of the Council**

7. In Sessional Order 10, omit paragraph (a) and insert:  
“(a) At 10.00 pm on Tuesday and Wednesday and at 4.30 pm on Thursday, the President will interrupt the business before the House, or if the House is in Committee, the Chair of Committees will report progress and the President will then interrupt such business: Provided that —  
(i) if a division is in progress at the time of such interruption, the division will be completed and the result announced;  
(ii) the Chair will have discretion to extend the time for a maximum of ten minutes to allow for the completion of a speech on a motion for the second reading of a Bill within the allocated time;  
(iii) the Chair will not be required to call the next speaker if a speaker completes his or her speech within three minutes prior to the time fixed for such interruption.”
8. In Sessional Order 10, omit sub-paragraph (ii) of paragraph (b) and insert:  
“(ii) If a Minister does not move such motion, the President will forthwith propose the question “That the House do now adjourn” which question may not be amended but can be open to debate.

Provided that, before proposing such question the President will announce to the Council the receipt of any Messages from the Assembly and any Bills transmitted will be read a first time and their second reading made an Order of the Day for the next day of meeting. At the conclusion of the debate, the President will adjourn the House until the time of the next meeting without putting any question.”

#### **Statements on reports and papers**

9. Omit Sessional Order 13 and insert:

“Following Members’ Statements on Thursdays, the President will propose the question “That reports and papers tabled in the Council be noted” and any Member may make a statement of not more than five minutes on any report or paper proposed for discussion that day. A Member must give not less than one day’s notice of a report or paper proposed for discussion and may propose not more than one report or paper for discussion each week. The time allocated for discussion on reports and papers may not exceed 60 minutes, and 30 minutes in the final sitting week of each Autumn and Spring sitting period. At the conclusion of the time allocated under this Sessional Order, the President will then put the question.

Nothing in this Sessional Order will preclude a Member from –

- (i) giving notice of a report previously discussed on a Thursday; or
- (ii) giving notice to take note of a report or paper for consideration during General Business.

Subject to the provisions of Sessional Order 41, a Member may also make a statement under this Sessional Order regarding the failure of a Minister to provide either an answer or an explanation to a question on notice.”

#### **Government Business Program**

10. In Sessional Order 20, omit paragraph (a) and insert:

“(a) as required, the remaining questions necessary for the passage of the Bill through the House will be combined (except in the case of a Bill that requires the third reading to be passed by an absolute or special majority of the whole number of the Members of the Legislative Council, the question for the third reading will be put separately), the Committee stage of a Bill being dispensed with if no Government amendments have been circulated pursuant to Sessional Order 22; and”.

11. In Sessional Order 21, omit paragraph (b) and insert:

“(b) in the case of a Bill that requires the third reading to be passed by an absolute or special majority of the whole number of the Members of the Legislative Council, put separately the questions necessary for the passage of the Bill through the House, (including a combined question relating to any amendments and new clauses and schedules desired by the Government which have been circulated pursuant to Sessional Order 22), the Committee stage being dispensed with; and”

#### **Extension of Government Business Program**

12. In Sessional Order 23, in paragraph (a), omit “4.00 pm” and insert “4.30 pm”.

#### **Incorporation of Second Reading speeches in Hansard**

13. Omit Sessional Order 30 and insert:

“Standing Order 12.05 be suspended so that when a Bill originating in the Legislative Assembly has passed that House and is transmitted and introduced into the Legislative Council, on the Order of the Day being read for the second reading of that Bill, the Minister may make introductory remarks on the contents of the Bill, including a statement of any amendments made by the Legislative Assembly to the Bill which have been

reflected in the second reading speech and may move a motion without notice for the incorporation of the second reading speech (except so much of the speech that may contain a statement under section 85 (5) of the *Constitution Act 1975*) of that Bill into Hansard. Such motion may not be amended or debated.

On moving the motion for the second reading of a Bill, the Minister must (if required) make a statement under section 85 (5) of the *Constitution Act 1975*.”

14. Omit Sessional Order 31 and insert:

“On the Order of the Day being read for the second reading of a Bill originating in the Legislative Council, the Minister may make introductory remarks on the contents of the Bill and may move a motion for the incorporation of the second reading speech (except so much of the speech that may contain a statement under section 85 (5) of the *Constitution Act 1975*) of that Bill into Hansard only with the leave of the Council.

On moving the motion for the second reading of a Bill, the Minister must (if required) make a statement under section 85 (5) of the *Constitution Act 1975*.”

### **Third Reading of Bills**

15. In Sessional Order 33, after “absolute” insert “or special”.

### **Debate on Amendments in Committee of the Whole**

16. Insert the following new Sessional Order to follow Sessional Order 33:

“Immediately after the Council resolves itself into Committee of the whole on a Bill on the consideration of clause 1, a Minister may circulate and move any number of Government amendments proposed to be made in the Bill, after which other Members may circulate amendments and speak in general terms on their proposed amendments. Consideration of the amendments will be in accordance with the provisions of Standing Orders 12.14 to 12.21.”

### **Ministerial statements**

17. Insert the following new Sessional Order to follow Sessional Order 34:

“Standing Order 5.06 be suspended and that the following procedure apply to Ministerial statements:

- (a) A Minister may make a Ministerial statement without leave at any time in Government Business provided that there is no question before the Chair.
- (b) The Minister must provide a copy of the statement to the President and party leaders at least two hours before it is proposed to be made.
- (c) The Minister may not speak for more than 20 minutes.
- (d) At the conclusion of the Ministerial statement, a motion may be moved without notice, “That the Council take note of the Ministerial statement”.
- (e) The lead speakers for the other parties may speak on the motion for not more than 20 minutes, following which the time limits prescribed by subparagraph (iii) of paragraph (a) of Sessional Order 33 will apply.
- (f) The maximum time for a debate on a motion to take note of a Ministerial Statement may not exceed two hours, following which, unless otherwise ordered by the Council, the President must put the question”.

### **Procedure where answers to questions on notice not provided**

18. Insert the following new Sessional Order to precede Sessional Order 35:

“Standing Order 6.08 (2) be suspended to provide that in the event that a Minister does not provide an explanation, notice may forthwith be given of a motion regarding the Minister’s failure to provide either an answer or an explanation to a question on notice which can only be debated on



Wednesdays during General Business. Members may also make a statement on Thursdays within the time allocated for “Statements on reports and papers”, provided that at least one day’s notice of intention to make such statement is given by a Member. A Member may speak for not more than 5 minutes on such statement.”

### **Renumbering of Sessional Orders and Correction of References**

19. The Clerk be authorized to renumber the existing Sessional Orders and correct any internal references as a consequence of these amendments.

Debate ensued.

Question — put.

The Council divided.

AYES, 23

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 Ms Elaine Carbines (*Teller*)  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney (*Teller*)

NOES, 18

The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 The Hon. Peter Hall (*Teller*)  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong (*Teller*)  
 The Hon. John Vogels

And so it was resolved in the affirmative.

- 17 PUBLIC PROSECUTIONS (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Justin Madden moved, That the Bill be now read a second time.

On the motion of the Honourable C.A. Strong, the debate was adjourned until the next day of meeting.

- 18 GAS INDUSTRY (RESIDUAL PROVISIONS) (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Theo Theophanous moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Theo Theophanous moved, That the Bill be now read a second time.  
On the motion of the Honourable Bill Forwood, the debate was adjourned until the next day of meeting.

- 19 NURSES (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr Gavin Jennings moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

Debate ensued.

*Interruption—*

- 20 JOINT SITTING** — The Acting President announced that the time had arrived for this House to meet the Assembly in the Assembly Chamber to choose a person to hold the place in the Senate rendered vacant by the resignation of Senator the Honourable Richard Kenneth Robert Alston.

*Accordingly, the Council then proceeded to the Assembly Chamber, and having returned—*

The President reported that at the Joint Sitting —

Mr. Mitchell Peter Fifield

was chosen to hold the vacant place in the Senate.

- 21 NURSES (AMENDMENT) BILL** — Debate continued on the question, That the Bill be now read a second time.

Question — put and resolved in the affirmative.

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

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the House adopted the Report, and the Bill was read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 22 ADJOURNMENT** — Mr John Lenders moved, That the Council, at its rising, adjourn until Tuesday, 20 April 2004.

Question — put and resolved in the affirmative.

Mr John Lenders moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 10.15 p.m., adjourned until Tuesday, 20 April 2004.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*



## LEGISLATIVE COUNCIL

### MINUTES OF THE PROCEEDINGS Nos. 53, 54 and 55

#### No. 53 — Tuesday, 20 April 2004

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACT** — The President read a Message from the Governor informing the Council that he had, on 6 April 2004, given the Royal Assent to the undermentioned Act presented to him by the Clerk of the Parliaments:  
*Nurses (Amendment) Act.*
- 3 **PETROLEUM (SUBMERGED LANDS) (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Petroleum (Submerged Lands) Act 1982 with respect to the occupational health and safety of persons in offshore petroleum facilities, data management and protection of confidentiality and for other purposes* and desiring the agreement of the Council.  
On the motion of the Honourable Theo Theophanous, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **LIMITATION OF ACTIONS (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Limitation of Actions Act 1958 and for other purposes* and desiring the agreement of the Council.  
On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 5 **MARINE (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Marine Act 1988 and the Port Services Act 1995 and for other purposes* and desiring the agreement of the Council.  
On the motion of Ms Candy Broad, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 6 **ROAD MANAGEMENT BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to reform the law relating to road management in Victoria, to amend the Transport Act 1983, the Road Safety Act 1986 and the Local Government Act 1989 and to make related amendments to certain other Acts and for other purposes* and desiring the agreement of the Council.  
On the motion of Ms Candy Broad, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 7 **MONETARY UNITS BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to provide for fees and penalties to be fixed by reference to fee or penalty units that can be indexed annually by an amount to be fixed by the Treasurer, to amend the Sentencing Act 1991 and the Subordinate Legislation Act 1994 and to amend fees and penalties that are specified in certain Acts by monetary amounts and for other purposes* and desiring the agreement of the Council.  
On the motion of Mr John Lenders, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 8 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03.  
**SMALL BUSINESS INITIATIVES** — The Honourable Marsha Thomson having given an answer to a question without notice relating to small business initiatives —

The Honourable Bruce Atkinson moved, That the Minister's answer be taken into consideration on the next day of meeting.

Question — put and resolved in the affirmative.

**QUESTIONS** — Questions without notice continued and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

- 9 MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

**10 PETITIONS** —

**2030 URBAN GROWTH BOUNDARY** — The Honourable Peter Hall presented a Petition bearing 6 signatures from certain citizens of Victoria requesting as an urgent priority that the new Urban Growth Boundary be corrected to include within its borders the land of impacted stakeholders of Ironbark Road, Diamond Creek and Pioneer Road, Yarrambat.

Ordered to lie on the Table.

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**MULTI PURPOSE TAXI PROGRAM** — The Honourable Peter Hall presented a Petition bearing 28 signatures from certain citizens of Victoria requesting that the Legislative Council not support the introduction of a financial cap to the Multi Purpose Taxi Program and that any proposed changes be delayed until full and proper consultation has been held with stakeholders, including the taxi industry, to consider other options for the efficient operation of the program, so that the special circumstances and needs of the elderly and disabled in rural Victoria are fully considered.

Ordered to lie on the Table.

**11 PAPERS** —

**COUNTY COURT JUDGES** — The Honourable Justin Madden presented, by command of the Governor, the Report of the County Court Judges for the year 2001-02.

Ordered to lie on the Table.

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**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — AUDITOR-GENERAL'S PERFORMANCE AUDIT** — Ms Glenyys Romanes presented a Report from the Public Accounts and Estimates Committee on the Review of the Auditor-General's performance audit report on Reducing landfill – Waste Management by Municipal Councils, together with Appendices and Minutes of Evidence.

Ordered to lie on the Table and the Report and Appendices to be printed.

Ms Glenyys Romanes moved, That the Council take note of the Report.

Debate ensued.

Question — put and resolved in the affirmative.

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**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — The Honourable Lidia Argondizzo presented Alert Digest No. 3 of 2004 from the Scrutiny of Acts and Regulations Committee, together with Appendices.

Ordered to lie on the Table and to be printed.

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

Ballarat University — Report, 2003 (two papers).

- Commonwealth Games Arrangements Act 2001 — Commonwealth Games Project and Venue Orders, pursuant to section 18 of the Act (two papers).  
 Deakin University — Report, 2003.  
 Essential Services Commission Act 2001 — Final Report of the Special Investigation – Proposed Retail Tariff Amendments, December 2003.  
 La Trobe University — Report, 2003.  
 Melbourne University — Report, 2003.  
 Melbourne University Private Limited — Report, 2003.  
 Monash University — Report, 2003.  
 Planning and Environment Act 1987 —  
 Notices of Approval of the following amendments to planning schemes:  
 Ballarat Planning Scheme — Amendment C66.  
 Bass Coast Planning Scheme — Amendment C30 (Part 2).  
 Bendigo — Greater Bendigo Planning Scheme — Amendments C29 and C53.  
 Brimbank Planning Scheme — Amendments C62 and C74.  
 Casey Planning Scheme — Amendment C56.  
 Colac Otway Planning Scheme — Amendment C24.  
 Dandenong — Greater Dandenong Planning Scheme — Amendment C31 (Part 1).  
 Hume Planning Scheme — Amendments C19 (Part 2) and C21.  
 Kingston Planning Scheme — Amendment C37.  
 Knox Planning Scheme — Amendment C21.  
 Manningham Planning Scheme — Amendment C32.  
 Mansfield Planning Scheme — Amendments C2 and C3.  
 Maribyrnong Planning Scheme — Amendment C40.  
 Melton Planning Scheme — Amendment C35.  
 Mildura Planning Scheme — Amendment C21.  
 Mitchell Planning Scheme — Amendment C28.  
 Moorabool Planning Scheme — Amendment C3 (Part 1).  
 Moyne Planning Scheme — Amendment C12.  
 Towong Planning Scheme — Amendment C5 (Part 1).  
 Warrnambool Planning Scheme — Amendment C18.  
 Whittlesea Planning Scheme — Amendment C55.  
 Casey Planning Scheme — Amendment C66.  
 RMIT University — Report, 2003 (two papers).  
 State Superannuation Fund — Actuarial Investigation as at 30 June 2003.  
 Statutory Rules under the following Acts of Parliament:  
 Electricity Safety Act 1998 — No. 24.  
 Fisheries Act 1995 — Nos. 26 and 27.  
 Prevention of Cruelty to Animals Act 1986 — No. 23.  
 Tobacco Act 1987 — No. 25.  
 Transport Act 1983 — No. 28.  
 Subordinate Legislation Act 1994 — Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 24 to 26.  
 Swinburne University of Technology — Report, 2003.  
 Victoria University of Technology — Report, 2003.  
 Youth Parole and Residential Boards — Report, 2002-03.

\* \* \* \* \*

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

- Fisheries (Further Amendment) Act 2003 — Section 5 — 8 April 2004  
*(Gazette No. G15, 8 April 2004).*  
 Port Services (Port Management Reform) Act 2003 — Sections 10, 24, 26(2), 30 to 33, 34(2) and 35 — 1 April 2004  
*(Gazette No. G14, 1 April 2004).*

**12 GOVERNMENT BUSINESS PROGRAM** — Mr John Lenders moved, That, pursuant to Sessional Order 20, the Orders of the Day, Government Business, relating to the following Bills be considered and completed by 4.30 p.m. on Thursday, 22 April 2004:

- Wrongs (Remarriage Discount) Bill
- Unclaimed Moneys (Amendment) Bill
- Public Prosecutions (Amendment) Bill
- Gas Industry (Residual Provisions) (Amendment) Bill.

Debate ensued.

Question — put and resolved in the affirmative.

**13 WRONGS (REARRIAGE DISCOUNT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden moved, That, pursuant to Sessional Order 34, the second reading speech (except for the statement under section 85 (5) of the *Constitution Act 1975*) be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Justin Madden moved, That the Bill be now read a second time.

The Honourable Justin Madden made a statement pursuant to section 85 (5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

On the motion of the Honourable C.A. Strong, the debate was adjourned until later this day.

**14 UNCLAIMED MONEYS (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable C.A. Strong, the debate was adjourned until later this day.

**15 PUBLIC PROSECUTIONS (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**16 GAS INDUSTRY (RESIDUAL PROVISIONS) (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**17 WRONGS (REARRIAGE DISCOUNT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 18 LAND TAX (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Land Tax Act 1958 and the Valuation of Land Act 1960 and for other purposes* and desiring the agreement of the Council.

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

- 19 UNCLAIMED MONEYS (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 20 ADJOURNMENT** — Mr John Lenders moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 9.50 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 54 — Wednesday, 21 April 2004

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

- 2 PETITION — RURAL PLANNING ZONES** — The Honourable Peter Hall presented a Petition bearing 1161 signatures from certain citizens of Victoria requesting that the Victorian Government withdraw and redraft the new rural planning zones and introduce a new planning system.

Ordered to lie on the Table.

- 3 EDUCATION AND TRAINING COMMITTEE** — Mr John Lenders moved, by leave, That Mr Johan Scheffer be a member of the Education and Training Committee until the return to parliamentary duties from illness of the Honourable Helen Buckingham in September 2004.

Question — put and resolved in the affirmative.

- 4 PRIVILEGES COMMITTEE** — Mr John Lenders moved, by leave, That the Honourable Robert Mitchell be a member of the Privileges Committee until the return to parliamentary duties from illness of the Honourable Helen Buckingham in September 2004.

Question — put and resolved in the affirmative.

- 5 MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

**6 BUSINESS POSTPONED —**

Ordered — That the consideration of Notices of Motion, General Business, Nos. 1, 3, 5, 6 and 7, be postponed until later this day.

Ordered — That the consideration of Notices of Motion, General Business, Nos. 2 and 4, be postponed until the next day of meeting.

**7 INFRASTRUCTURE PROJECTS —** The Honourable Andrea Coote moved, That this House condemns the Government's mismanagement of major infrastructure projects throughout Victoria which has resulted in a growing lack of confidence in the business community in relation to doing business and construction in Victoria.

Debate ensued.

Question — put.

The Council divided.

## AYES, 17

The Hon. Bruce Atkinson (*Teller*)  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels (*Teller*)

## NOES, 22

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza (*Teller*)  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek (*Teller*)  
 The Hon. Marsha Thomson  
 Mr Matt Viney

And so it passed in the negative.

**8 QUESTIONS —** Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.**9 BUSINESS POSTPONED —** Ordered — That the consideration of the Notice of Motion, Government Business, be postponed until the next day of meeting.**10 LAND TAX (AMENDMENT) BILL —** The Order of the Day having been read for the second reading of this Bill, Mr John Lenders moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Bill Forwood, the debate was adjourned until the next day of meeting.



- 11 ROAD MANAGEMENT BILL** — The Order of the Day having been read for the second reading of this Bill, Ms Candy Broad moved, That, pursuant to Sessional Order 34, the second reading speech (except for the statement under section 85 (5) of the *Constitution Act 1975*) be incorporated into Hansard.  
Question — put and resolved in the affirmative.  
Ms Candy Broad moved, That the Bill be now read a second time.  
Ms Candy Broad made a statement pursuant to section 85 (5) of the *Constitution Act 1975* on the reasons for altering or varying this section.  
On the motion of the Honourable Ron Bowden, the debate was adjourned until the next day of meeting.
- 12 MONETARY UNITS BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.  
Question — put and resolved in the affirmative.  
Mr John Lenders moved, That the Bill be now read a second time.  
On the motion of the Honourable Bill Forwood, the debate was adjourned until the next day of meeting.
- 13 PETROLEUM (SUBMERGED LANDS) (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Theo Theophanous moved, That, pursuant to Sessional Order 34, the second reading speech (except for the statement under section 85 (5) of the *Constitution Act 1975*) be incorporated into Hansard.  
Question — put and resolved in the affirmative.  
The Honourable Theo Theophanous moved, That the Bill be now read a second time.  
The Honourable Theo Theophanous made a statement pursuant to section 85 (5) of the *Constitution Act 1975* on the reasons for altering or varying this section.  
On the motion of the Honourable Bill Forwood, the debate was adjourned until the next day of meeting.
- 14 LIMITATION OF ACTIONS (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden moved, That, pursuant to Sessional Order 34, the second reading speech (except for the statement under section 85 (5) of the *Constitution Act 1975*) be incorporated into Hansard.  
Question — put and resolved in the affirmative.  
The Honourable Justin Madden moved, That the Bill be now read a second time.  
The Honourable Justin Madden made a statement pursuant to section 85 (5) of the *Constitution Act 1975* on the reasons for altering or varying this section.  
On the motion of the Honourable C.A. Strong, the debate was adjourned until the next day of meeting.
- 15 MARINE (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Ms Candy Broad moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.  
Question — put and resolved in the affirmative.  
Ms Candy Broad moved, That the Bill be now read a second time.  
On the motion of the Honourable Ron Bowden, the debate was adjourned until the next day of meeting.
- 16 ADJOURNMENT** — Ms Candy Broad moved, That the House do now adjourn.  
Debate ensued.  
Question — put and resolved in the affirmative.

And then the Council, at 3.49 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
Clerk of the Legislative Council

## No. 55 — Thursday, 22 April 2004

1 The President took the Chair and read the Prayer.

2 **PETITION — DIAMOND CREEK AND PLENTY INFRASTRUCTURE AND DEVELOPMENT RIGHTS** — The Honourable Peter Hall presented a Petition bearing 6 signatures from certain citizens of Victoria requesting that the Legislative Council urge the Minister for Planning and all other relevant Ministers to take immediate investigative and planning actions to ensure the continued protection of the distinctive urban infrastructure with associated infrastructure and development rights of the Ironbark and Pioneer Road landowners of land in the previously gazetted Urban District and Waterworks Trust of Yarrambat and Plenty, or alternatively meet with the impacted petitioners and mediate remuneration for their losses and damages.

Ordered to lie on the Table.

3 **PAPERS —**

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — BUDGET OUTCOMES, 2002-03** — The Honourable Bill Forwood presented a Report from the Public Accounts and Estimates Committee on the 2002-03 Budget Outcomes, together with Appendices.

Ordered to lie on the Table and to be printed.

The Honourable Bill Forwood moved, That the Council take note of the Report.

Debate ensued.

Question — put and resolved in the affirmative.

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

Auditor-General — Report on Beating the bugs: Protecting Victoria's economically significant crops from pests and diseases, April 2004.

Interpretation of Legislation Act 1984 —

Notice pursuant to section 32(3)(a)(iii) in relation to Statutory Rule No. 24/2004.

Notices pursuant to section 32(4)(a)(iii) in relation to the Electricity Safety (Installations) Regulations 1999 and the Electricity Safety (Equipment Efficiency) Regulations 1999.

Parliamentary Committees Act 2003 — Government's response to Road Safety Committee's report on Road Safety for Older Road Users.

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

Ballarat Planning Scheme — Amendment C69.

Warrnambool Planning Scheme — Amendment C29.

Wodonga Planning Scheme — Amendment C26.

Psychologists Registration Board — Minister for Health's report of receipt of 2003 report.

Subordinate Legislation Act 1994 — Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 19.

4 **MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

- 5 STATEMENTS ON REPORTS AND PAPERS** — The President proposed the question, That reports and papers tabled in the Council be noted. Statements were made by Honourable Members pursuant to Sessional Order 17. Question — put and resolved in the affirmative.
- 6 BUSINESS POSTPONED** — Ordered — That the consideration of the Notice of Motion, Government Business, be postponed until later this day.
- 7 LAND TAX (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time. Debate resumed.  
*Business having been interrupted at 2.03 p.m. pursuant to Sessional Order 8 —*
- 8 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.
- 9 LAND TAX (AMENDMENT) BILL** — Debate continued on the question, That the Bill be now read a second time.

Question — put.

The Council divided.

AYES, 23

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren (*Teller*)  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer (*Teller*)  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

NOES, 17

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden (*Teller*)  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. David Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 The Hon. Peter Hall (*Teller*)  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative.

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

House in Committee.

*Interruption of business pursuant to Sessional Order 14 —*

The President having interrupted business at 4.30 p.m., Mr. John Lenders moved, That the sitting be continued.

Question — put and resolved in the affirmative.

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 10 ROAD MANAGEMENT BILL** — Mr John Lenders moved, by leave, That the Standing and Sessional Orders be suspended to the extent necessary to enable the motion for the second reading speech of the Road Management Bill and for the adjournment of the debate on the Bill to be again moved.

Question — put and resolved in the affirmative.

- 11 ROAD MANAGEMENT BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for Ms Candy Broad) moved, That, pursuant to Sessional Order 34, the second reading speech (except for the statements under section 85 (5) of the *Constitution Act 1975*) be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

Mr John Lenders made statements pursuant to section 85 (5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

On the motion of the Honourable Ron Bowden, the debate was adjourned until the next day of meeting.

- 12 CONTROL OF GENETICALLY MODIFIED CROPS BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to provide for the designation of areas of the State for the purpose of preserving for marketing purposes the identity of crops as genetically modified or non-genetically modified and for other purposes* and desiring the agreement of the Council.

On the motion of Mr John Lenders (for the Honourable Theo Theophanous), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 13 HERITAGE (FURTHER AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to further amend the Heritage Act 1995 and for other purposes* and desiring the agreement of the Council.

On the motion of Mr John Lenders (for the Honourable Justin Madden), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 14 LAND (MISCELLANEOUS) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to revoke the reservations and Crown grants relating to certain land, to amend the Melbourne Cricket Ground Act 1933 to provide for the reservation of a stratum of land, to consequentially amend the Melbourne Cricket Ground Trust Act 1989 and for other purposes* and desiring the agreement of the Council.

On the motion of Mr John Lenders (for the Honourable Justin Madden), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 15 TRANSFER OF LAND (ELECTRONIC TRANSACTIONS) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Transfer of Land Act 1958 to provide for the lodgement and registration of electronic instruments and to amend the Instruments Act 1958 and the Property Law Act 1958 and for other purposes* and desiring the agreement of the Council.

On the motion of Mr John Lenders (for the Honourable Justin Madden), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 16 CORRECTIONS (FURTHER AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Corrections Act 1986 to provide for certain information to be given to persons included on a victims register and to provide for how such information is dealt with, to provide for victims submissions to the Adult Parole Board, to include regulation-making powers for a victims register and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Theo Theophanous, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 17 HEALTH SERVICES (SUPPORTED RESIDENTIAL SERVICES) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Health Services Act 1988 and for other purposes* and desiring the agreement of the Council.

On the motion of Mr John Lenders (for Mr Gavin Jennings), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 18 ESTATE AGENTS AND TRAVEL AGENTS ACTS (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Estate Agents Act 1980 to rename and expand the purposes of the Estate Agents' Guarantee Fund and to amend the Travel Agents Act 1986 and for other purposes* and desiring the agreement of the Council.

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

- 19 ADJOURNMENT** — Mr John Lenders moved, That the Council, at its rising, adjourn until Tuesday, 4 May 2004.

Question — put and resolved in the affirmative.

Mr John Lenders moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 5.19 p.m., adjourned until Tuesday, 4 May 2004.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*



## LEGISLATIVE COUNCIL

### MINUTES OF THE PROCEEDINGS Nos. 56, 57 and 58

#### No. 56 — Tuesday, 4 May 2004

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 27 April 2004, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:  
*Gas Industry (Residual Provisions) (Amendment) Act*  
*Land Tax (Amendment) Act*  
*Public Prosecutions (Amendment) Act*  
*Unclaimed Moneys (Amendment) Act*  
*Wrongs (Remarriage Discount) Act.*
- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.
- 4 **MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.
- 5 **PETITIONS** —  
**FISHERIES REGULATIONS** — The Honourable Peter Hall presented a Petition bearing 110 signatures from certain citizens of Victoria requesting that the new Fisheries (Fees, Levies and Royalties) Regulations 2004, which are to be implemented in July 2004, be rejected and redrafted to more adequately represent the diversity of the fishing industry and enable it to reach its potential growth.  
Ordered to lie on the Table.

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**RURAL PLANNING ZONES** — The Honourable Peter Hall presented a Petition bearing 50 signatures from certain citizens of Victoria requesting that the Victorian Government withdraw and redraft the new rural planning zones and introduce a new planning system.  
Ordered to lie on the Table.

- 6 **PAPERS** —  
**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — The Honourable Lidia Argondizzo presented Alert Digest No. 4 of 2004 from the Scrutiny of Acts and Regulations Committee, together with Appendices.  
Ordered to lie on the Table and to be printed.

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**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:  
Adult Multicultural Education Services — Report, 2003.  
Bendigo Regional Institute of TAFE — Report, 2003.

- Box Hill Institute of TAFE — Report, 2003.  
 Central Gippsland Institute of TAFE — Report, 2003.  
 Centre for Adult Education — Report, 2003.  
 Chisholm Institute of TAFE — Report, 2003.  
 Commonwealth Games Arrangements Act 2001 — Designated Access Area Orders — Amendments, pursuant to section 18 of the Act (three papers).  
 Driver Education Centre of Australia Limited — Report, 2003.  
 East Gippsland Institute of TAFE — Report, 2003.  
 Geelong Cemeteries Trust — Report, 2003.  
 Gordon Institute of TAFE — Report, 2003.  
 Goulburn Ovens Institute of TAFE — Report, 2003.  
 Holmesglen Institute of TAFE — Report, 2003.  
 Kangan Batman Institute of TAFE — Report, 2003.  
 Lilydale Memorial Park and Cemetery — Minister for Health's report of receipt of 2003 report.  
 Municipal Association of Victoria Insurance — Report, 2002-03.  
 Northern Melbourne Institute of TAFE — Report, 2003.  
 Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:  
     Banyule Planning Scheme — Amendment C43.  
     Baw Baw Planning Scheme — Amendment C27.  
     Bendigo — Greater Bendigo Planning Scheme — Amendment C55.  
     Campaspe Planning Scheme — Amendment C28.  
     Casey Planning Scheme — Amendment C69.  
     Darebin Planning Scheme — Amendment C60.  
     Macedon Ranges Planning Scheme — Amendments C14 and C32.  
     Port Phillip Planning Scheme — Amendment C44.  
     Swan Hill Planning Scheme — Amendment C16.  
     Yarra Planning Scheme — Amendment C70.  
     Yarra Ranges Planning Scheme — Amendment C37.  
 Preston Cemetery Trust — Minister for Health's report of receipt of 2003 report.  
 South West Institute of TAFE — Report, 2003.  
 Statutory Rules under the following Acts of Parliament:  
     Local Government Act 1989 — No. 30.  
     Victorian Civil and Administrative Tribunal Act 1998 — No. 29.  
 Subordinate Legislation Act 1994 —  
     Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 29.  
     Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 30.  
 Sunraysia Institute of TAFE — Report, 2003.  
 Victoria Law Foundation — Report, 2002-03.  
 William Angliss Institute of TAFE — Report, 2003.  
 Wodonga Institute of TAFE — Report, 2003 (two papers).  
 Wyndham Cemeteries Trust — Minister for Health's report of receipt of 2003 report.

**7 GOVERNMENT BUSINESS PROGRAM** — Mr John Lenders moved, That, pursuant to Sessional Order 20, the Notice of Motion, Government Business relating to the approval of Amendment No. C66 to the Casey Planning Scheme and the Orders of the Day, Government Business, relating to the following Bills be considered and completed by 4.30 p.m. on Thursday, 6 May 2004:

- Control of Genetically Modified Crops Bill
- Road Management Bill
- Limitation of Actions (Amendment) Bill
- Petroleum (Submerged Lands) (Amendment) Bill

Monetary Units Bill  
Marine (Amendment) Bill.

Debate ensued.

Question — put and resolved in the affirmative.

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

**9 CONTROL OF GENETICALLY MODIFIED CROPS BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Theo Theophanous) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Andrea Coote (for the Honourable Philip Davis), the debate was adjourned until the next day of meeting.

**10 HERITAGE (FURTHER AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Andrea Coote (for the Honourable David Davis), the debate was adjourned until the next day of meeting.

**11 LAND (MISCELLANEOUS) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Andrea Coote (for the Honourable David Davis), the debate was adjourned until the next day of meeting.

**12 TRANSFER OF LAND (ELECTRONIC TRANSACTIONS) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Andrea Coote (for the Honourable David Davis), the debate was adjourned until the next day of meeting.

**13 CORRECTIONS (FURTHER AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Theo Theophanous) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Richard Dalla-Riva, the debate was adjourned until the next day of meeting.

**14 HEALTH SERVICES (SUPPORTED RESIDENTIAL SERVICES) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for Mr Gavin Jennings) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.



Question — put and resolved in the affirmative.

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

On the motion of the Honourable Andrea Coote, the debate was adjourned until the next day of meeting.

- 15 ESTATE AGENTS AND TRAVEL AGENTS ACTS (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Andrew Olexander, the debate was adjourned until the next day of meeting.

- 16 ROAD MANAGEMENT BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put.

The Council divided.

AYES, 23

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 Ms Dianne Hadden (*Teller*)  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen (*Teller*)  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

NOES, 18

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter (*Teller*)  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander (*Teller*)  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative.

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

House in Committee.

*Interruption of business pursuant to Sessional Order 14* —

The President having interrupted business at 10.00 p.m., the Honourable Marsha Thomson moved, That the sitting be continued.

Question — put and resolved in the affirmative.

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted.

Question — That the Bill be now read a third time — put and resolved in the affirmative.

*There being less than the absolute majority of the whole number of the Members of the Legislative Council rising in their places in support of the motion, the President declared that the third reading had not been passed with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council.*

**17 ADJOURNMENT** — Mr John Lenders moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 10.29 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
Clerk of the Legislative Council

## No. 57 — Wednesday, 5 May 2004

1 The President took the Chair and read the Prayer.

2 **PAPERS** —

**BUDGET PAPERS, 2004-05** — Mr John Lenders moved, by leave, That there be laid before this House a copy of the following 2004-05 Budget Papers:

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

Question — put and resolved in the affirmative.

The said papers were thereupon presented by Mr John Lenders and ordered to lie on the Table.

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

Question — put and resolved in the affirmative.

\* \* \* \* \*

**DRUGS AND CRIME PREVENTION COMMITTEE — AMPHETAMINE AND 'PARTY DRUG' USE** — Ms Carolyn Hirsh presented a Report from the Drugs and Crime Prevention Committee on Amphetamine and 'Party Drug' Use in Victoria, together with Appendices, Minority Reports and Minutes of Evidence.

Ordered to lie on the Table and the Report, Appendices and Minority Reports to be printed.

Ms Carolyn Hirsh moved, That the Council take note of the Report.

Debate ensued.

Question — put and resolved in the affirmative.

\* \* \* \* \*

**PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk:

A Statutory Rule under the Subordinate Legislation Act 1994 — No. 31.

3 **MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

**4 BUSINESS POSTPONED —**

Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 4 inclusive, be postponed until the next day of meeting.

Ordered — That the consideration of Notices of Motion, General Business, Nos. 5 to 8 inclusive, be postponed until later this day.

**5 COUNTRY HOSPITALS AND HEALTH SERVICES —** The Honourable David Davis moved, That this House condemns the Victorian Government for the cuts and closures it has implemented or is implementing at country hospitals and health services, including —

- (a) cuts to services and the effective closure of critical maternity and surgical services;
- (b) the closure or suspension of elective surgery at key country and regional centres;
- (c) allowing country waiting lists and waiting times to blow out thus forcing country Victorians to wait unacceptable lengths of time for necessary surgery;
- (d) through its own mismanagement, applying severe financial pressure on country hospitals and health services in that unacceptable cuts and closures have been forced on these critical services;
- (e) weakening country hospital boards of governance; and
- (f) weakening key Melbourne based tertiary hospitals that provide essential support to country hospitals and health services,

and calls on the Government to re-examine its flawed priorities for country hospitals and provide proper support for country hospitals and health services.

Debate ensued.

Question — put.

The Council divided.

AYES, 18

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva (*Teller*)  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels (*Teller*)

NOES, 23

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton (*Teller*)  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen (*Teller*)  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous

The Hon. Marsha Thomson  
Mr Matt Viney

And so it passed in the negative.

**6 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03.

**7 BUSINESS POSTPONED** — Ordered — That the consideration of the Notice of Motion, Government Business, be postponed until the next day of meeting.

**8 ROAD MANAGEMENT BILL** — The Order of the Day was read for the question to be put, That the Bill do pass.

The President proposed the question, That the Bill do pass.

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

**9 LIMITATION OF ACTIONS (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Bill read a second time and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**10 PETROLEUM (SUBMERGED LANDS) (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

House in Committee.

The President resumed the Chair; and the Acting Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**11 MONETARY UNITS BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put.

The Council divided.

AYES, 22

The Hon. Lidia Argondizzo  
Ms Candy Broad  
Ms Elaine Carbines  
The Hon. Kaye Darveniza  
The Hon. John Eren  
Ms Dianne Hadden  
The Hon. Geoff Hilton  
Ms Carolyn Hirsh (*Teller*)  
Mr Gavin Jennings  
Mr John Lenders

NOES, 18

The Hon. Bruce Atkinson  
The Hon. W.R. Baxter  
The Hon. Barry Bishop (*Teller*)  
The Hon. Ron Bowden  
The Hon. Andrea Coote  
The Hon. Richard Dalla-Riva  
The Hon. David Davis  
The Hon. Philip Davis  
The Hon. Damian Drum  
The Hon. Bill Forwood

The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell (*Teller*)  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels (*Teller*)

And so it was resolved in the affirmative.

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

House in Committee.

The President resumed the Chair; and the Chair of Committees reported that the Committee had made progress in the Bill, and asked leave to sit again.

Resolved — That the Council will, later this day, again resolve itself into the said Committee.

**12 ROAD MANAGEMENT BILL** — The Order of the Day was read for the resumption of the debate on the question to be put, That the Bill do pass.

Question — That the Bill do pass — put.

The Council divided.

AYES, 23

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 Ms Elaine Carbines (*Teller*)  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney (*Teller*)

NOES, 18

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis (*Teller*)  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong (*Teller*)  
 The Hon. John Vogels

And so it was resolved in the affirmative.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**13 MONETARY UNITS BILL** — The Order of the Day having been read for the further consideration of this Bill in Committee of the whole, the President left the Chair. House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted.

Question — That the Bill be now read a third time and that the Bill do pass — put.

The Council divided.

AYES, 23

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza (*Teller*)  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek (*Teller*)  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

NOES, 18

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum (*Teller*)  
 The Hon. Bill Forwood (*Teller*)  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**14 JUSTICE LEGISLATION (SEXUAL OFFENCES AND BAIL) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Crimes Act 1958, the Evidence Act 1958 and the Sentencing Act 1991 with respect to sexual offences, child pornography and sexual performances involving a minor and to amend the Bail Act 1977 and the County Court Act 1958 with respect to failure to answer bail and extension of bail and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**15 PRIMARY INDUSTRIES LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Agricultural and Veterinary Chemicals (Control of Use) Act 1992, the Dairy Act 2000, the Fisheries Act 1995, the Fisheries (Further Amendment) Act 2003, the Plant Health and Plant Products Act 1995 and the Stock*

*(Seller Liability and Declarations) Act 1993 and to repeal the Australian Food Industry Science Centre Act 1995 and for other purposes and desiring the agreement of the Council.*

On the motion of the Honourable Theo Theophanous, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**16 COMMONWEALTH GAMES ARRANGEMENTS (FURTHER AMENDMENT) BILL —**

The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Commonwealth Games Arrangements Act 2001 to provide for authorisations for broadcasting, making recordings and advertising in relation to the Commonwealth Games and related offences and enforcement, to provide for offences for the obstruction or hindering of Commonwealth Games events, to make other miscellaneous amendments to that Act and for other purposes and desiring the agreement of the Council.*

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

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

Debate ensued.

And then the Council, at 10.36 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
Clerk of the Legislative Council

## No. 58 — Thursday, 6 May 2004

1 The President took the Chair and read the Prayer.

**2 VICTORIAN QUALIFICATIONS AUTHORITY (NATIONAL REGISTRATION) BILL —**

The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Victorian Qualifications Authority Act 2000 to provide for a national scheme of registration of training organisations and vocational education and training and further education courses and qualifications and to make consequential amendments and for other purposes and desiring the agreement of the Council.*

On the motion of the Honourable Theo Theophanous, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

**3 PETITION — RURAL PLANNING ZONES —** The Honourable Peter Hall presented a Petition bearing 21 signatures from certain citizens of Victoria requesting that the Victorian Government withdraw and redraft the new rural planning zones and introduce a new planning system.

Ordered to lie on the Table.

**4 PAPERS PURSUANT TO STATUTE —** The following Papers, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk:

Surveillance Devices Act 1999 — Reports, 2003, from the Chief Commissioner of Police, Acting Chief Executive Officer of the Australian Crime Commission, the Secretary of the Department of Sustainability and Environment and the Acting Secretary of the Department of Primary Industries (three papers).

**5 MEMBERS' STATEMENTS —** Statements were made by Honourable Members pursuant to Sessional Order 11.

**6 STATEMENTS ON REPORTS AND PAPERS —** The President proposed the question, That reports and papers tabled in the Council be noted.

Statements were made by Honourable Members pursuant to Sessional Order 17.

Question — put and resolved in the affirmative.

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

- 8 MARINE (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 9 CASEY PLANNING SCHEME AMENDMENT** — The Honourable Justin Madden moved, That pursuant to section 46AH of the *Planning and Environment Act 1987*, Amendment No. C66 to the Casey Planning Scheme be approved.

Debate ensued.

*Business having been interrupted at 2.03 p.m. pursuant to Sessional Order 8 —*

- 10 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

- 11 CASEY PLANNING SCHEME AMENDMENT** — Debate continued on the question, That pursuant to section 46AH of the *Planning and Environment Act 1987*, Amendment No. C66 to the Casey Planning Scheme be approved.

Question — put and resolved in the affirmative.

- 12 PRIMARY INDUSTRIES LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Theo Theophanous) moved, That, pursuant to Sessional Order 34, the second reading speech (except for the statement under section 85 (5) of the *Constitution Act 1975*) be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

Mr John Lenders made a statement pursuant to section 85 (5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

On the motion of the Honourable Philip Davis, the debate was adjourned until the next day of meeting.

- 13 JUSTICE LEGISLATION (SEXUAL OFFENCES AND BAIL) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable C.A. Strong, the debate was adjourned until the next day of meeting.

- 14 COMMONWEALTH GAMES ARRANGEMENTS (FURTHER AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Philip Davis (for the Honourable Gordon Rich-Phillips), the debate was adjourned until the next day of meeting.



**15 CONTROL OF GENETICALLY MODIFIED CROPS BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Business having been interrupted by the Acting President at 4.30 p.m. pursuant to Sessional Order 14 —*

The Honourable Theo Theophanous moved, That pursuant to Sessional Order 27(a) the sitting be extended to complete the unfinished Government Business Program determined on 4 May 2004.

Question — put and resolved in the affirmative.

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

Question — put.

The Council divided.

AYES, 21

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren (*Teller*)  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer (*Teller*)  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

NOES, 17

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 The Hon. Peter Hall (*Teller*)  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels (*Teller*)

And so it was resolved in the affirmative.

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

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted.

Question — That the Bill be now read a third time and that the Bill do pass — put.

The Council divided.

AYES, 22

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren

NOES, 17

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrea Coote

Ms Dianne Hadden ( <i>Teller</i> )	The Hon. Richard Dalla-Riva
The Hon. Geoff Hilton	The Hon. David Davis
Ms Carolyn Hirsh	The Hon. Philip Davis
Mr John Lenders	The Hon. Damian Drum
The Hon. John McQuilten	The Hon. Bill Forwood
The Hon. Justin Madden	The Hon. Peter Hall
Ms Jenny Mikakos ( <i>Teller</i> )	The Hon. David Koch
The Hon. Robert Mitchell	The Hon. Wendy Lovell ( <i>Teller</i> )
The Hon. Sang Nguyen	The Hon. Gordon Rich-Phillips ( <i>Teller</i> )
Mr Noel Pullen	The Hon. Graeme Stoney
Ms Glenyys Romanes	The Hon. C.A. Strong
Mr Johan Scheffer	The Hon. John Vogels
Mr Robert Smith	
Mr Adem Somyurek	
The Hon. Theo Theophanous	
The Hon. Marsha Thomson	
Mr Matt Viney	

And so it was resolved in the affirmative.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 16 CRIMES (CONTROLLED OPERATIONS) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to provide for the lawful conduct of controlled operations for law enforcement purposes, including operations conducted in Victoria and interstate, to provide for mutual recognition of controlled operations authorised in other jurisdictions, to amend the Fisheries Act 1995, the Wildlife Act 1975 and other Acts and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 17 CRIMES (ASSUMED IDENTITIES) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to provide for the lawful acquisition and use of assumed identities for law enforcement purposes and the recognition of things done in relation to assumed identities in other jurisdictions and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 18 SURVEILLANCE DEVICES (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Surveillance Devices Act 1999 with respect to warrants and emergency authorisations for the use of surveillance devices, to recognise warrants and emergency authorisations issued in other jurisdictions and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 19 ENERGY LEGISLATION (REGULATORY REFORM) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to further amend the Electricity Industry Act 2000, the Gas Industry Act 2001, the Electricity Industry (Residual Provisions) Act 1993, the Electricity Safety Act 1998 and other Acts and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Theo Theophanous, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**20 ALPINE RESORTS (MANAGEMENT) (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Alpine Resorts (Management) Act 1997 and for other purposes* and desiring the agreement of the Council.

On the motion of Ms Candy Broad, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**21 ADJOURNMENT** — Mr John Lenders moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 9.55 p.m., adjourned until Tuesday, 11 May 2004.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*



## LEGISLATIVE COUNCIL

### MINUTES OF THE PROCEEDINGS Nos. 59, 60, 61 and 62

#### No. 59 — Tuesday, 11 May 2004

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Lieutenant-Governor, as the Governor's deputy, informing the Council that she had, this day, given the Royal Assent to the undermentioned Acts presented to her by the Clerk of the Parliaments:
  - Control of Genetically Modified Crops Act*
  - Limitation of Actions (Amendment) Act*
  - Marine (Amendment) Act*
  - Monetary Units Act*
  - Petroleum (Submerged Lands) (Amendment) Act*
  - Road Management Act.*
- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03.  
**UNION OFFICIALS' MEETING** — The Honourable Theo Theophanous having given an answer to a supplementary question without notice relating to a possible meeting with certain union officials —  
The Honourable Bill Forwood moved, That the Minister's answer be taken into consideration on the next day of meeting.  
Question — put and resolved in the affirmative.  
**QUESTIONS** — Questions without notice continued and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.
- 4 **MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.
- 5 **PETITION — VICTORIA PLANNING PROVISIONS** — The Honourable Philip Davis presented a Petition bearing 393 signatures from certain citizens of Victoria requesting that the Victorian Government and Minister for Planning not proceed with the introduction of the proposed "Farming Zone" to the Victoria Planning Provisions.  
Ordered to lie on the Table.
- 6 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:
  - Falls Creek Alpine Resort Management Board — Report for the year ended 31 October 2003.
  - Judicial Remuneration Tribunal — Report No. 2 on Review of Salaries, Allowances and Conditions of Service for Judicial Officers and Non-Judicial Members of VCAT, 16 March 2004.
  - Mount Baw Baw Alpine Resort Management Board — Report for the year ended 31 October 2003.
  - Mount Buller Alpine Resort Management Board — Report for the year ended 31 October 2003 (two papers).

Mount Stirling Alpine Resort Management Board — Report for the year ended 31 October 2003 (two papers).

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

Nillumbik Planning Scheme — Amendments C6 and C12.

Surf Coast Planning Scheme — Amendment C12.

Wangaratta Planning Scheme — Amendment C16.

Statutory Rules under the following Acts of Parliament:

Crimes Act 1958 — Supreme Court Act 1986 — No. 33.

Fair Trading Act 1999 — No. 34.

Goods Act 1958 — No. 35.

Supreme Court Act 1986 — Administration and Probate Act 1958 — No. 32.

Subordinate Legislation Act 1994 — Minister's exception certificates under section 8(4) in respect of Statutory Rule Nos. 32 and 33.

\* \* \* \*

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

Fair Trading (Amendment) Act 2003 — Sections 11, 75 and 76 — 1 June 2004  
(*Gazette No. G19, 6 May 2004*).

**7 GOVERNMENT BUSINESS PROGRAM** — Mr John Lenders moved, That, pursuant to Sessional Order 20, the Orders of the Day, Government Business, relating to the following Bills be considered and completed by 4.30 p.m. on Thursday, 13 May 2004:

Victorian Qualifications Authority (National Registration) Bill

Crimes (Controlled Operations) Bill

Crimes (Assumed Identities) Bill

Primary Industries Legislation (Miscellaneous Amendments) Bill

Justice Legislation (Sexual Offences and Bail) Bill

Commonwealth Games Arrangements (Further Amendment) Bill

Heritage (Further Amendment) Bill

Land (Miscellaneous) Bill

Transfer of Land (Electronic Transactions) Bill

Corrections (Further Amendment) Bill

Health Services (Supported Residential Services) Bill

Estate Agents and Travel Agents Acts (Amendment) Bill

Debate ensued.

Question — put and resolved in the affirmative.

**8 VICTORIAN QUALIFICATIONS AUTHORITY (NATIONAL REGISTRATION) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Theo Theophanous) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Andrew Brideson, the debate was adjourned until the next day of meeting.

**9 CRIMES (CONTROLLED OPERATIONS) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Andrea Coote (for the Honourable C.A. Strong), the debate was adjourned until the next day of meeting.

**10 CRIMES (ASSUMED IDENTITIES) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable C.A. Strong, the debate was adjourned until the next day of meeting.

**11 SURVEILLANCE DEVICES (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Richard Dalla-Riva, the debate was adjourned until the next day of meeting.

**12 ENERGY LEGISLATION (REGULATORY REFORM) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Theo Theophanous) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Bill Forwood, the debate was adjourned until the next day of meeting.

**13 ALPINE RESORTS (MANAGEMENT) (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for Ms Candy Broad) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Andrea Coote (for the Honourable Graeme Stoney), the debate was adjourned until the next day of meeting.

**14 PRIMARY INDUSTRIES LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

House in Committee.

The Acting President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**15 JUSTICE LEGISLATION (SEXUAL OFFENCES AND BAIL) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**16 COMMONWEALTH GAMES ARRANGEMENTS (FURTHER AMENDMENT) BILL —**

The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**17 PRIVATE SECURITY BILL —** The President announced the receipt of a Message from the Assembly presenting a Bill *to provide for the licensing or registration of certain participants in the private security industry, to otherwise regulate that industry, to amend the Private Agents Act 1966 and for other purposes* and desiring the agreement of the Council.

On the motion of Mr John Lenders (for the Honourable Theo Theophanous), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**18 BIRTHS, DEATHS AND MARRIAGES REGISTRATION (AMENDMENT) BILL —** The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Births, Deaths and Marriages Registration Act 1996 to provide for the recognition of the sex of persons who have undergone sex affirmation surgery and for other purposes* and desiring the agreement of the Council.

On the motion of Mr John Lenders (for the Honourable Justin Madden), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**19 COURTS LEGISLATION (JUDICIAL APPOINTMENTS) BILL —** The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Magistrates' Court Act 1989 and the Judicial Remuneration Tribunal Act 1995 to enable magistrates to work on a part-time basis, to amend the County Court Act 1958 and the Supreme Court Act 1986 to widen the eligibility criteria for certain judicial appointments and for other purposes* and desiring the agreement of the Council.

On the motion of Mr John Lenders (for the Honourable Justin Madden), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**20 COURTS LEGISLATION (FUNDS IN COURT) BILL —** The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Supreme Court Act 1986, the County Court Act 1958, the Magistrates' Court Act 1989, the Victims of Crime Assistance Act 1996 and the Trustee Act 1958 with respect to the investment and use of money held in court or by the Victims of Crime Assistance Tribunal on behalf of persons under disability and for other purposes* and desiring the agreement of the Council.

On the motion of Mr John Lenders (for the Honourable Justin Madden), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

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

Debate ensued.

And then the Council, at 10.33 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
Clerk of the Legislative Council

## No. 60 — Wednesday, 12 May 2004

- 1 The President took the Chair and read the Prayer.
- 2 **PETITION — PROPOSED TOXIC WASTE FACILITY AT PITTONG** — Ms Dianne Hadden presented a Petition bearing 139 signatures from certain citizens of Victoria praying that the Legislative Council takes urgent steps to ensure that the proposed toxic waste disposal facility at Pittong does not proceed and urging the Victorian Government to consider other locations on State owned land.  
Ordered to lie on the Table.
- 3 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:
  - Auditor-General — Report on Public Sector Agencies: Results of special reviews, May 2004.
  - Crown Land (Reserves) Act 1978 — Minister's Order of 20 April 2004, giving approval for the granting of leases at Rosebud Public Park and Recreation Reserve (three papers).
  - Environment Protection Act 1970 — Order in Council of 27 April 2004, declaring the Waste Management Policy (Ships' Ballast Water).
  - Subordinate Legislation Act 1994 — Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 35.
- 4 **MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.
- 5 **BUSINESS POSTPONED** —  
Ordered — That the consideration of Notices of Motion, General Business, Nos. 1, 3 and 5 to 7 inclusive, be postponed until later this day.  
Ordered — That the consideration of Notices of Motion, General Business, Nos. 2 and 4, be postponed until the next day of meeting.
- 6 **PLANNING DECISIONS** — The Honourable Peter Hall moved, That this House condemns the Government for the inept manner in which it has approached planning decisions throughout the State.  
Debate ensued.  
Question — put.  
The Council divided.

### AYES, 17

The Hon. Bruce Atkinson  
The Hon. W.R. Baxter  
The Hon. Barry Bishop  
The Hon. Ron Bowden  
The Hon. Andrew Brideson (*Teller*)  
The Hon. Richard Dalla-Riva  
The Hon. David Davis  
The Hon. Philip Davis  
The Hon. Damian Drum  
The Hon. Bill Forwood

### NOES, 22

The Hon. Lidia Argondizzo  
Ms Candy Broad  
Ms Elaine Carbines  
The Hon. Kaye Darveniza  
The Hon. John Eren  
Ms Dianne Hadden  
The Hon. Geoff Hilton (*Teller*)  
Ms Carolyn Hirsh  
Mr Gavin Jennings  
Mr John Lenders



The Hon. Peter Hall (*Teller*)  
 The Hon. David Koch  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen (*Teller*)  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 Mr Matt Viney

And so it passed in the negative.

**7 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

**8 PRIVATE SECURITY BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Theo Theophanous) moved, That, pursuant to Sessional Order 34, the second reading speech (except for the statement under section 85 (5) of the *Constitution Act 1975*) be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

Mr John Lenders made a statement pursuant to section 85 (5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

On the motion of the Honourable Richard Dalla-Riva, the debate was adjourned until the next day of meeting.

**9 BIRTHS, DEATHS AND MARRIAGES REGISTRATION (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable C.A. Strong, the debate was adjourned until the next day of meeting.

**10 COURTS LEGISLATION (JUDICIAL APPOINTMENTS) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable C.A. Strong, the debate was adjourned until the next day of meeting.

**11 COURTS LEGISLATION (FUNDS IN COURT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable C.A. Strong, the debate was adjourned until the next day of meeting.

**12 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 5, be postponed until later this day.

**13 CORRECTIONS (FURTHER AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**14 LAND (MISCELLANEOUS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**15 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 7 and 8, be postponed until later this day.

**16 HEALTH SERVICES (SUPPORTED RESIDENTIAL SERVICES) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**17 CRIMES (CONTROLLED OPERATIONS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**18 CRIMES (ASSUMED IDENTITIES) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**19 HERITAGE (FURTHER AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Business having been interrupted by the Deputy President at 10.00 pm pursuant to Sessional Order 14, the debate stood adjourned in the name of the Honourable David Davis.*

**20 ADJOURNMENT** — The Deputy President proposed the question, That the House do now adjourn.

Debate ensued.

And then the Council, at 10.54 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
Clerk of the Legislative Council

## No. 61 — Thursday, 13 May 2004

1 The President took the Chair and read the Prayer.

2 **PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk:

Subordinate Legislation Act 1994 — Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 34.

3 **SITTING OF THE COUNCIL** — Mr John Lenders moved, That, notwithstanding any sitting of the Council on Friday, 14 May 2004 for the completion of the Government Business Program, the Council, at its rising, adjourn until Tuesday, 25 May 2004.

Question — put and resolved in the affirmative.

4 **MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

5 **STATEMENTS ON REPORTS AND PAPERS** — The President proposed the question, That reports and papers tabled in the Council be noted.

Statements were made by Honourable Members pursuant to Sessional Order 17.

Question — put and resolved in the affirmative.

6 **GOVERNMENT BUSINESS PROGRAM** — The Honourable Theo Theophanous moved, That, pursuant to Sessional Order 21, the Resolution of the Council adopted on 11 May 2004 relating to the Government Business Program be amended to permit the Orders of the Day, Government Business, relating to the following Bills to be also considered and completed by 4.30 p.m. on Thursday, 13 May 2004:

Surveillance Devices (Amendment) Bill

Energy Legislation (Regulatory Reform) Bill

Alpine Resorts (Management) (Amendment) Bill.

Debate ensued.

Question — put and resolved in the affirmative.

7 **HERITAGE (FURTHER AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Business having been interrupted at 2.03 p.m. pursuant to Sessional Order 6 —*

8 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03.

9 **HERITAGE (FURTHER AMENDMENT) BILL** — Debate continued on the question, That the Bill be now read a second time.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

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

**11 TRANSFER OF LAND (ELECTRONIC TRANSACTIONS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Business having been interrupted by the Acting President at 4.30 p.m. pursuant to Sessional Order 14 —*

Ms Candy Broad moved, That pursuant to Sessional Order 27(a) the sitting be extended to complete the unfinished Government Business Program determined on 11 May 2004, as amended on 13 May 2004.

Question — put and resolved in the affirmative.

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

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**12 ESTATE AGENTS AND TRAVEL AGENTS ACTS (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put.

The Council divided.

AYES, 23

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh (*Teller*)  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell (*Teller*)  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous

NOES, 18

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop (*Teller*)  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander (*Teller*)  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

The Hon. Marsha Thomson  
Mr Matt Viney

And so it was resolved in the affirmative.

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

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted.

Question — That the Bill be now read a third time and that the Bill do pass — put.

The Council divided.

AYES, 23

The Hon. Lidia Argondizzo  
Ms Candy Broad  
Ms Elaine Carbines  
The Hon. Kaye Darveniza  
The Hon. John Eren  
Ms Dianne Hadden  
The Hon. Geoff Hilton  
Ms Carolyn Hirsh  
Mr Gavin Jennings  
Mr John Lenders  
The Hon. John McQuilten  
The Hon. Justin Madden  
Ms Jenny Mikakos (*Teller*)  
The Hon. Robert Mitchell  
The Hon. Sang Nguyen (*Teller*)  
Mr Noel Pullen  
Ms Glenyys Romanes  
Mr Johan Scheffer  
Mr Robert Smith  
Mr Adem Somyurek  
The Hon. Theo Theophanous  
The Hon. Marsha Thomson  
Mr Matt Viney

NOES, 18

The Hon. Bruce Atkinson (*Teller*)  
The Hon. W.R. Baxter  
The Hon. Barry Bishop  
The Hon. Ron Bowden  
The Hon. Andrew Brideson  
The Hon. Andrea Coote  
The Hon. Richard Dalla-Riva  
The Hon. David Davis  
The Hon. Philip Davis  
The Hon. Damian Drum (*Teller*)  
The Hon. Peter Hall  
The Hon. David Koch  
The Hon. Wendy Lovell  
The Hon. Andrew Olexander  
The Hon. Gordon Rich-Phillips  
The Hon. Graeme Stoney  
The Hon. C.A. Strong  
The Hon. John Vogels

And so it was resolved in the affirmative.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**13 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 5, be postponed until later this day.

**14 ENERGY LEGISLATION (REGULATORY REFORM) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Business having been interrupted by the President at 10.00 pm pursuant to Sessional Order 14, the debate stood adjourned in the name of the Honourable Bill Forwood.*

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

Debate ensued.

And then the Council, at 10.14 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
Clerk of the Legislative Council

## No. 62 — Friday, 14 May 2004

- 1 The President took the Chair and read the Prayer.
- 2 **ENERGY LEGISLATION (REGULATORY REFORM) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.  
Debate resumed.  
Question — put and resolved in the affirmative.  
Bill read a second time and committed to a Committee of the whole.  
House in Committee.  
The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.  
Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 3 **VICTORIAN QUALIFICATIONS AUTHORITY (NATIONAL REGISTRATION) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.  
Debate resumed.  
On the motion of Ms Dianne Hadden, the debate was adjourned until later this day.
- 4 **BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 3, be postponed until later this day.
- 5 **ALPINE RESORTS (MANAGEMENT) (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.  
Debate resumed.  
The Honourable Graeme Stoney moved, as an amendment, That all the words after “That” be omitted with the view of inserting in place thereof “this House refuses to read this Bill a second time until consultation has taken place with key stakeholders concerning the introduction of alternative legislation making Craig’s Hut and the access track to Craig’s Hut subject to management by the new Mount Buller and Mount Stirling Alpine Resort Management Board proposed in the Bill”.  
Debate ensued.  
Question — That the words proposed to be omitted stand part of the question — put.  
The Council divided.

AYES, 21

The Hon. Lidia Argondizzo  
Ms Candy Broad  
Ms Elaine Carbines (*Teller*)  
The Hon. Kaye Darveniza  
Ms Dianne Hadden  
The Hon. Geoff Hilton  
Ms Carolyn Hirsh  
Mr Gavin Jennings

NOES, 16

The Hon. W.R. Baxter  
The Hon. Barry Bishop (*Teller*)  
The Hon. Ron Bowden (*Teller*)  
The Hon. Andrew Brideson  
The Hon. Andrea Coote  
The Hon. Richard Dalla-Riva  
The Hon. David Davis  
The Hon. Philip Davis

Mr John Lenders  
 The Hon. John McQuilten (*Teller*)  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

The Hon. Damian Drum  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative — Amendment negated.

Question — That the Bill be now read a second time — put and resolved in the affirmative.

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

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**6 SURVEILLANCE DEVICES (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Business having been interrupted by the Chair at 4.00 p.m. pursuant to Sessional Order 27(c) —*

Mr John Lenders moved, by leave, That the Sessional Orders be suspended to the extent necessary to permit the Honourable W.R. Baxter to speak on the motion for the second reading on the Surveillance Devices (Amendment) Bill.

Question — put and resolved in the affirmative.

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

Question — That the Bill be now read a second time, That the Bill be now read a third time and That the Bill do pass — put and resolved in the affirmative.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**7 VICTORIAN QUALIFICATIONS AUTHORITY (NATIONAL REGISTRATION) BILL** —

Question — That the Bill be now read a second time, That the Bill be now read a third time and That the Bill do pass — put and resolved in the affirmative.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

And then the Council, at 4.09 p.m., adjourned until Tuesday, 25 May 2004.



## LEGISLATIVE COUNCIL

### MINUTES OF THE PROCEEDINGS Nos. 63, 64 and 65

#### No. 63 — Tuesday, 25 May 2004

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that he had, on the following dates, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:
  - On 18 May 2004 —
    - Commonwealth Games Arrangements (Further Amendment) Act*
    - Corrections (Further Amendment) Act*
    - Crimes (Assumed Identities) Act*
    - Crimes (Controlled Operations) Act*
    - Estate Agents and Travel Agents Acts (Amendment) Act*
    - Health Services (Supported Residential Services) Act*
    - Heritage (Further Amendment) Act*
    - Justice Legislation (Sexual Offences and Bail) Act*
    - Land (Miscellaneous) Act*
    - Primary Industries Legislation (Miscellaneous Amendments) Act*
    - Transfer of Land (Electronic Transactions) Act.*
  - On 25 May 2004 —
    - Alpine Resorts (Management) (Amendment) Act*
    - Energy Legislation (Regulatory Reform) Act*
    - Surveillance Devices (Amendment) Act*
    - Victorian Qualifications Authority (National Registration) Act.*
- 3 **APPROPRIATION (PARLIAMENT 2004/2005) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *for the appropriation of certain sums out of the Consolidated Fund for the Parliament in respect of the financial year 2004/2005 and for other purposes* and desiring the agreement of the Council.

On the motion of Mr John Lenders, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 4 **APPROPRIATION (2004/2005) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *for the appropriation of certain sums out of the Consolidated Fund for the ordinary annual services of the Government for the financial year 2004/2005 and for other purposes* and desiring the agreement of the Council.

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



**5 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

**6 MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

**7 PETITION — RECREATIONAL FISHING** — The Honourable Ron Bowden presented a Petition bearing 250 signatures from certain citizens of Victoria requesting that the Mornington Peninsula Shire Council provide boat washing and fish cleaning facilities at ramps immediately for recreational fishermen and that the maximum boat landing fee be \$2.00.

Ordered to lie on the Table.

**8 PAPERS** —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** —

**ANNUAL REVIEW 2003** — The Honourable Lidia Argondizzo presented the Annual Review 2003 from the Scrutiny of Acts and Regulations Committee, together with Appendices.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

**REGULATIONS ANNUAL REVIEW** — The Honourable Lidia Argondizzo presented the Annual Review 2003 from the Scrutiny of Acts and Regulations Committee on Regulations 2003, together with Appendices.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

**ALERT DIGEST** — The Honourable Lidia Argondizzo presented Alert Digest No. 5 of 2004 from the Scrutiny of Acts and Regulations Committee, together with Appendices.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

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

Auditor-General — Report on Delivery of Home and Community Care Services by Local Government, May 2004.

Commonwealth Games Arrangements Act 2001 — Commonwealth Games Designated Access Area Order, pursuant to section 18 of the Act.

Crown Land (Reserves) Act 1978 — Minister's Orders of 25 March 2004 and 4 May 2004 giving approval for the granting of leases at Mt Wombat Preservation of Species of Native Plants Reserve, Tasma Terrace Reserve and Watsons Hill Historic Reserve (three papers).

International Fibre Centre — Minister for Education and Training's report of receipt of 2003 report.

Melbourne 2002 World Masters Games Ltd — Report for the period 1 July 2001 to 15 November 2002.

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

Bayside Planning Scheme — Amendment C29 (Part 2).

Boroondara Planning Scheme — Amendment C16.

Glen Eira Planning Scheme — Amendment C35.

Glenelg Planning Scheme — Amendment C11.

Knox Planning Scheme — Amendment C39.

Monash Planning Scheme — Amendment C36.

South Gippsland Planning Scheme — Amendment C18.

Victoria Planning Provisions — Amendment VC23.

Wangaratta Planning Scheme — Amendment C13.

Statutory Rules under the following Acts of Parliament:

Fair Trading Act 1999 — No. 36.

Road Safety Act 1986 — No. 38.

Transfer of Land Act 1958 — No. 37.

Subordinate Legislation Act 1994 — Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 28, 37 and 38.

\* \* \* \*

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

Australian Crime Commission (State Provisions) Act 2003 — Section 3(1)(d) and (e), 15, Division 3 of Part 2, and section 44(1)(b) — 13 May 2004 (*Gazette No. G20, 13 May 2004*).

Fair Trading (Further Amendment) Act 2003 — Remaining provisions — 30 August 2004 (*Gazette No. G20, 13 May 2004*).

**9 GOVERNMENT BUSINESS PROGRAM** — Mr Gavin Jennings moved, That, pursuant to Sessional Order 20, the Orders of the Day, Government Business, relating to the following Bills be considered and completed by 4.30 p.m. on Thursday, 27 May 2004:

Private Security Bill

Births, Deaths and Marriages Registration (Amendment) Bill

Courts Legislation (Judicial Appointments) Bill

Courts Legislation (Funds in Court) Bill.

Question — put and resolved in the affirmative.

**10 PRIVATE SECURITY BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

The Honourable Richard Dalla-Riva moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this House refuses to read this Bill a second time until there is further consultation with key stakeholders in the security industry concerning the ability of the Bill to adequately provide for sustainable and effective regulation of the security industry and to meet its stated policy objective to 'regulate the private security industry for the purposes of ensuring public safety and peace'".

Debate ensued.

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

The Council divided.

AYES, 22

The Hon. Lidia Argondizzo  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza (*Teller*)  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell

NOES, 16

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Andrew Brideson (*Teller*)  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 The Hon. Peter Hall (*Teller*)  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips

The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney (*Teller*)

The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative – Amendment negatived.

Question — That the Bill be now read a second time — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 11 APPROPRIATION (2004/2005) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Bill Forwood, the debate was adjourned until the next day of meeting.

- 12 BIRTHS, DEATHS AND MARRIAGES REGISTRATION (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

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

- 13 OMBUDSMAN LEGISLATION (POLICE OMBUDSMAN) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Ombudsman Act 1973, the Police Regulation Act 1958 and the Whistleblowers Protection Act 2001 to create the office of Police Ombudsman, abolish the office of Deputy Ombudsman (Police Complaints) and broaden the powers of investigation into police matters and conduct and for other purposes* and desiring the agreement of the Council.

On the motion of Mr John Lenders, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time forthwith.

Accordingly, Mr John Lenders moved, That, pursuant to Sessional Order 34, the second reading speech (except for the statement under section 85 (5) of the *Constitution Act 1975*) be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

Mr John Lenders made a statement pursuant to section 85 (5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

Debate ensued.

Question — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

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

Debate ensued.

And then the Council, at 10.26 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
Clerk of the Legislative Council

## No. 64 — Wednesday, 26 May 2004

1 The President took the Chair and read the Prayer.

2 **PETITIONS** —

**BUSHFIRE RECOVERY TASKFORCE** — The Honourable Philip Davis presented a Petition bearing 290 signatures from certain citizens of Victoria requesting that the Government provide funding to employ at least two additional permanent dog trappers for the Bushfire Recovery Taskforce in Gippsland.

Ordered to lie on the Table.

\* \* \* \* \*

**FOXHOUNDS REGULATIONS** — Ms Carolyn Hirsh presented a Petition bearing one signature from a certain citizen of Victoria requesting that the Government withdraw current regulations relating to the restrictive use of scent-trailing fox hounds and their cross breeds and that new regulations be introduced to allow currently registered fox hounds and cross breeds to be used until 2015.

Ordered to lie on the Table.

3 **PAPERS** —

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — AUDITOR-GENERAL'S OFFICE AUDITS** — The Honourable Bill Forwood presented a Report from the Public Accounts and Estimates Committee on the Appointment of Persons to conduct Financial and Performance Audits of the Victorian Auditor-General's Office, together with Appendices.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

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

Auditor-General —

Report on Budget Development and Management within departments, May 2004.

Report on Managing emergency demand in public hospitals, May 2004.

Report on Public Sector Agencies: Results of special reviews and financial statement audits for agencies with 2003 balance dates other than 30 June, May 2004.

4 **MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

5 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 6 inclusive, be postponed until later this day.

6 **CONSUMER AND TENANCY AGENCY SERVICES** — The Honourable Andrew Olexander moved, That this House expresses its strong opposition to the

Government plan to cut vital consumer and tenancy agency services in local communities, both in country Victoria and in metropolitan Melbourne, and —

- (a) condemns the Minister for Consumer Affairs and Mr Johan Scheffer, MLC for conducting an unresponsive, misleading and deceitful 'consultation' process and 'review' of existing services;
- (b) calls on the Government to recognise the negative and debilitating effects that planned centralisation and closure of many services will have on vulnerable and disadvantaged people in country Victoria and metropolitan Melbourne; and
- (c) demands that the Government retain the existing decentralised service delivery model which currently serves consumers and tenants in country Victoria and metropolitan Melbourne as a minimum benchmark of service delivery in this vital area.

Debate ensued.

Question — put.

The Council divided.

AYES, 17

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva (*Teller*)  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. C.A. Strong  
 The Hon. John Vogels (*Teller*)

NOES, 21

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Kaye Darveniza  
 The Hon. John Eren (*Teller*)  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek (*Teller*)  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

And so it passed in the negative.

- 7 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.
- 8 VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL (AMENDMENT) BILL** — On the motion of the Honourable Justin Madden, leave was given to bring in a Bill to amend the Victorian Civil and Administrative Tribunal Act 1998 in relation to the powers of the Minister for Planning to call in certain proceedings from the Victorian Civil and Administrative Tribunal and for other purposes, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 9 APPROPRIATION (PARLIAMENT 2004/2005) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.
- Question — put and resolved in the affirmative.
- Mr John Lenders moved, That the Bill be now read a second time.
- On the motion of the Honourable Bill Forwood, the debate was adjourned until the next day of meeting.
- 10 BIRTHS, DEATHS AND MARRIAGES REGISTRATION (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.
- Debate resumed.
- Question — put and resolved in the affirmative.
- Bill read a second time and, by leave, read a third time and passed.
- Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 11 COURTS LEGISLATION (JUDICIAL APPOINTMENTS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.
- Debate resumed.
- Question — put and resolved in the affirmative.
- Bill read a second time and, by leave, read a third time and passed.
- Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 12 JUDICIAL SALARIES BILL** — The Acting President announced the receipt of a Message from the Assembly presenting a Bill *to remove the function of the Judicial Remuneration Tribunal to make determinations in relation to the salaries and allowances of judicial officers and the remuneration of acting magistrates and make fresh provision with respect to such salaries, allowances and remuneration, to amend the Judicial Remuneration Tribunal Act 1995 and make consequential amendments to the Constitution Act 1975, the County Court Act 1958 and the Magistrates' Court Act 1989 and for other purposes* and desiring the agreement of the Council.
- On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 13 COURTS LEGISLATION (FUNDS IN COURT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.
- Debate resumed.
- Question — put and resolved in the affirmative.
- Bill read a second time and, by leave, read a third time and passed.
- Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 14 APPROPRIATION (2004/2005) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.
- Debate resumed.
- On the motion of Ms Jenny Mikakos, the debate was adjourned until the next day of meeting.
- 15 MITCHAM-FRANKSTON PROJECT BILL** — The Deputy President announced the receipt of a Message from the Assembly presenting a Bill *to make provision in*

*relation to the construction and management of the Mitcham-Frankston Freeway, to amend section 85 of the Constitution Act 1975 and the Road Management Act 2004 and other Acts and for other purposes and desiring the agreement of the Council.*

On the motion of Ms Candy Broad, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

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

Debate ensued.

And then the Council, at 10.22 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
Clerk of the Legislative Council

## No. 65 — Thursday, 27 May 2004

1 The President took the Chair and read the Prayer.

**2 APPEAL COSTS AND PENALTY INTEREST RATES ACTS (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Appeal Costs Act 1998 and the Penalty Interest Rates Act 1983 and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**3 DEATH NOTIFICATION LEGISLATION (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Coroners Act 1985 to create a category of reviewable death to allow investigation of multiple child deaths, to amend the Births, Deaths and Marriages Registration Act 1996, the Health Act 1958, the Children and Young Persons Act 1989 and the Human Services (Complex Needs) Act 2003 and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**4 PETITIONS** —

**PENSIONER CAR REGISTRATION** — The Honourable David Koch presented a Petition bearing 163 signatures from certain citizens of Victoria requesting that the Victorian Government abandon the proposal to increase the cost of car registration for Victorian pensioners by \$78.50 as it will detrimentally impact upon those who are financially unable to pay by jeopardising their freedom of movement, removing their independence and diminishing their quality of life.

Ordered to lie on the Table.

\* \* \* \* \*

**CORANGAMITE SHIRE COUNCIL BOUNDARIES** — The Honourable John Vogels presented a Petition bearing 1764 signatures from certain citizens of Victoria praying that the Victorian Government support the current position of five two-councillor wards for the Corangamite Shire.

Ordered to lie on the Table.

**5 MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

**6 STATEMENTS ON REPORTS AND PAPERS** — The President proposed the question, That reports and papers tabled in the Council be noted.

Statements were made by Honourable Members pursuant to Sessional Order 17.

Question — put and resolved in the affirmative.

- 7 VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Marsha Thomson (for the Honourable Justin Madden) moved, That the Bill be now read a second time.

On the motion of the Honourable Andrea Coote (for the Honourable David Davis), the debate was adjourned until Thursday, 10 June 2004.

- 8 JUDICIAL SALARIES BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Marsha Thomson (for Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Marsha Thomson moved, That the Bill be now read a second time.

On the motion of the Honourable Andrea Coote (for the Honourable C.A. Strong), the debate was adjourned until the next day of meeting.

- 9 MITCHAM-FRANKSTON PROJECT BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Marsha Thomson (for Ms Candy Broad) moved, That, pursuant to Sessional Order 34, the second reading speech (except for the statement under section 85 (5) of the *Constitution Act 1975*) be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Marsha Thomson moved, That the Bill be now read a second time.

The Honourable Marsha Thomson made a statement pursuant to section 85 (5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

On the motion of the Honourable Andrea Coote (for the Honourable Ron Bowden), the debate was adjourned until the next day of meeting.

- 10 APPROPRIATION (PARLIAMENT 2004/2005) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 11 APPROPRIATION (2004/2005) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Business having been interrupted at 2.03 p.m. pursuant to Sessional Order 6 —*

- 12 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

- 13 APPROPRIATION (2004/2005) BILL** — Debate continued on the question, That the Bill be now read a second time.

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

- 14 SURVEYING BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to provide for the management of cadastral surveying, to repeal the Surveyors Act 1978 and for other purposes* and desiring the agreement of the Council.



On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**15 TRANSPORT LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Marine Act 1988, the Melbourne City Link Act 1995, the Public Transport Competition Act 1995, the Rail Corporations Act 1996, the Road Safety Act 1986, the Road Safety (Drug Driving) Act 2003, the Road Transport (Dangerous Goods) Act 1995, the Sentencing Act 1991 and the Transport Act 1983 and make consequential amendments to the Magistrates' Court Act 1989 and for other purposes* and desiring the agreement of the Council.

On the motion of Ms Candy Broad, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**16 TREASURY AND FINANCE LEGISLATION (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Accident Compensation Act 1985, the Accident Compensation (WorkCover Insurance) Act 1993, the Emergency Services Superannuation Act 1986, the Government Superannuation Act 1999, the Professional Standards Act 2003, the State Employees Retirement Benefits Act 1979, the State Superannuation Act 1988, the Superannuation (Portability) Act 1989, the Transport Superannuation Act 1988 and the Victorian Managed Insurance Authority Act 1996 and for other purposes* and desiring the agreement of the Council.

On the motion of Ms Candy Broad (for Mr John Lenders), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**17 ARCHITECTS (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Architects Act 1991, the Building Act 1993 and the Domestic Building Contracts Act 1995 and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

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

Debate ensued.

And then the Council, at 5.10 p.m., adjourned until Tuesday next.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*



## LEGISLATIVE COUNCIL

### MINUTES OF THE PROCEEDINGS Nos. 66, 67 and 68

#### No. 66 — Tuesday, 1 June 2004

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council —

That he had, this day, given the Royal Assent to the undermentioned Act presented to him by the Speaker of the Legislative Assembly:

*Appropriation (Parliament 2004/2005) Act.*

That he had, this day, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:

*Births, Deaths and Marriages Registration (Amendment) Act*

*Courts Legislation (Funds in Court) Act*

*Courts Legislation (Judicial Appointments) Act*

*Ombudsman Legislation (Police Ombudsman) Act*

*Private Security Act.*

- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.
- 4 **MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.
- 5 **PETITIONS** —

**PENSIONER CAR REGISTRATION** — The Honourable David Koch presented a Petition bearing 141 signatures from certain citizens of Victoria requesting that the Victorian Government abandon the proposal to increase the cost of car registration for Victorian pensioners by \$78.50 as it will detrimentally impact upon those who are financially unable to pay by jeopardising their freedom of movement, removing their independence and diminishing their quality of life.

Ordered to lie on the Table.

\* \* \* \* \*

**BUSHFIRE RECOVERY TASKFORCE** — The Honourable Philip Davis presented a Petition bearing 38 signatures from certain citizens of Victoria requesting that the Government provide funding to employ at least two additional permanent dog trappers for the Bushfire Recovery Taskforce in Gippsland.

Ordered to lie on the Table.

\* \* \* \* \*

**CORANGAMITE SHIRE COUNCIL BOUNDARIES** — The Honourable John Vogels presented a Petition bearing 81 signatures from certain citizens of Victoria praying that the Victorian Government support the current position of five two-councillor wards for the Corangamite Shire.

Ordered to lie on the Table.

## 6 PAPERS —

**MINISTERIAL INTERVENTION IN PLANNING MATTERS** — Mr John Lenders (for the Honourable Justin Madden) moved, by leave, That there be laid before this House a copy of a Statement on Ministerial Intervention in Planning Matters for the period May 2003 to April 2004.

Question — put and resolved in the affirmative.

The said Statement was thereupon presented by Mr John Lenders (for the Honourable Justin Madden) and ordered to lie on the Table.

\* \* \* \* \*

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

Australian Crime Commission — Report, 2002-03.

Drugs, Poisons and Controlled Substances Act 1981 — Standard for the Uniform Scheduling of Drugs and Poisons, No. 18, Amendment No. 3, 1 May 2004 and Minister's Notice regarding the amendment, commencement and availability of the Poisons Code (three papers).

National Parks Act 1975 — Minister's notice of 27 May 2004 of consent to petroleum exploration within the Lower Glenelg National Park under Petroleum Exploration Permit Number 151.

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

Banyule Planning Scheme — Amendments C38 (Part 1) and C40.

Glen Eira Planning Scheme — Amendments C11 and C14.

Hobsons Bay Planning Scheme — Amendment C39.

Hume Planning Scheme — Amendment C43.

Kingston Planning Scheme — Amendment C31.

Maroondah Planning Scheme — Amendment C27.

Melbourne Planning Scheme — Amendment C90.

Statutory Rules under the following Acts of Parliament:

Architects Act 1991 — No. 51.

Associations Incorporation Act 1981 — No. 39.

Building Act 1993 — No. 46.

Drugs, Poisons and Controlled Substances Act 1981 — Nos. 43 and 44.

Evidence Act 1958 — No. 52.

Extractive Industries Development Act 1995 — No. 53.

Fair Trading Act 1999 — No. 41.

Financial Management Act 1994 — No. 42.

Nurses Act 1993 — No. 45.

Residential Tenancies Act 1997 — No. 40.

Road Safety Act 1986 — Nos. 48 to 50.

Subordinate Legislation Act 1994 — No. 47.

Subordinate Legislation Act 1994 —

Ministers' exception certificates under section 8(4) in respect of Statutory Rule Nos. 47, 49 and 50.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 36, 39 to 41, 43 and 48.

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

Extractive Industries Development (Amendment) Act 2003 — Whole Act (except section 15) — 27 May 2004 — (*Gazette No. G22, 27 May 2004*).

Human Services (Complex Needs) Act 2003 — Whole Act (except for paragraph (e) of section 31(3) — 31 May 2004 (*Gazette No. G22, 27 May 2004*).

- 7 GOVERNMENT BUSINESS PROGRAM** — Mr John Lenders moved, That, pursuant to Sessional Order 20, the Orders of the Day, Government Business, relating to the following Bills be considered and completed by 4.30 p.m. on Thursday, 3 June 2004:  
Treasury and Finance Legislation (Amendment) Bill  
Judicial Salaries Bill  
Appeal Costs and Penalty Interest Rates Acts (Amendment) Bill  
Death Notification Legislation (Amendment) Bill  
Transport Legislation (Miscellaneous Amendments) Bill  
Architects (Amendment) Bill  
Surveying Bill  
Mitcham-Frankston Project Bill.
- Debate ensued.  
Question — put and resolved in the affirmative.
- 8 TREASURY AND FINANCE LEGISLATION (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders moved, That, pursuant to Sessional Order 34, the second reading speech (except for the statement under section 85 (5) of the *Constitution Act 1975*) be incorporated into Hansard.
- Question — put and resolved in the affirmative.  
Mr John Lenders moved, That the Bill be now read a second time.  
Mr John Lenders made a statement pursuant to section 85 (5) of the *Constitution Act 1975* on the reasons for altering or varying this section.  
On the motion of the Honourable C.A. Strong, the debate was adjourned until later this day.
- 9 APPEAL COSTS AND PENALTY INTEREST RATES ACTS (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.
- Question — put and resolved in the affirmative.  
Mr John Lenders moved, That the Bill be now read a second time.  
On the motion of the Honourable C.A. Strong, the debate was adjourned until the next day of meeting.
- 10 DEATH NOTIFICATION LEGISLATION (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.
- Question — put and resolved in the affirmative.  
Mr John Lenders moved, That the Bill be now read a second time.  
On the motion of the Honourable C.A. Strong, the debate was adjourned until the next day of meeting.
- 11 TRANSPORT LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for Ms Candy Broad) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.
- Question — put and resolved in the affirmative.  
Mr John Lenders moved, That the Bill be now read a second time.  
On the motion of the Honourable Ron Bowden, the debate was adjourned until the next day of meeting.
- 12 ARCHITECTS (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Justin Madden)

moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Andrea Coote (for the Honourable David Davis), the debate was adjourned until the next day of meeting.

- 13 SURVEYING BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Andrea Coote (for the Honourable David Davis), the debate was adjourned until the next day of meeting.

- 14 JUDICIAL SALARIES BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 15 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 8, be postponed until later this day.

- 16 MITCHAM-FRANKSTON PROJECT BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put.

The Council divided.

AYES, 23

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 Ms Dianne Hadden (*Teller*)  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes

NOES, 18

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis (*Teller*)  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong (*Teller*)

Mr Johan Scheffer (*Teller*)  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

The Hon. John Vogels

And so it was resolved in the affirmative.

Bill read a second time.

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

The Council divided.

AYES, 23

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton (*Teller*)  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen (*Teller*)  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

NOES, 18

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood (*Teller*)  
 The Hon. Peter Hall  
 The Hon. David Koch (*Teller*)  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative.

Bill read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

*Business having been interrupted by the President pursuant to Sessional Order 14 —*

**17 RACING AND GAMING ACTS (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Racing Act 1958, the Lotteries Gaming and Betting Act 1966, the Gambling Regulation Act 2003, the Confiscation Act 1997, the ANZAC Day Act 1958 and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**18 DOMESTIC BUILDING CONTRACTS (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Domestic Building Contracts Act 1995 in relation to Off the Plan contracts of sale* and desiring the agreement of the Council.

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

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

Debate ensued.

And then the Council, at 10.58 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
Clerk of the Legislative Council

## No. 67 — Wednesday, 2 June 2004

1 The President took the Chair and read the Prayer.

**2 FINANCIAL MANAGEMENT (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Financial Management Act 1994 with respect to government financial reporting and for other purposes* and desiring the agreement of the Council.

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

**3 PETITION — PENSIONER CAR REGISTRATION** — The Honourable David Koch presented a Petition bearing 15 signatures from certain citizens of Victoria requesting that the Victorian Government abandon the proposal to increase the cost of car registration for Victorian pensioners by \$78.50 as it will detrimentally impact upon those who are financially unable to pay by jeopardising their freedom of movement, removing their independence and diminishing their quality of life.

Ordered to lie on the Table.

**4 PAPERS** —

**EDUCATION AND TRAINING COMMITTEE — HIGHER EDUCATION INSTITUTIONS PLACES** — Mr Johan Scheffer presented a Report from the Education and Training Committee on the Impact of the High Levels of Unmet Demand for Places in Higher Education Institutions on Victoria, together with Appendices, a Minority report, Extracts from the Proceedings of the Committee and Minutes of Evidence.

Ordered to lie on the Table and that the Report, Appendices, Minority report and Extracts from the Proceedings of the Committee to be printed.

Mr Johan Scheffer moved, That the Council take note of the Report.

Debate ensued.

Question — put and resolved in the affirmative.

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

Altona Memorial Park —

Minister for Health's report of failure to submit report for 2003 to the Minister within the prescribed period and the reasons therefor.

Minister for Health's report of receipt of 2003 report.

- Anderson's Creek Cemetery Trust —  
Minister for Health's report of failure to submit report for 2003 to the Minister within the prescribed period and the reasons therefor.  
Minister for Health's report of receipt of 2003 report.
- Bendigo Cemeteries Trust —  
Minister for Health's report of failure to submit report for 2003 to the Minister within the prescribed period and the reasons therefor.  
Minister for Health's report of receipt of 2003 report.
- Cheltenham and Regional Cemeteries Trust —  
Minister for Health's report of failure to submit report for 2003 to the Minister within the prescribed period and the reasons therefor.  
Report — 2003.
- Fawkner Crematorium and Memorial Park —  
Minister for Health's report of failure to submit report for 2003 to the Minister within the prescribed period and the reasons therefor.  
Report — 2003.
- First Mildura Irrigation Trust — Report, 2002-03.
- Keilor Cemetery Trust —  
Minister for Health's report of failure to submit report for 2003 to the Minister within the prescribed period and the reasons therefor.  
Minister for Health's report of receipt of 2003 report.
- Medical Practitioners Board of Victoria —  
Minister for Health's report of failure to submit report for the year ended 30 September 2003 to the Minister within the prescribed period and the reasons therefor.  
Report for the year ended 30 September 2003.
- Mildura Cemetery Trust —  
Minister for Health's report of failure to submit report for 2003 to the Minister within the prescribed period and the reasons therefor.  
Minister for Health's report of receipt of 2003 report.
- Necropolis Springvale —  
Minister for Health's report of failure to submit report for 2003 to the Minister within the prescribed period and the reasons therefor.  
Report — 2003.
- Templestowe Cemetery Trust —  
Minister for Health's report of failure to submit report for 2003 to the Minister within the prescribed period and the reasons therefor.  
Minister for Health's report of receipt of 2003 report.

- 5 MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.
- 6 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 10 inclusive, be postponed until later this day.
- 7 SMALL BUSINESS DEVELOPMENT** — The Honourable Bruce Atkinson moved, That —
- (a) a Select Committee of seven members be appointed to enquire into and report on impediments and constraints on the growth and development of small businesses in Victoria and on the opportunities for small businesses to increase employment opportunities for Victorians and to boost exports of products and services as a result of State legislative and regulatory framework and, in particular to examine —
- (i) whether or not Victorian small businesses have any difficulty in accessing adequate capital for start-up venture or for growth and expansion;



- (ii) the impact of State taxes and charges on small business growth and, in particular, the extent to which pay-roll tax discourages the creation of new employment opportunities in small businesses;
  - (iii) the impact of land use planning regulations on small business operations and expansion and the extent to which costs and delays associated with planning approvals discourage new investment;
  - (iv) the impact of relevant legislation and regulations governing the obligations and responsibilities of employers on employment growth and any key requirements that discourage the creation of new employment opportunities in small businesses;
  - (v) the effectiveness of the delivery of WorkCover and Occupational Health and Safety programs to small business, and the extent to which the costs or regulations and employer responsibilities associated with those programs impact on small business growth and the creation of new employment opportunities;
  - (vi) the impact of union industrial action on small business investment and growth and on the creation of new employment opportunities;
  - (vii) the effectiveness of current vocational training programs and management training and the availability of skilled and experienced employees to support small business growth;
  - (viii) the effectiveness of current information services to support small business growth; and
  - (ix) State government legislation, regulations, licence requirements or other "red tape" that has an impact on small business growth and the creation of new employment opportunities.
- (b) the Committee will consist of four members nominated by the Leader of the Government, two members nominated by the Leader of the Opposition and one member nominated by the Leader of The Nationals.
  - (c) the Committee will elect one of its members to be Chair.
  - (d) the Committee will elect a Deputy Chair to act as Chair at any time when the Chair is not present at a meeting of the Committee.
  - (e) the Chair will have a deliberative vote and, in the event of an equality of votes, a casting vote.
  - (f) five members of the Committee will constitute a quorum of the Committee.
  - (g) the Committee may send for persons, papers and records.
  - (h) the Committee will, unless it otherwise resolves, take all evidence in public and may otherwise sit in public at any time if it so decides and move from place to place.
  - (i) the Committee will advertise its terms of reference and call for submissions and all such submissions received by the Committee will be treated as public documents unless the Committee otherwise orders.
  - (j) all evidence taken by the Committee will be treated as public documents unless the Committee otherwise orders.
  - (k) the Committee will on request make available to any member of the public a copy of any public submission or record of evidence.
  - (l) reports of the Committee may be presented to the Council from time to time and that the Committee present its final report to the Council on or before 30 June 2005.
  - (m) the Committee may commission persons to investigate and report to the Committee on any aspects of its inquiry.
  - (n) the presentation of a report or interim report of the Committee will not be deemed to terminate the Committee's appointment, powers or functions.

- (o) the Committee will include with any of its reports any minority reports submitted to it by a member or members of the Committee.
- (p) the foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders and Sessional Orders or practices of the Legislative Council shall have effect notwithstanding anything contained in the Standing or Sessional Orders or practices of the Council.

Debate ensued.

Question — put.

The Council divided.

AYES, 18

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell (*Teller*)  
 The Hon. Andrew Olexander (*Teller*)  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. John Vogels

NOES, 23

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh (*Teller*)  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos (*Teller*)  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

And so it passed in the negative.

- 8 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.
- 9 ANTI-RACISM AND RELIGIOUS VILIFICATION** — Mr John Lenders moved, by leave, That this Parliament —
- (a) takes note of and endorses the resolutions on anti-Semitism presented in the Federal House of Representatives on 16 February 2004 and in the Senate on 22 March 2004; and
  - (b) in recognition of these developments, and given this State's unwavering commitment to multicultural and multi-faith harmony among all its citizens —
    - (i) reaffirms its opposition to all forms of racial and ethnic hatred, persecution and discrimination on ethnic or religious grounds, whenever and wherever it occurs;
    - (ii) expresses its unequivocal condemnation of violence directed against individuals, religious and cultural institutions;

- (iii) resolves to condemn all manifestations of racism and religious vilification in Victoria as a threat to the freedoms that all citizens in this State should enjoy equally in a democratic society and commits the Parliament to take all possible concrete actions to combat this threat to our peaceful and diverse society;
- (iv) further resolves to encourage leaders of Victorian community groups to use their influence to oppose and counter racism and religious vilification and to promote all possible efforts at fostering tolerance, respect and community harmony; and
- (v) recognises the social, cultural and economic benefits provided to all Victorians by the State's multicultural and multi-faith society.

Debate ensued.

Question — put and resolved in the affirmative.

- 10 AUDITOR-GENERAL'S OFFICE FINANCIAL AUDIT** — The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the appointment of Mr Terry Benfold to conduct the financial audit of the Auditor-General's Office for 2003-2004, and desiring the agreement of the Council.

Ordered — That the Message be taken into consideration forthwith.

Mr John Lenders moved, by leave, That the Council concur with the Assembly and resolves That, pursuant to section 17 of the *Audit Act 1994*, Mr Terry Benfold of Pitcher Partners be appointed to conduct the financial audit of the Auditor-General's Office for 2003-2004 in accordance with the conditions of appointment and remuneration contained in the Report of the Public Accounts and Estimates Committee on the Appointment of Independent Auditors to Conduct Financial and Performance Audits of the Victorian Auditor-General's Office (Parliamentary Paper No. 72, Session 2003-2004).

Debate ensued.

Question — put and resolved in the affirmative.

Ordered — That a Message be sent to the Assembly acquainting them accordingly.

- 11 AUDITOR-GENERAL'S OFFICE PERFORMANCE AUDIT** — The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the appointment of Mr John Phillips to conduct the performance audit of the Auditor-General's Office, and desiring the agreement of the Council.

Ordered — That the Message be taken into consideration forthwith.

Mr John Lenders moved, by leave, That the Council concur with the Assembly and resolves That, pursuant to section 19 of the *Audit Act 1994*, Mr. John Phillips of Acumen Alliance be appointed to conduct the performance audit of the Auditor-General's Office in accordance with the conditions of appointment and remuneration contained in the Report of the Public Accounts and Estimates Committee on the Appointment of Independent Auditors to Conduct Financial and Performance Audits of the Victorian Auditor-General's Office (Parliamentary Paper No. 72, Session 2003-2004).

Debate ensued.

Question — put and resolved in the affirmative.

Ordered — That a Message be sent to the Assembly acquainting them accordingly.

- 12 RACING AND GAMING ACTS (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

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

- 13 DOMESTIC BUILDING CONTRACTS (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Graeme Stoney (for the Honourable C.A. Strong), the debate was adjourned until the next day of meeting.

- 14 TREASURY AND FINANCE LEGISLATION (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 15 APPEAL COSTS AND PENALTY INTEREST RATES ACTS (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 16 DEATH NOTIFICATION LEGISLATION (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 17 ARCHITECTS (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 18 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 7 to 9 inclusive, be postponed until later this day.

- 19 BUDGET PAPERS, 2004-05 — DISCHARGE OF ORDER OF THE DAY** — The Order of the Day having been read for the consideration of the Budget Papers, 2004-05 —

Mr John Lenders moved, That the said Order be discharged.

Question — put and resolved in the affirmative.

- 20 APPROPRIATION (2004/2005) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

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

*Business having been interrupted by the President pursuant to Sessional Order 14 —*

- 21 ADJOURNMENT** — The President proposed the question, That the House do now adjourn.

Debate ensued.

And then the Council, at 10.29 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
Clerk of the Legislative Council

## No. 68 — Thursday, 3 June 2004

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

- 2 SUSTAINABLE FORESTS (TIMBER) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to provide a framework for sustainable forest management and sustainable timber harvesting in State forests, to amend the Forests Act 1958 and the Conservation, Forests and Lands Act 1987, to consequentially amend other Acts and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Theo Theophanous, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 3 PAPERS** —

**LAW REFORM COMMITTEE — ADMINISTRATION OF JUSTICE OFFENCES** — Ms Dianne Hadden presented a Report from the Law Reform Committee on the Administration of Justice Offences, together with Appendices and Minutes of Evidence.

Ordered to lie on the Table and that the Report and Appendices to be printed.

Ms Dianne Hadden moved, That the Council take note of the Report.

Debate ensued.

Question — put and resolved in the affirmative.

\* \* \* \* \*

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

Anti-Cancer Council of Victoria —

Minister for Health's report of failure to submit report for 2003 to the Minister within the prescribed period and the reasons therefor.

Report — 2003.

Auditor-General — Report on Maintaining public housing stock, June 2004.

Forensic Leave Panel — Report, 2003.

Members of Parliament (Register of Interests) Act 1978 — Summary of Variations notified between 27 November 2003 and 2 June 2004.

National Parks Act 1975 — Advice of National Parks Advisory Council to Minister on proposed excisions from existing parks.

Ombudsman — Second Interim Report on CEJA Task Force investigation into allegations of Drug related Corruption, June 2004.

Subordinate Legislation Act 1994 — Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 45.

Victims of Crime Assistance Tribunal — Report, 2002-03.

Water Act 1989 — Constitution of a new Authority to take over the Grampians Region Water Authority and the Wimmera Mallee Rural Water Authority — Statement of reasons, pursuant to section 100 of the Act.

**4 MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

**5 STATEMENTS ON REPORTS AND PAPERS** — The President proposed the question, That reports and papers tabled in the Council be noted.

Statements were made by Honourable Members pursuant to Sessional Order 17.

Question — put and resolved in the affirmative.

**6 SUSTAINABLE FORESTS (TIMBER) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Theo Theophanous moved, That, pursuant to Sessional Order 34, the second reading speech (except for the statement under section 85 (5) of the *Constitution Act 1975*) be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Theo Theophanous moved, That the Bill be now read a second time.

The Honourable Theo Theophanous made a statement pursuant to section 85 (5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

On the motion of the Honourable Graeme Stoney, the debate was adjourned until the next day of meeting.

**7 FINANCIAL MANAGEMENT (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Theo Theophanous (for Mr John Lenders) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Theo Theophanous moved, That the Bill be now read a second time.

On the motion of the Honourable Graeme Stoney (for the Honourable C. A. Strong), the debate was adjourned until the next day of meeting.

**8 TRANSPORT LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**9 SURVEYING BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Business having been interrupted at 2.03 p.m. pursuant to Sessional Order 6 —*

**10 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

**11 SURVEYING BILL** — Debate continued on the question, That the Bill be now read a second time.

Question — put.

The Council divided.

AYES, 23

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell (*Teller*)  
 The Hon. Sang Nguyen (*Teller*)  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

NOES, 16

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter (*Teller*)  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips (*Teller*)  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong

And so it was resolved in the affirmative.

Bill read a second time

*Business having been interrupted by the President at 4.30 p.m. pursuant to Sessional Orders —*

Mr John Lenders moved, That —

- (a) pursuant to Sessional Order 14 the sitting be continued; and
- (b) pursuant to Sessional Order 27(a) the sitting be extended to complete the unfinished Government Business Program determined on 1 June 2004.

Question — put and resolved in the affirmative.

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Bill committed to a Committee of the whole.

House in Committee.

The Acting President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted.

Question — That the Bill be now read a third time and that the Bill do pass — put.

The Council divided.

AYES, 22

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 Ms Elaine Carbines (*Teller*)

NOES, 17

The Hon. Bruce Atkinson (*Teller*)  
 The Hon. W.R. Baxter  
 The Hon. Ron Bowden

The Hon. Kaye Darveniza	The Hon. Andrew Brideson
The Hon. John Eren	The Hon. Andrea Coote
Ms Dianne Hadden	The Hon. Richard Dalla-Riva
The Hon. Geoff Hilton	The Hon. David Davis
Mr Gavin Jennings	The Hon. Philip Davis
Mr John Lenders	The Hon. Damian Drum
The Hon. John McQuilten	The Hon. Bill Forwood
The Hon. Justin Madden	The Hon. Peter Hall
Ms Jenny Mikakos	The Hon. David Koch
The Hon. Robert Mitchell	The Hon. Wendy Lovell
The Hon. Sang Nguyen	The Hon. Gordon Rich-Phillips
Mr Noel Pullen	The Hon. Graeme Stoney
Ms Glenyys Romanes	The Hon. C.A. Strong
Mr Johan Scheffer	The Hon. John Vogels ( <i>Teller</i> )
Mr Robert Smith	
Mr Adem Somyurek	
The Hon. Theo Theophanous	
The Hon. Marsha Thomson	
Mr Matt Viney ( <i>Teller</i> )	

And so it was resolved in the affirmative.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 12 FAIR TRADING (CONSUMER CONTRACTS) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Fair Trading Act 1999 in relation to the application of the unfair terms provisions and the telephone marketing provisions of that Act and for other purposes* and desiring the agreement of the Council.

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

- 13 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 4 and 5, be postponed until later this day.

- 14 DOMESTIC BUILDING CONTRACTS (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put.

The Council divided.

AYES, 33

The Hon. Lidia Argondizzo  
 The Hon. Bruce Atkinson  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 Ms Candy Broad  
 Ms Elaine Carbines  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. Kaye Darveniza (*Teller*)  
 The Hon. David Davis  
 The Hon. Philip Davis

NOES, 3

The Hon. W.R. Baxter (*Teller*)  
 The Hon. Damian Drum (*Teller*)  
 The Hon. Peter Hall



The Hon. John Eren  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Mr Gavin Jennings  
 The Hon. David Koch  
 Mr John Lenders  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 The Hon. Andrew Olexander  
 Mr Noel Pullen  
 The Hon. Gordon Rich-Phillips  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Adem Somyurek  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong (*Teller*)  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 The Hon. John Vogels

And so it was resolved in the affirmative.

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

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 15 MENTAL HEALTH LEGISLATION (COMMONWEALTH DETAINEES) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Mental Health Act 1986 and the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 with respect to certain persons detained in approved mental health services under Commonwealth legislation and for other purposes* and desiring the agreement of the Council.

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

- 16 FAIR TRADING (CONSUMER CONTRACTS) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Graeme Stoney (for the Honourable Andrew Olexander), the debate was adjourned until the next day of meeting.

- 17 MENTAL HEALTH LEGISLATION (COMMONWEALTH DETAINEES) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr Gavin Jennings moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Graeme Stoney (for the Honourable David Davis), the debate was adjourned until the next day of meeting.

- 18 RACING AND GAMING ACTS (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

On the motion of the Honourable Andrea Coote, the debate was adjourned until the next day of meeting.

- 19 CRIMES (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Crimes Act 1958 with respect to fingerprinting and forensic procedures, to amend the Metropolitan Fire Brigades Act 1958 to provide for a Deputy President and for other purposes* and desiring the agreement of the Council.

On the motion of Mr John Lenders (for the Honourable Justin Madden), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 20 HEALTH SERVICES (GOVERNANCE AND ACCOUNTABILITY) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Health Services Act 1988 to strengthen the governance and accountability of certain bodies established under that Act or by Order under that Act and for other purposes* and desiring the agreement of the Council.

On the motion of Mr John Lenders (for Mr Gavin Jennings), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 21 AMBULANCE SERVICES (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Ambulance Services Act 1986 and the Summary Offences Act 1966 and for other purposes* and desiring the agreement of the Council.

On the motion of Mr John Lenders (for Mr Gavin Jennings), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 22 STATE TAXATION ACTS (TAX REFORM) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Duties Act 2000, the First Home Owner Grant Act 2000, the Land Tax Act 1958, the Pay-roll Tax Act 1971 and the Taxation Administration Act 1997 and for other purposes* and desiring the agreement of the Council.

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

- 23 ADJOURNMENT** — Mr John Lenders moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 11.17 p.m., adjourned until Tuesday next.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS Nos. 69, 70 and 71

### No. 69 — Tuesday, 8 June 2004

- 1 The President took the Chair and read the Prayer.
- 2 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:
  - Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:
    - Hobsons Bay Planning Scheme — Amendment C29 (Part 1).
    - Melton Planning Scheme — Amendment C44.
    - Moonee Valley Planning Scheme — Amendment C52.
    - Mornington Peninsula Planning Scheme — Amendment C52.
    - Northern Grampians Planning Scheme — Amendment C5.
    - Shepparton — Greater Shepparton Planning Scheme — Amendment C38.
  - Statutory Rule under the Supreme Court Act 1986 — Administration and Probate Act 1958 — No. 54.
  - Subordinate Legislation Act 1994 — Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 54.
- 3 **GOVERNMENT BUSINESS PROGRAM** — Mr John Lenders moved, That, pursuant to Sessional Order 20, the Orders of the Day, Government Business, relating to the following Bills be considered and completed by 4.30 p.m. on Thursday, 10 June 2004:
  - Mental Health Legislation (Commonwealth Detainees) Bill
  - Fair Trading (Consumer Contracts) Bill
  - Financial Management (Amendment) Bill
  - Sustainable Forests (Timber) Bill
  - Racing and Gaming Acts (Amendment) Bill
  - Appropriation (2004/2005) Bill
  - Health Services (Governance and Accountability) Bill
  - Crimes (Amendment) Bill
  - Ambulance Services (Amendment) Bill
  - State Taxation Acts (Tax Reform) Bill
  - Victorian Civil and Administrative Tribunal (Amendment) Bill.Debate ensued.  
Question — put and resolved in the affirmative.
- 4 **HEALTH SERVICES (GOVERNANCE AND ACCOUNTABILITY) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr Gavin Jennings moved, That, pursuant to Sessional Order 34, the second reading speech (except for the statement under section 85 (5) of the *Constitution Act 1975*) be incorporated into Hansard.  
Question — put and resolved in the affirmative.

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

Mr Gavin Jennings made a statement pursuant to section 85 (5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

On the motion of the Honourable David Davis, the debate was adjourned until the next day of meeting.

- 5 CRIMES (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr Gavin Jennings (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech (except for the statement under section 85 (5) of the *Constitution Act 1975*) be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

Mr Gavin Jennings made a statement pursuant to section 85 (5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

On the motion of the Honourable C.A. Strong, the debate was adjourned until the next day of meeting.

- 6 AMBULANCE SERVICES (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr Gavin Jennings moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable David Davis, the debate was adjourned until the next day of meeting.

- 7 STATE TAXATION ACTS (TAX REFORM) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Bill Forwood, the debate was adjourned until the next day of meeting.

- 8 MENTAL HEALTH LEGISLATION (COMMONWEALTH DETAINEES) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 9 ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, this day, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:

*Appeal Costs and Penalty Interest Rates Acts (Amendment) Act*

*Architects (Amendment) Act*

*Death Notification Legislation (Amendment) Act*

*Domestic Building Contracts (Amendment) Act*

*Judicial Salaries Act*

*Mitcham-Frankston Project Act*

*Treasury and Finance Legislation (Amendment) Act.*

- 10 FAIR TRADING (CONSUMER CONTRACTS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

House in Committee.

The Acting President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 11 FINANCIAL MANAGEMENT (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Business having been interrupted at 2.03 p.m. pursuant to Sessional Order 6 —*

- 12 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

- 13 MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

- 14 FINANCIAL MANAGEMENT (AMENDMENT) BILL** — Debate continued on the question, That the Bill be now read a second time.

Question — put.

The Council divided.

AYES, 23

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren (*Teller*)  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek (*Teller*)  
 The Hon. Theo Theophanous

NOES, 18

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden (*Teller*)  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips (*Teller*)  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

The Hon. Marsha Thomson  
Mr Matt Viney

And so it was resolved in the affirmative.

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

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted.

Question — That the Bill be now read a third time and that the Bill do pass — put.

The Council divided.

AYES, 23

The Hon. Lidia Argondizzo  
Ms Candy Broad  
Ms Elaine Carbines  
The Hon. Kaye Darveniza  
The Hon. John Eren  
Ms Dianne Hadden (*Teller*)  
The Hon. Geoff Hilton  
Ms Carolyn Hirsh  
Mr Gavin Jennings  
Mr John Lenders  
The Hon. John McQuilten  
The Hon. Justin Madden  
Ms Jenny Mikakos  
The Hon. Robert Mitchell  
The Hon. Sang Nguyen  
Mr Noel Pullen  
Ms Glenyys Romanes  
Mr Johan Scheffer (*Teller*)  
Mr Robert Smith  
Mr Adem Somyurek  
The Hon. Theo Theophanous  
The Hon. Marsha Thomson  
Mr Matt Viney

NOES, 18

The Hon. Bruce Atkinson  
The Hon. W.R. Baxter  
The Hon. Barry Bishop (*Teller*)  
The Hon. Ron Bowden  
The Hon. Andrew Brideson (*Teller*)  
The Hon. Andrea Coote  
The Hon. Richard Dalla-Riva  
The Hon. Philip Davis  
The Hon. Damian Drum  
The Hon. Bill Forwood  
The Hon. Peter Hall  
The Hon. David Koch  
The Hon. Wendy Lovell  
The Hon. Andrew Olexander  
The Hon. Gordon Rich-Phillips  
The Hon. Graeme Stoney  
The Hon. C.A. Strong  
The Hon. John Vogels

And so it was resolved in the affirmative.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**15 SUSTAINABLE FORESTS (TIMBER) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put.

The Council divided.

AYES, 23

The Hon. Lidia Argondizzo  
Ms Candy Broad  
Ms Elaine Carbines  
The Hon. Kaye Darveniza  
The Hon. John Eren  
Ms Dianne Hadden

NOES, 18

The Hon. Bruce Atkinson  
The Hon. W.R. Baxter  
The Hon. Barry Bishop  
The Hon. Ron Bowden  
The Hon. Andrew Brideson  
The Hon. Andrea Coote

The Hon. Geoff Hilton (*Teller*)  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen (*Teller*)  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

The Hon. Richard Dalla-Riva (*Teller*)  
 The Hon. Philip Davis  
 The Hon. David Davis  
 The Hon. Damian Drum (*Teller*)  
 The Hon. Bill Forwood  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative.

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

Pursuant to Sessional Order 14, the Chair of Committees reported that the Committee had made progress in the Bill.

*Business having been interrupted by the President at 10.00 p.m. pursuant to Sessional Order 14 —*

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

Debate ensued.

And then the Council, at 10.24 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*

## **No. 70 — Wednesday, 9 June 2004**

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

**2 PETITION — PENSIONER CAR REGISTRATION** — The Honourable Wendy Lovell presented a Petition bearing 1131 signatures from certain citizens of Victoria requesting that the Victorian Government abandon the proposal to increase the cost of car registration for Victorian pensioners by \$78.50 as it will detrimentally impact upon those who are financially unable to pay by jeopardising their freedom of movement, removing their independence and diminishing their quality of life.

Ordered to lie on the Table.

**3 MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

**4 BUSINESS POSTPONED** —

Ordered — That the consideration of Notices of Motion, General Business, Nos. 1, 6, and 8 to 12 inclusive, be postponed until later this day.

Ordered — That the consideration of Notices of Motion, General Business, Nos. 2 to 5 inclusive and No. 7, be postponed until the next day of meeting.

- 5 POLICE CORRUPTION** — The Honourable Philip Davis moved, That this House —
- (a) notes the continuing police corruption crisis in Victoria;
  - (b) supports the immediate establishment of a Royal Commission into police corruption and connections to 27 gangland killings; and
  - (c) supports terms of reference for such a Royal Commission to recommend a model for the establishment of a permanent and independent crime and anti-corruption commission in Victoria.

Debate ensued.

Question — put.

The Council divided.

AYES, 18

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva (*Teller*)  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander (*Teller*)  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

NOES, 22

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten (*Teller*)  
 The Hon. Justin Madden  
 Ms Jenny Mikakos (*Teller*)  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

And so it passed in the negative.

- 6 DRUGS AND CRIME PREVENTION COMMITTEE** — Mr John Lenders moved, That Mr Johan Scheffer be a member of the Drugs and Crime Prevention Committee.

Question — put and resolved in the affirmative.

- 7 SUSTAINABLE FORESTS (TIMBER) BILL** — The Order of the Day having been read for the further consideration of this Bill in Committee of the whole, the President left the Chair.

House in Committee.

The President resumed the Chair; and the Chair of Committees reported that the Committee had agreed to the Bill without amendment.

*Business having been interrupted at 2.03 p.m. pursuant to Sessional Order 6 —*

- 8 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03.

- 9 SUSTAINABLE FORESTS (TIMBER) BILL** — The Order of the Day having been read for the adoption of the Report from the Committee of the whole, Ms Candy Broad moved, That the report be now adopted.

Question — put and resolved in the affirmative.



Ms Candy Broad moved, That the Bill be now read a third time.

Question — put.

The Council divided.

AYES, 23

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh (*Teller*)  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos (*Teller*)  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

NOES, 18

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood (*Teller*)  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander (*Teller*)  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative.

Bill read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**10 HEALTH SERVICES (GOVERNANCE AND ACCOUNTABILITY) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put.

The Council divided.

AYES, 22

The Hon. Lidia Argondizzo  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders

NOES, 17

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop (*Teller*)  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood

The Hon. John McQuilten (*Teller*)  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell (*Teller*)  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

The Hon. Peter Hall  
 The Hon. David Koch (*Teller*)  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative.

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

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted.

Ordered — That the Bill be read a third time later this day.

- 11 CRIMES (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 12 AMBULANCE SERVICES (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

The Honourable David Davis moved, as an amendment, That all the words after “That” be omitted with the view of inserting in place thereof “this House refuses to read this Bill a second time until consultation has taken place with the community served by the Alexandra & District Ambulance Service and further consultation occurs with the elected Committee of Management of the Alexandra & District Ambulance Service and other expert groups on the impact of the proposed changes to the Alexandra & District Ambulance Service and, in particular, the removal of local control and input from the community-run ambulance service”.

Debate ensued.

*Business having been interrupted by the Deputy President at 10.00 p.m. pursuant to Sessional Order 14, the debate stood adjourned in the name of the Honourable John Eren —*

- 13 ADJOURNMENT** — The Deputy President proposed the question, That the House do now adjourn.

Debate ensued.

And then the Council, at 10.36 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 71 — Thursday, 10 June 2004

1 The President took the Chair and read the Prayer.

2 **PETITIONS —**

**CITY OF STONNINGTON INTERNAL BOUNDARIES** — Mr Johan Scheffer presented a Petition bearing 425 signatures from certain citizens of Victoria praying that the Victorian Government support the current position of nine single councillor wards for the City of Stonnington.

Ordered to lie on the Table.

\* \* \* \* \*

**DOG TRAPPERS** — The Honourable Philip Davis presented a Petition bearing 805 signatures from certain citizens of Victoria requesting that financial arrangements be put in place at the beginning of the financial year to meet the costs for the permanent employment of no less than four dog trappers at Tallangatta and three at Corryong and to ensure that the two dogmen currently funded by the Bushfire Recovery Taskforce are retained on a permanent basis in the Upper Murray area of North East Victoria.

Ordered to lie on the Table.

\* \* \* \* \*

**PENSIONER CAR REGISTRATION** — The Honourable Wendy Lovell presented a Petition bearing 4 signatures from certain citizens of Victoria requesting that the Victorian Government abandon the proposal to increase the cost of car registration for Victorian pensioners by \$78.50 as it will detrimentally impact upon those who are financially unable to pay by jeopardising their freedom of movement, removing their independence and diminishing their quality of life.

Ordered to lie on the Table.

3 **PAPERS —**

**MAGISTRATES' COURT OF VICTORIA** — The Honourable Justin Madden presented by command of the Governor, the Report of the Magistrates' Court of Victoria for the year 2002-03.

Ordered to lie on the Table.

\* \* \* \* \*

**CHILDREN'S COURT OF VICTORIA** — The Honourable Justin Madden presented by command of the Governor, the Report of the Children's Court of Victoria for the year 2002-03

Ordered to lie on the Table.

\* \* \* \* \*

**FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE — METROPOLITAN HEALTH SERVICES COMMUNITY ADVISORY COMMITTEES** — Mr Robert Smith presented a Report from the Family and Community Development Committee on the Roles of Community Advisory Committees of Metropolitan Health Services, together with Extracts from the Proceedings of the Committee, a Minority report and Minutes of Evidence

Ordered to lie on the Table and that the Report, Extracts from the Proceedings of the Committee and Minority report be printed.

Mr Robert Smith moved, That the Council take note of the Report.

Debate ensued.

Question — put and resolved in the affirmative.

\* \* \* \* \*

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

Statutory Rule under the Road Safety Act 1986 — No. 55.

Subordinate Legislation Act 1994 — Minister's exemption certificate under section 9(6) in respect of Statutory Rule No.55.

**4 MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

**5 STATEMENTS ON REPORTS AND PAPERS** — The President proposed the question, That reports and papers tabled in the Council be noted.

Statements were made by Honourable Members pursuant to Sessional Order 17.

Question — put and resolved in the affirmative.

**6 STATE TAXATION ACTS (TAX REFORM) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

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

**8 RACING AND GAMING ACTS (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

*Business having been interrupted at 2.03 p.m. pursuant to Sessional Order 6 —*

**9 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

**10 VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put.

The Council divided.

AYES, 26

The Hon. Lidia Argondizzo

The Hon. W.R. Baxter

NOES, 13

The Hon. Bruce Atkinson (*Teller*)

The Hon. Andrew Brideson

The Hon. Barry Bishop  
 Ms Candy Broad  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. Damian Drum  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Peter Hall  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen (*Teller*)  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney (*Teller*)

The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Bill Forwood  
 The Hon. David Koch  
 The Hon. Wendy Lovell (*Teller*)  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative.

Question — That the Bill be now read a third time and that the Bill do pass — put.

The Council divided.

AYES, 26

The Hon. Lidia Argondizzo  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 Ms Candy Broad  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. Damian Drum (*Teller*)  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Peter Hall  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr John Lenders  
 The Hon. John McQuilten (*Teller*)  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes

NOES, 13

The Hon. Bruce Atkinson  
 The Hon. Andrew Brideson (*Teller*)  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Bill Forwood  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips (*Teller*)  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

And so it was resolved in the affirmative.

Ordered — That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

**11 APPROPRIATION (2004/2005) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Business having been interrupted by the Acting President at 4.30 p.m. pursuant to Sessional Order 14 —*

Ms Candy Broad moved, That pursuant to Sessional Order 27(a) the sitting be extended to complete the unfinished Government Business Program determined on 8 June 2004.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable David Davis, the debate was adjourned until later this day.

**12 HEALTH SERVICES (GOVERNANCE AND ACCOUNTABILITY) BILL** — The Order of the Day having been read for the third reading of this Bill, Mr Gavin Jennings moved, That the Bill be now read a third time.

Question — put.

The Council divided.

AYES, 23

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer (*Teller*)  
 Mr Robert Smith  
 Mr Adem Somyurek (*Teller*)  
 The Hon. Theo Theophanous

NOES, 17

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis (*Teller*)  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood (*Teller*)  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. John Vogels

The Hon. Marsha Thomson  
Mr Matt Viney

And so it was resolved in the affirmative.

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

Question — That the Bill do pass — put.

The Council divided.

AYES, 23

The Hon. Lidia Argondizzo  
Ms Candy Broad  
Ms Elaine Carbines  
The Hon. Kaye Darveniza  
The Hon. John Eren  
Ms Dianne Hadden  
The Hon. Geoff Hilton  
Ms Carolyn Hirsh  
Mr Gavin Jennings  
Mr John Lenders  
The Hon. John McQuilten  
The Hon. Justin Madden  
Ms Jenny Mikakos  
The Hon. Robert Mitchell  
The Hon. Sang Nguyen (*Teller*)  
Mr Noel Pullen (*Teller*)  
Ms Glenyys Romanes  
Mr Johan Scheffer  
Mr Robert Smith  
Mr Adem Somyurek  
The Hon. Theo Theophanous  
The Hon. Marsha Thomson  
Mr Matt Viney

NOES, 18

The Hon. Bruce Atkinson  
The Hon. W.R. Baxter  
The Hon. Barry Bishop  
The Hon. Andrew Brideson  
The Hon. Andrea Coote  
The Hon. Richard Dalla-Riva  
The Hon. David Davis  
The Hon. Philip Davis  
The Hon. Damian Drum  
The Hon. Bill Forwood  
The Hon. Peter Hall  
The Hon. David Koch (*Teller*)  
The Hon. Wendy Lovell (*Teller*)  
The Hon. Andrew Olexander  
The Hon. Gordon Rich-Phillips  
The Hon. Graeme Stoney  
The Hon. C.A. Strong  
The Hon. John Vogels

And so it was resolved in the affirmative.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 13 AMBULANCE SERVICES (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time and on the reasoned amendment moved by the Honourable David Davis, That all the words after “That” be omitted with the view of inserting in place thereof “this House refuses to read this Bill a second time until consultation has taken place with the community served by the Alexandra & District Ambulance Service and further consultation occurs with the elected Committee of Management of the Alexandra & District Ambulance Service and other expert groups on the impact of the proposed changes to the Alexandra & District Ambulance Service and, in particular, the removal of local control and input from the community-run ambulance service”.

Debate resumed.

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

The Council divided.

## AYES, 23

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten (*Teller*)  
 The Hon. Justin Madden  
 Ms Jenny Mikakos (*Teller*)  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

## NOES, 18

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander (*Teller*)  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong (*Teller*)  
 The Hon. John Vogels

And so it was resolved in the affirmative — Amendment negatived.

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

The Council divided.

## AYES, 23

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton (*Teller*)  
 Ms Carolyn Hirsh (*Teller*)  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek

## NOES, 18

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter (*Teller*)  
 The Hon. Barry Bishop  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels (*Teller*)



The Hon. Theo Theophanous  
The Hon. Marsha Thomson  
Mr Matt Viney

And so it was resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**14 APPROPRIATION (2004/2005) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**15 ADJOURNMENT** — Mr John Lenders moved, That the Council, at its rising, adjourn until a day and hour to be fixed by the President, which time of meeting will be notified in writing to each Member of the Council.

Question — put and resolved in the affirmative.

Mr John Lenders moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 6.58 p.m., adjourned until a day and hour to be fixed by the President, which time of meeting shall be notified in writing to each Member of the Council.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*



## LEGISLATIVE COUNCIL

### MINUTES OF THE PROCEEDINGS Nos. 72, 73 and 74

#### No. 72 — Tuesday, 14 September 2004

- 1 The Council met in accordance with adjournment, the President, pursuant to resolution having fixed this day at 2.00 p.m. as the time of meeting.  
The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council —  
That he had, on 16 June 2004, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:  
*Crimes (Amendment) Act*  
*Fair Trading (Consumer Contracts) Act*  
*Financial Management (Amendment) Act*  
*Mental Health Legislation (Commonwealth Detainees) Act*  
*Racing and Gaming Acts (Amendment) Act*  
*State Taxation Acts (Tax Reform) Act*  
*Surveying Act*  
*Sustainable Forests (Timber) Act*  
*Transport Legislation (Miscellaneous Amendments) Act.*  
That he had, on 22 June 2004, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:  
*Ambulance Services (Amendment) Act*  
*Health Services (Governance and Accountability) Act.*  
That he had, on 22 June 2004, given the Royal Assent to the undermentioned Act presented to him by the Speaker of the Legislative Assembly:  
*Appropriation (2004/2005) Act.*  
That he had, on 31 August 2004, given the Royal Assent to the undermentioned Act presented to him by the Clerk of the Parliaments:  
*Victorian Civil and Administrative Tribunal (Amendment) Act.*
- 3 **INTERPRETATION OF LEGISLATION (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Interpretation of Legislation Act 1984* and desiring the agreement of the Council.  
On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 4 **BUILDING (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Building Act 1993 and for other purposes* and desiring the agreement of the Council.  
On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 5 SENTENCING (SUPERANNUATION ORDERS) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Sentencing Act 1991 to provide for the making of a superannuation order as a new sentencing option and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 6 SEX OFFENDERS REGISTRATION BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to require certain offenders who commit sexual offences to keep police informed of their whereabouts and other personal details for a period of time and thereby reduce the likelihood that they will re-offend and facilitate the investigation and prosecution of any future offences that they may commit, to prevent registered sex offenders working in child-related employment, to amend the Ombudsman Act 1973 and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Theo Theophanous, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 7 NATIONAL PARKS (ADDITIONS AND OTHER AMENDMENTS) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the National Parks Act 1975 and the Crown Land (Reserves) Act 1978 and to make minor amendments to the Mineral Resources Development Act 1990, the Forests Act 1958 and the National Parks (Amendment) Act 1989 and for other purposes* and desiring the agreement of the Council.

On the motion of Ms Candy Broad, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 8 CRIMES (DANGEROUS DRIVING) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Crimes Act 1958 to create an offence of dangerous driving causing death or serious injury, to provide that driving while fatigued may constitute culpable driving causing death and to make a change to the elements of the offence of handling stolen goods and deal with the procedure on the trial of alternative counts of theft and handling stolen goods, to amend the Sentencing Act 1991 and the Magistrates' Court Act 1989 and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 9 VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly advising the Council that they have agreed to this Bill without amendment.

- 10 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

- 11 MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

- 12 PETITIONS** —

**ANXIETY DISORDERS ASSOCIATION FINANCIAL ASSISTANCE** — The Honourable Richard Dalla-Riva presented a Petition bearing 92 signatures from certain citizens of Victoria praying that the Victorian Government provide financial assistance to Anxiety Disorders Association of Victoria (ADAVIC) to ensure the continued vocation and objectives of the association.

Ordered to lie on the Table.

\* \* \* \* \*

**MOTOR VEHICLE REGISTRATION FEE** — Mr Matt Viney presented a Petition bearing 16 signatures from certain citizens of Victoria requesting that the Victorian

Government immediately abandon the introduction of the new motor vehicle registration fee on low and fixed income people.

Ordered to lie on the Table.

\* \* \* \* \*

**CORANGAMITE SHIRE COUNCIL BOUNDARIES** — The Honourable John Vogels presented a Petition bearing 67 signatures from certain citizens of Victoria praying that the Victorian Government support the current position of five two-councillor wards for the Corangamite Shire.

Ordered to lie on the Table.

\* \* \* \* \*

**BUSHFIRE RECOVERY TASKFORCE DOG TRAPPERS, GIPPSLAND** — The Honourable Philip Davis presented a Petition bearing 230 signatures from certain citizens of Victoria requesting that the Victorian Government and Minister for Agriculture provide funding to employ at least two additional permanent Bushfire Recovery Taskforce dog trappers in Gippsland.

Ordered to lie on the Table.

\* \* \* \* \*

**BUSHFIRE RECOVERY TASKFORCE DOG TRAPPERS, NORTH EAST VICTORIA** — The Honourable Philip Davis presented a Petition bearing 510 signatures from certain citizens of Victoria requesting that financial arrangements are put in place to meet the employment costs of additional permanent Bushfire Recovery Taskforce dog trappers at Tallangatta, Corryong and the Upper Murray area of North East Victoria.

Ordered to lie on the Table.

\* \* \* \* \*

**PENSIONERS' CAR REGISTRATION FEES** — The Honourable Wendy Lovell presented a Petition bearing 214 signatures from certain citizens of Victoria requesting that the Victorian Government abandon the proposal to increase the cost of car registration for Victorian pensioners by \$78.50 as it will detrimentally impact upon those who are financially unable to pay by jeopardising their freedom of movement, removing their independence and diminishing their quality of life.

Ordered to lie on the Table.

\* \* \* \* \*

**SEYMOUR AND DISTRICT HOSPITAL OBSTETRICS SERVICE** — The Honourable David Davis presented a Petition bearing 493 signatures from certain citizens of Victoria praying that obstetrics services be restored and a full inquiry into the treatment of doctors at Seymour District Memorial Hospital be conducted as soon as possible.

Ordered to lie on the Table.

\* \* \* \* \*

**KELLETT'S ROAD, ROWVILLE TRAFFIC** — The Honourable Bruce Atkinson presented a Petition bearing 902 signatures from certain citizens of Victoria requesting that urgent action be taken to upgrade and duplicate the section of Kelletts Road between Taylors Lane and the Napoleon Road intersection due to serious capacity and safety problems.

Ordered to lie on the Table.

### 13 PAPERS —

**FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE — DIMINISHING ACCESS TO AFTER HOURS AND BULK BILLING GENERAL PRACTITIONERS** — Mr Robert Smith presented a Report from the Family and Community Development Committee on the Impact on the Victorian Community and Public Hospitals of the Diminishing Access to After Hours and Bulk Billing General

Practitioners, together with a Minority report, Extracts from the Proceedings of the Committee and Minutes of Evidence.

Ordered to lie on the Table and that the Report, Minority report, and Extracts from the Proceedings of the Committee be printed.

Mr Robert Smith moved, That the Council take note of the Report.

Debate ensued.

Question — put and resolved in the affirmative.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGESTS —**

The Honourable Lidia Argondizzo presented the following Alert Digests from the Scrutiny of Acts and Regulations Committee:

Alert Digest No. 6 of 2004, together with Appendices.

Alert Digest No. 7 of 2004, together with Appendices.

Severally ordered to lie on the Table and to be printed.

\* \* \* \* \*

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

Auditor-General —

Annual Plan, 2004-05.

Report on Public Sector Agencies: Results of special reviews and other studies, August 2004.

Ballaarat General Cemeteries Trust —

Minister for Health's report of failure to submit report for 2003 to the Minister within the prescribed period and the reasons therefor.

Minister for Health's report of receipt of 2003 report.

Commonwealth Games Arrangements Act 2001 — Commonwealth Games Venue and Project Orders, pursuant to section 18 of the Act (two papers).

Crown Land (Reserves) Act 1978 —

Minister's Order of 1 June 2004 giving approval to the granting of a lease at Mt Warrenheip Preservation of Species of Native Plants Reserve.

Minister's Orders of 8 June 2004 giving approval for the granting of a lease at Albert Park Reserve and a licence at Seaford Foreshore Reserve (two papers).

Drugs, Poisons and Controlled Substances Act 1981 — Standard of the Uniform Scheduling of Drugs and Poisons, No. 19, Amendment No. 1, 1 September 2004 and Minister's notice regarding the amendment, commencement and availability of the Poisons Code.

Environment Protection Act 1970 — Order in Council of 27 July 2004, declaring the Waste Management Policy (Solid Fuel Heating).

Interpretation of Legislation Act 1984 —

Notice pursuant to section 32(3)(a)(iii) in relation to Statutory Rule No. 64.

Notice pursuant to section 32(4)(a)(iii) in relation to the Building Code of Australia 2004.

National Parks Act 1975 — Minister's notices of consent to the conduct of gold exploration in Chiltern – Mt Pilot National Park (two papers).

Parliamentary Committees Act 2003 — Attorney-General's response to recommendations in Law Reform Committee's report on Forensic Sampling and DNA Databases in Criminal Investigations.

Parliamentary Officers Act 1975 — Statement of appointments, alterations of classifications and of persons temporarily employed in the Parliamentary departments for the year 2003-2004 (ten papers).

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

Alpine Resorts Planning Scheme — Amendment C9.

Planning and Environment Act 1987 — *continued*

- Ballarat Planning Scheme — Amendments C53 (Part 2), C67 (Part 2) and C72.
- Banyule Planning Scheme — Amendments C38 (Part 2) and C42.
- Bass Coast Planning Scheme — Amendment C26.
- Baw Baw Planning Scheme — Amendments C26, C28 and C29.
- Bayside Planning Scheme — Amendments C31 and C36.
- Bendigo — Greater Bendigo Planning Scheme — Amendment C41.
- Boroondara Planning Scheme — Amendment C41.
- Brimbank Planning Scheme — Amendments C49, C58 and C65.
- Campaspe Planning Scheme — Amendment C30.
- Cardinia Planning Scheme — Amendments C28, C31 and C56.
- Casey Planning Scheme — Amendment C48 (Part 1).
- Corangamite Planning Scheme — Amendments C7 and C8.
- Dandenong — Greater Dandenong Planning Scheme — Amendments C49 and C52.
- Darebin Planning Schemes — Amendments C50 and C51.
- East Gippsland Planning Scheme — Amendments C27, C29 and C34.
- Geelong — Greater Geelong Planning Scheme — Amendments C58, C84 and C95.
- Glenelg Planning Scheme — Amendments C13 and C15.
- Hepburn Planning Scheme — Amendments C12, C23 and C24.
- Hume Planning Scheme — Amendments C52 and C57.
- Kingston Planning Scheme — Amendments C8, C39 and C42.
- La Trobe Planning Scheme — Amendments C10, C31 and C33.
- Macedon Ranges Planning Scheme — Amendments C20, C23 and C38.
- Manningham Planning Scheme — Amendments C42 and C44.
- Maribyrnong Planning Scheme — Amendments C17 (Part 2), C21, C37, C39, C45 and C46.
- Maroondah Planning Scheme — Amendment C34.
- Melbourne Planning Scheme — Amendments C71, C77, C78 and C91.
- Melton Planning Scheme — Amendments C27, C34 and C45.
- Monash Planning Scheme — Amendment C37.
- Moonee Valley Planning Scheme — Amendments C36, C45, C56 and C58.
- Moreland Planning Scheme — Amendments C53 and C54.
- Mornington Peninsula Planning Scheme — Amendment C70.
- Murrindindi Planning Scheme — Amendments C8 and C15.
- Nillumbik Planning Scheme — Amendment C32.
- Northern Grampians Planning Scheme — Amendment C8.
- Port Phillip Planning Scheme — Amendment C36.
- Pyrenees Planning Scheme — Amendment C7.
- Shepparton — Greater Shepparton Planning Scheme — Amendments C23 (Part 1), C39, C40 and C51.
- South Gippsland Planning Scheme — Amendment C29.
- Stonnington Planning Scheme — Amendments C5 (Part 1) and C6 (Part 2A).
- Surf Coast Planning Scheme — Amendments C6 and C10.
- Swan Hill Planning Scheme — Amendments C14 and C15.
- Victoria Planning Provisions — Amendments V5 and VC24 to VC27.
- Whitehorse Planning Scheme — Amendment C43 (Part 2).
- Whittlesea Planning Scheme — Amendments C27, C35, C43 (Part 2), C57 and C65 (Part 1).
- Yarra Planning Scheme — Amendments C53 and C54.
- Yarra Ranges Planning Scheme — Amendments C16 (Part 1), C23 and C35 (Part 1).

- Port Services Act 1995 — Certificate excluding Regulations from the operation of Part 2 of the Subordinate Legislation Act 1994, pursuant to section 184(3) of the Act (three papers).
- Prevention of Cruelty to Animals Act 1986 — Revocation of the Code of Practice for the care and use of animals for scientific procedures.
- Retail Leases Act 2003 — Minister's determinations of 23 April 2004 and 20 August 2004 relating to premises not constituting retail premises, pursuant to section 5(3) of the Act (two papers).
- Statutory Rules under the following Acts of Parliament:
- Building Act 1993 — No. 79.
  - Chattel Securities Act 1987 — No. 87.
  - Child Employment Act 2003 — No. 60.
  - Confiscation Act 1997 — No. 57.
  - Control of Weapons Act 1990 — No. 62.
  - Corrections Act 1986 — No. 108.
  - County Court Act 1958 — No. 72.
  - Court Security Act 1980 — No. 95.
  - Crimes Act 1958 — Nos. 56, 66 and 109.
  - Drugs, Poisons and Controlled Substances Act 1981 — Nos. 59 and 68.
  - Electricity Safety Act 1998 — No. 58.
  - Evidence Act 1958 — No. 65.
  - Fair Trading Act 1999 — No. 110.
  - Fisheries Act 1995 — No. 106.
  - Forests Act 1958 — No. 77.
  - Freedom of Information Act 1982 — No. 74.
  - Gambling Regulation Act 2003 — No. 78.
  - Intellectually Disabled Persons' Services Act 1986 — No. 107.
  - Magistrates' Court Act 1989 — No. 94.
  - Marine Act 1988 — No. 80.
  - Medical Practice Act 1994 — No. 104.
  - Monetary Units Act 2004 — No. 88.
  - Nurses Act 1993 — No. 101.
  - Occupational Health and Safety Act 1985 — No. 105.
  - Parole Orders (Transfer) Act 1983 — No. 75.
  - Pharmacist Act 1974 — No. 102.
  - Planning and Environment Act 1987 — No. 97.
  - Port Services Act 1995 — No. 81.
  - Prevention of Cruelty to Animals Act 1986 — Nos. 63 and 64.
  - Prisoners (Interstate Transfer) Act 1983 — No. 76.
  - Road Management Act 2004 — No. 84.
  - Road Safety Act 1986 — Nos. 82, 83, 85 and 86.
  - Rural Finance Act 1988 — No. 103.
  - Subdivision Act 1988 — No. 98.
  - Subordinate Legislation Act 1994 — Nos. 61, 69 to 71, 91, 93 and 99.
  - Supreme Court Act 1986 — No. 100.
  - Tertiary Education Act 1993 — No. 67.
  - Transport Act 1983 — No. 90.
  - Treasury Corporation of Victoria Act 1992 — No. 92.
  - Victorian Civil and Administrative Tribunal Act 1998 — No. 73.
  - Wildlife Act 1975 — No. 96.
  - Zoological Parks and Gardens Act 1995 — No. 89.
- Subordinate Legislation Act 1994 —  
Ministers' exception certificates under section 8(4) in respect of Statutory Rule Nos. 61, 69 to 72, 85 to 87, 89, 90, 95 and 100.

Subordinate Legislation Act 1994 — *continued*

Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 59, 60, 68, 82 to 85, 90 to 92, 94, 97, 98, 101 to 104, 106 and 108 to 110.

Water Act 1989 — Minister's Order declaring a Water Supply Protection Area (Groundwater) for Glenelg.

\* \* \* \* \*

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

Accident Compensation and Transport Accident Acts (Amendment) Act 2003 — Sections 6 and 13 and Parts 3 and 5 — 1 September 2004 (*Gazette No. G35, 26 August 2004*).

Ambulance Services (Amendment) Act 2004 — 3 August 2004 (*Gazette No. G32, 29 July 2004*).

Animals Legislation (Animal Welfare) Act 2003 — Remaining provisions of Part 4 — 24 June 2004 (*Gazette No. G26, 24 June 2004*).

Gambling Regulation Act 2003 — Remaining provisions (other than sections 12.1.5 and 3.5.35) — 1 July 2004 (*Gazette No. G27, 1 July 2004*).

Health Services (Supported Residential Services) Act 2004 — Sections 5, 10, 11 and 20 — 1 September 2004 (*Gazette No. S189, 1 September 2004*); sections 1, 2 and 3 — 7 September 2004 (*Gazette No. S196, 7 September 2004*).

Local Government (Democratic Reform) Act 2003 — Sections 53, 57 to 60, 62, 63 and 70 — 31 July 2004; section 81 — 20 August 2004 (*Gazette No. G31, 29 July 2004*).

Marine (Amendment) Act 2004 — Remaining provisions — 1 July 2004 (*Gazette No. G27, 1 July 2004*).

Mitcham-Frankston Project Act 2004 — Sections 3 to 7, 9, 13 and 14, Part 3, Part 4 (except Division 2), Division 1 of Part 5, Division 1 of Part 6, Divisions 1 and 8 of Part 10 and sections 255 to 257 and 261 — 1 July 2004 (*Gazette No. S148, 25 June 2004*).

Primary Industries Legislation (Miscellaneous Amendments) Act 2004 — Remaining provisions — 1 July 2004 (*Gazette No. G26, 24 June 2004*).

Professional Standards Act 2003 — 8 June 2004 (*Gazette No. S128, 8 June 2004*).

Racing and Gaming Acts (Amendment) Act 2004 — Part 2 — 1 August 2004 (*Gazette No. G30, 22 July 2004*).

Sustainable Forests (Timber) Act 2004 — Division 1 of Part 4, section 95(1) and Schedule 1 and Part 3, Divisions 3 and 4 of Part 4, Part 5, Division 1 of Part 6, Part 8, Part 9, section 96, remaining provisions of Part 11 (except for sections 100(2) and 109) and section 130 — 1 August 2004 (*Gazette No. G31, 29 July 2004*).

Victorian Qualifications Authority (National Registration) Act 2004 — Remaining provisions — 1 July 2004 (*Gazette No. G27, 1 July 2004*).

**14 GOVERNMENT BUSINESS PROGRAM** — Mr John Lenders moved, That, pursuant to Sessional Order 20, the Order of the Day, Government Business, relating to the following Bill be considered and completed by 4.30 p.m. on Thursday, 16 September 2004:

Sex Offenders Registration Bill.

Debate ensued.

Question — put.

The Council divided.



## AYES, 26

The Hon. Lidia Argondizzo  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 Ms Candy Broad  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza (*Teller*)  
 The Hon. Damian Drum  
 The Hon. John Eren  
 The Hon. Peter Hall (*Teller*)  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

## NOES, 14

The Hon. Bruce Atkinson (*Teller*)  
 The Hon. Ron Bowden (*Teller*)  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative.

**15 SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr John Lenders moved, by leave, That the Honourable Andrew Brideson be a member of the Scrutiny of Acts and Regulations Committee.

Question — put and resolved in the affirmative.

**16 LAW REFORM COMMITTEE** — Mr John Lenders moved, by leave, That the Honourable David Koch be a member of the Law Reform Committee.

Question — put and resolved in the affirmative.

**17 EDUCATION AND TRAINING COMMITTEE** — Mr John Lenders moved, by leave, That Mr Johan Scheffer continue to be a member of the Education and Training Committee until the return to parliamentary duties from illness of the Honourable Helen Buckingham in March 2005.

Debate ensued.

Question — put and resolved in the affirmative.

**18 PRIVILEGES COMMITTEE** — Mr John Lenders moved, by leave, That the Honourable Robert Mitchell continue be a member of the Privileges Committee until the return to parliamentary duties from illness of the Honourable Helen Buckingham in March 2005.

Question — put and resolved in the affirmative.

**19 MINISTERIAL STATEMENT — REVITALISING CONSUMER PROTECTION** — Mr John Lenders made a Ministerial Statement in relation to revitalising consumer protection.

The Honourable Wendy Lovell moved, That the Council take note of the Ministerial Statement.

Debate ensued.

Question — put and resolved in the affirmative.

- 20 GAMBLING REGULATION (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to enable the transfer to Tattersall's Limited ACN 108 686 040 of the gaming operator's licence and the public lottery licence held by the trustees of the will and estate of the late George Adams, to provide for that company to be authorised to conduct and promote club keno games in lieu of those trustees, to regulate shareholding interests in that company and make provision as to its financial recording and reporting requirements and for other purposes* and desiring the agreement of the Council.

On the motion of Mr Gavin Jennings (for the Honourable Marsha Thomson), the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 21 PARLIAMENTARY SALARIES AND SUPERANNUATION (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Parliamentary Salaries and Superannuation Act 1968 and for other purposes* and desiring the agreement of the Council.

On the motion of Mr Gavin Jennings (for Mr John Lenders), the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 22 MINISTERIAL STATEMENT — ABORIGINAL AFFAIRS — BUILDING A BETTER FUTURE FOR INDIGENOUS VICTORIANS** — Mr Gavin Jennings made a Ministerial Statement in relation to Aboriginal Affairs — Building a Better Future for Indigenous Victorians.

The Honourable Wendy Lovell moved, That the Council take note of the Ministerial Statement.

Debate ensued.

Question — put and resolved in the affirmative.

- 23 PARLIAMENTARY SALARIES AND SUPERANNUATION (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr Gavin Jennings (for Mr John Lenders) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Andrea Coote (for the Honourable Philip Davis), the debate was adjourned until the next day of meeting.

- 24 GAMBLING REGULATION (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden (for the Honourable Marsha Thomson) moved, That, pursuant to Sessional Order 34, the second reading speech (except for the statement under section 85 (5) of the *Constitution Act 1975*) be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Justin Madden moved, That the Bill be now read a second time.

The Honourable Justin Madden made a statement pursuant to section 85 (5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

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

- 25 MINISTERIAL STATEMENT — A FOCUS ON COMMUNITY SPORT AND RECREATION** — The Honourable Justin Madden made a Ministerial Statement in relation to a Focus on Community Sport and Recreation.

The Honourable Bruce Atkinson moved, That the Council take note of the Ministerial Statement.

Debate ensued.

Question — put and resolved in the affirmative.

*Business having been interrupted by the President pursuant to Sessional Order 14 —*

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

Debate ensued.

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

W.R. TUNNECLIFFE  
Clerk of the Legislative Council

## No. 73 — Wednesday, 15 September 2004

- 1 The President took the Chair and read the Prayer.
- 2 **WATER INDUSTRY (ENVIRONMENTAL CONTRIBUTIONS) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Water Industry Act 1994 to make provision for environmental contributions payable by water supply authorities* and desiring the agreement of the Council.  
On the motion of Ms Candy Broad, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 3 **PETITION — PENSIONERS' CAR REGISTRATION FEES** — The Honourable David Koch presented a Petition bearing 193 signatures from certain citizens of Victoria requesting that the Victorian Government abandon the proposal to increase the cost of car registration for Victorian pensioners by \$78.50 as it will detrimentally impact upon those who are financially unable to pay by jeopardising their freedom of movement, removing their independence and diminishing their quality of life.  
Ordered to lie on the Table.
- 4 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:  
Parliamentary Committees Act 2003 —  
Minister's interim response to recommendations in the Drugs and Crime Prevention Committee's report on Fraud and Electronic Commerce.  
Minister's response to recommendations in the Environment and Natural Resources Committee's report on the Impact and Trends in Soil Acidity.  
A Statutory Rule under the Fair Trading Act 1999 — No. 111.
- 5 **MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.
- 6 **BUSINESS POSTPONED** —  
Ordered — That the consideration of Notices of Motion, General Business, Nos. 1, 3, 6 and 9 to 11 inclusive, be postponed until later this day.  
Ordered — That the consideration of Notices of Motion, General Business, Nos. 2, 4, 5, 7 and 8, be postponed until the next day of meeting.
- 7 **SCORESBY FREEWAY TOLLS** — The Honourable Bruce Atkinson moved, That this House condemns the State Government for rejecting Federal funds and introducing tolls on the Scoresby Freeway in a breach of trust with Victorian voters, and for its inadequate management of the State's road infrastructure.  
Debate ensued.

Question — put.

The Council divided.

AYES, 18

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden (*Teller*)  
 The Hon. Andrew Brideson (*Teller*)  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

NOES, 22

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 Ms Elaine Carbines (*Teller*)  
 The Hon. Kaye Darveniza  
 The Hon. John Eren (*Teller*)  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

And so it passed in the negative.

**8 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03.

**9 SEX OFFENDERS REGISTRATION BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Theo Theophanous moved, That, pursuant to Sessional Order 34, the second reading speech (except for the statement under section 85 (5) of the *Constitution Act 1975*) be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Theo Theophanous moved, That the Bill be now read a second time.

The Honourable Theo Theophanous made a statement pursuant to section 85 (5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

On the motion of the Honourable Richard Dalla-Riva, the debate was adjourned until later this day.

**10 BUILDING (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Justin Madden moved, That the Bill be now read a second time.

On the motion of the Honourable Andrea Coote (for the Honourable David Davis), the debate was adjourned until the next day of meeting.

**11 SENTENCING (SUPERANNUATION ORDERS) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Andrea Coote (for the Honourable C.A. Strong), the debate was adjourned until the next day of meeting.

- 12 NATIONAL PARKS (ADDITIONS AND OTHER AMENDMENTS) BILL** — The Order of the Day having been read for the second reading of this Bill, Ms Candy Broad moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Andrea Coote, the debate was adjourned until the next day of meeting.

- 13 CRIMES (DANGEROUS DRIVING) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Justin Madden moved, That the Bill be now read a second time.

On the motion of the Honourable Andrea Coote (for the Honourable C.A. Strong), the debate was adjourned until the next day of meeting.

- 14 INTERPRETATION OF LEGISLATION (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Justin Madden moved, That the Bill be now read a second time.

On the motion of the Honourable Andrea Coote (for the Honourable C.A. Strong), the debate was adjourned until the next day of meeting.

- 15 WATER INDUSTRY (ENVIRONMENTAL CONTRIBUTIONS) BILL** — The Order of the Day having been read for the second reading of this Bill, Ms Candy Broad moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Graeme Stoney, the debate was adjourned until later this day.

- 16 MINISTERIAL STATEMENT — BUILDING STRONGER COMMUNITIES AND A FAIRER VICTORIA** — Ms Candy Broad made a Ministerial Statement in relation to Building Stronger Communities and a Fairer Victoria.

The Honourable Andrea Coote moved, That the Council take note of the Ministerial Statement.

Debate ensued.

Question — put and resolved in the affirmative.

- 17 PARLIAMENTARY SALARIES AND SUPERANNUATION (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 18 GOVERNMENT BUSINESS PROGRAM** — Mr John Lenders moved, That, pursuant to Sessional Order 21, the Resolution of the Council adopted on 14 September 2004 relating to the Government Business Program be amended to permit the Order of the Day, Government Business, relating to the following Bill to be also considered and completed by 4.30 p.m. on Thursday, 16 September 2004:

Water Industry (Environmental Contributions) Bill.

Debate ensued.

Question — put and resolved in the affirmative.

- 19 SEX OFFENDERS REGISTRATION BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 20 GAMBLING REGULATION (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Bill read a second time and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 21 MAJOR CRIME LEGISLATION (OFFICE OF POLICE INTEGRITY) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Police Regulation Act 1958, the Ombudsman Act 1973, the Public Sector Management and Employment Act 1998, the Surveillance Devices Act 1999, the Surveillance Devices (Amendment) Act 2004, the Crimes (Assumed Identities) Act 2004, the Crimes (Controlled Operations) Act 2004, the Telecommunications (Interception) (State Provisions) Act 1988 and other Acts to establish an Office of Police Integrity and a Director, Police Integrity to replace the Police Ombudsman, allow the Office and Director to exercise investigative powers and for other purposes and desiring the agreement of the Council.*

On the motion of the Honourable Theo Theophanous, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 22 EVIDENCE (WITNESS IDENTITY PROTECTION) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Evidence Act 1958 to allow witness identity protection certificates to be issued to Victorian operatives who are to give evidence in interstate proceedings and provide for interstate witness identity protection certificates to be used for interstate operatives in Victorian proceedings and for other purposes and desiring the agreement of the Council.*

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**23 WATER INDUSTRY (ENVIRONMENTAL CONTRIBUTIONS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

On the motion of the Honourable W.R. Baxter, the debate was adjourned until the next day of meeting.

*Business having been interrupted by the President pursuant to Sessional Order 14 —*

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

Debate ensued.

And then the Council, at 10.35 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 74 — Thursday, 16 September 2004

1 The President took the Chair and read the Prayer.

2 **PETITIONS** —

**PENSIONERS' CAR REGISTRATION FEE** — The Honourable David Koch presented a Petition bearing 298 signatures from certain citizens of Victoria requesting that the Victorian Government abandon the proposal to increase the cost of car registration for Victorian pensioners by \$78.50 as it will detrimentally impact upon those who are financially unable to pay by jeopardising their freedom of movement, removing their independence and diminishing their quality of life.

Ordered to lie on the Table.

\* \* \* \* \*

**SPRINGVALE ROAD, NUNAWADING LEVEL CROSSING** — The Honourable Bruce Atkinson presented a Petition bearing 1,694 signatures from certain citizens of Victoria praying that the Parliament undertake to ensure that the Victorian Government immediately instruct its road and rail authorities to undertake a feasibility study into the costs of a grade separation of the rail and road crossing on Springvale Road, Nunawading, conduct a traffic study on the contribution of the level crossing into the accident record of the Springvale Road and Whitehorse Road intersection, and work with the RACV, Whitehorse Council and Connex on the development of the Nunawading Station precinct as a means of improving the public transport facilities.

Ordered to lie on the Table.

\* \* \* \* \*

**LIFE EDUCATION PROGRAM FUNDING** — The Honourable Wendy Lovell presented a Petition bearing 525 signatures from certain citizens of Victoria praying that the Minister for Education Services and the Victorian Government increase Government funding to the Life Education Program, to enable Life Education to continue to deliver vital life, health and drug education programs to the students of Victoria.

Ordered to lie on the Table.

\* \* \* \* \*

**ALEXANDRA AND DISTRICT AMBULANCE SERVICE** — The Honourable Wendy Lovell presented a Petition bearing 1,593 signatures from certain citizens of Victoria praying that the Minister for Health and the Victorian Government reverse their policy

of imposing a board appointed by the Minister for Health to the Alexandra and District Ambulance Service.

Ordered to lie on the Table.

\* \* \* \* \*

**CAR REGISTRATION INCREASE** — The Honourable Ron Bowden presented a Petition bearing 487 signatures from certain citizens of Victoria requesting that the Victorian Government abandon immediately the introduction of motor vehicle registration fees on low and fixed income people.

Ordered to lie on the Table.

### 3 PAPERS —

**MELBOURNE CITY COUNCIL CHIEF EXECUTIVE OFFICER** — Ms Candy Broad moved, by leave, That there be laid before this House a copy of the Report of the Inspector of Municipal Administration, concerning the disclosure of confidential information relating to the appointment of the Chief Executive Officer at the Melbourne City Council, September 2004.

Question — put and resolved in the affirmative.

The said Report was thereupon presented by Ms Candy Broad and ordered to lie on the Table.

\* \* \* \* \*

**DRUGS AND CRIME PREVENTION COMMITTEE — OVERSEAS STUDY TOUR** — Mr Johan Scheffer moved, by leave, That there be laid before this House a copy of the Report from the Drugs and Crime Prevention Committee on its Overseas Study tour, July 2004.

Question — put and resolved in the affirmative.

The said Report was thereupon presented by Mr Johan Scheffer and ordered to lie on the Table and to be printed.

Mr Johan Scheffer moved, That the Council take note of the Report.

Debate ensued.

Question — put and resolved in the affirmative.

### 4 SITTING OF THE COUNCIL — Mr John Lenders moved, That, notwithstanding any sitting of the Council on Friday, 17 September 2004 for the completion of the Government Business Program, the Council, at its rising, adjourn until Tuesday, 5 October 2004.

Question — put and resolved in the affirmative.

### 5 MEMBERS' STATEMENTS — Statements were made by Honourable Members pursuant to Sessional Order 11.

### 6 STATEMENTS ON REPORTS AND PAPERS — The President proposed the question, That reports and papers tabled in the Council be noted.

Statements were made by Honourable Members pursuant to Sessional Order 17.

Question — put and resolved in the affirmative.

### 7 MAJOR CRIME LEGISLATION (OFFICE OF POLICE INTEGRITY) BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden (for the Honourable Theo Theophanous) moved, That, pursuant to Sessional Order 34, the second reading speech (except for the statement under section 85 (5) of the *Constitution Act 1975*) be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Justin Madden moved, That the Bill be now read a second time.

The Honourable Justin Madden made a statement pursuant to section 85 (5) of the *Constitution Act 1975* on the reasons for altering or varying this section.



On the motion of the Honourable Andrea Coote (for the Honourable C.A. Strong), the debate was adjourned until the next day of meeting.

- 8 EVIDENCE (WITNESS IDENTITY PROTECTION) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden moved, That, pursuant to Sessional Order 34, the second reading speech (except for the statement under section 85 (5) of the *Constitution Act 1975*) be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Justin Madden moved, That the Bill be now read a second time.

The Honourable Justin Madden made a statement pursuant to section 85 (5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

On the motion of the Honourable Richard Dalla-Riva, the debate was adjourned until the next day of meeting.

- 9 WATER INDUSTRY (ENVIRONMENTAL CONTRIBUTIONS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Business having been interrupted at 2.03 p.m. pursuant to Sessional Order 6 —*

- 10 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

- 11 WATER INDUSTRY (ENVIRONMENTAL CONTRIBUTIONS) BILL** — Debate continued on the question, That the Bill be now read a second time.

*Business having been interrupted by the Chair at 4.30 p.m. pursuant to Sessional Orders —*

Mr John Lenders moved, That pursuant to Sessional Order 27(a) the sitting be extended to complete the unfinished Government Business Program determined on 14 September 2004, as amended on 15 September 2004.

Question — put and resolved in the affirmative.

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

Question — put.

The Council divided.

AYES, 36

The Hon. Lidia Argondizzo  
 The Hon. Bruce Atkinson  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 Ms Candy Broad  
 Ms Elaine Carbines  
 The Hon. Richard Dalla-Riva (*Teller*)  
 The Hon. Kaye Darveniza  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. John Eren  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings

NOES, 4

The Hon. W.R. Baxter (*Teller*)  
 The Hon. Barry Bishop  
 The Hon. Damian Drum  
 The Hon. Peter Hall (*Teller*)

The Hon. David Koch  
 Mr John Lenders  
 The Hon. Wendy Lovell  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 The Hon. Andrew Olexander  
 Mr Noel Pullen  
 The Hon. Gordon Rich-Phillips  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney (*Teller*)  
 The Hon. John Vogels

And so it was resolved in the affirmative.

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

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted.

Question — That the Bill be now read a third time and that the Bill do pass — put.

The Council divided.

AYES, 34

The Hon. Lidia Argondizzo  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 Ms Candy Broad  
 Ms Elaine Carbines  
 The Hon. Richard Dalla-Riva  
 The Hon. Kaye Darveniza  
 The Hon. David Davis (*Teller*)  
 The Hon. Philip Davis  
 The Hon. John Eren  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 The Hon. David Koch  
 Mr John Lenders  
 The Hon. Wendy Lovell  
 The Hon. Justin Madden  
 Ms Jenny Mikakos

NOES, 3

The Hon. W.R. Baxter  
 The Hon. Damian Drum (*Teller*)  
 The Hon. Peter Hall (*Teller*)

The Hon. Robert Mitchell  
The Hon. Sang Nguyen  
The Hon. Andrew Olexander  
Mr Noel Pullen  
The Hon. Gordon Rich-Phillips  
Ms Glenyys Romanes  
Mr Johan Scheffer  
Mr Robert Smith  
Mr Adem Somyurek (*Teller*)  
The Hon. Graeme Stoney  
The Hon. Theo Theophanous  
The Hon. Marsha Thomson  
Mr Matt Viney  
The Hon. John Vogels

And so it was resolved in the affirmative.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**12 ABORIGINAL LANDS (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Aboriginal Lands Act 1970 and for other purposes* and desiring the agreement of the Council.

On the motion of Mr John Lenders (for Mr Gavin Jennings), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**13 MAJOR CRIME (SPECIAL INVESTIGATIONS MONITOR) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to provide for the appointment of a Special Investigations Monitor, to amend the Public Sector Management and Employment Act 1998, the Whistleblowers Protection Act 2001 and the Juries Act 2000 and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**14 ADJOURNMENT** — Mr John Lenders moved, That the House do now adjourn.  
Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 10.28 p.m., adjourned until Tuesday, 5 October 2004.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*



## LEGISLATIVE COUNCIL

### MINUTES OF THE PROCEEDINGS Nos. 75, 76 and 77

#### No. 75 — Tuesday, 5 October 2004

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 21 September 2004, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:  
*Gambling Regulation (Amendment) Act*  
*Parliamentary Salaries and Superannuation (Amendment) Act*  
*Sex Offenders Registration Act*  
*Water Industry (Environmental Contributions) Act.*
- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.
- 4 **MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.
- 5 **PETITIONS** —  
**MOTOR VEHICLE REGISTRATION FEE** — The Honourable Ron Bowden presented a Petition bearing 757 signatures from certain citizens of Victoria requesting that the Victorian Government abandon immediately the introduction of motor vehicle registration fees on low and fixed income people.  
Ordered to lie on the Table.

\* \* \* \* \*

**KYNETON BOWLING CLUB LAND** — Ms Dianne Hadden presented a Petition bearing 136 signatures from certain citizens of Victoria requesting that the Minister for Planning act in accordance with the law and return the land leased by the Kyneton Bowling Club Inc. to its reserved purpose and revoke the appointment of the Shire of Macedon Ranges as the Committee of Management of that land under the *Crown Land (Reserves) Act 1978*.

Ordered to lie on the Table.

\* \* \* \* \*

**SEYMOUR HOSPITAL OBSTETRIC SERVICES** — The Honourable David Davis presented a Petition bearing 459 signatures from certain citizens of Victoria praying that obstetrics services be restored and a full inquiry into the treatment of doctors at Seymour District Memorial Hospital be conducted as soon as possible.

Ordered to lie on the Table.

\* \* \* \* \*

**LIFE EDUCATION PROGRAM FUNDING** — The Honourable Wendy Lovell presented a Petition bearing 126 signatures from certain citizens of Victoria praying that the Minister for Education Services and the Victorian Government increase

Government funding to the Life Education Program, to enable Life Education to continue to deliver vital life, health and drug education programs to the students of Victoria.

Ordered to lie on the Table.

\* \* \* \* \*

**KEW RESIDENTIAL SERVICES SITE** — The Honourable Richard Dalla-Riva presented a Petition bearing 10 signatures from certain citizens of Victoria requesting that the Victorian Government reverse its current plan for high rise and high density development for the Kew Residential Services site and opposing the Boroondara Council's active support of the Government's agenda of forced imposition of its high density 2030 plans.

Ordered to lie on the Table.

## 6 PAPERS —

**ECONOMIC DEVELOPMENT COMMITTEE — ECONOMIC CONTRIBUTION OF VICTORIA'S CULTURALLY DIVERSE POPULATION** — The Honourable Bruce Atkinson presented a Report from the Economic Development Committee on the Economic Contribution of Victoria's Culturally Diverse Population, together with Appendices and Minutes of Evidence.

Ordered to lie on the Table and the Report and Appendices to be printed.

The Honourable Bruce Atkinson moved, That the Council take note of the Report.

Debate ensued.

Question — put and resolved in the affirmative.

\* \* \* \* \*

**OUTER SUBURBAN/INTERFACE SERVICES AND DEVELOPMENT COMMITTEE — SUSTAINABLE URBAN DESIGN FOR NEW COMMUNITIES IN OUTER SUBURBAN AREAS** — Mr Johan Scheffer presented a Report from the Outer Suburban/Interface Services and Development Committee on Sustainable Urban Design for New Communities in Outer Suburban Areas, together with Appendices and Minutes of Evidence.

Ordered to lie on the Table and the Report and Appendices to be printed.

Mr Johan Scheffer moved, That the Council take note of the Report.

Debate ensued.

Question — put and resolved in the affirmative.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — The Honourable Lidia Argondizzo presented Alert Digest No. 8 of 2004 from the Scrutiny of Acts and Regulations Committee, together with Appendices.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

**GOVERNMENT RESPONSE TO PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE REPORT ON REVIEW OF THE AUDITOR-GENERAL'S PERFORMANCE AUDIT ON REDUCING LANDFILL: WASTE MANAGEMENT BY MUNICIPAL COUNCILS** — Pursuant to the *Parliamentary Committees Act 2003*, the Clerk presented a Government response to recommendations in the Public Accounts and Estimates Committee Report on the Review of the Auditor-General's Performance Audit on Reducing Landfill: Waste Management by Municipal Councils, April 2004.

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

Commonwealth Games Arrangements Act 2001 — Commonwealth Games Designated Access Area Orders — Amendments, and Commonwealth Games Venue Order, pursuant to section 18 of the Act (four papers).

Environment Protection Act 1970 — Sustainability Fund Guidelines, pursuant to section 70C(2) of the Act.

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

Banyule Planning Scheme — Amendment C45.

Bayside Planning Scheme — Amendment C35.

Brimbank Planning Scheme — Amendment C61.

Buloke Planning Scheme — Amendment C5.

Frankston Planning Scheme — Amendments C28 and C30.

Geelong — Greater Geelong Planning Scheme — Amendment C82.

Kingston Planning Scheme — Amendment C34.

Latrobe Planning Scheme — Amendment C7.

Manningham Planning Scheme — Amendment C35.

Melbourne Planning Scheme — Amendment C79.

Melton Planning Scheme — Amendment C29.

Monash Planning Scheme — Amendment C54.

Moorabool Planning Scheme — Amendment C26.

Mornington Peninsula Planning Scheme — Amendments C46 and C48.

Shepparton — Greater Shepparton Scheme — Amendments C17 (Part 2) and C23 (Part 2).

South Gippsland Planning Scheme — Amendments C10 and C28.

Whitehorse Planning Scheme — Amendments C46 (Part 2) and C53.

Whittlesea Planning Scheme — Amendments C60 and C65 (Part 2).

Wodonga Planning Scheme — Amendment C24.

Yarra Planning Scheme — Amendments C50 and C55 (Part 1).

Road Management Act 2004 —

Code of Practice for Clearways on declared arterial roads.

Code of Practice for Road Management Plans.

Statutory Rules under the following Acts of Parliament:

Ambulance Services Act 1986 — No. 112.

Building Act 1993 — No. 113.

Electricity Safety Act 1998 — No. 114.

Instruments Act 1958 — No. 117.

Property Law Act 1958 — No. 115.

Subdivision Act 1988 — No. 116.

Transfer of Land Act 1958 — No. 118.

Subordinate Legislation Act 1994 — Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 111 and 112.

Victorian Law Reform Commission — Final Report on Sexual Offences.

\* \* \* \* \*

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

Animals Legislation (Animal Welfare) Act 2003 — Remaining provisions of Part 5 — 7 October 2004 (*Gazette No. G40, 30 September 2004*).

Mitcham-Frankston Project Act 2004 — Remaining provisions (except sections 60 and 229(3) and Division 2 of Part 8) — 24 September 2004 (*Gazette No. S206, 22 September 2004*).

**7 GOVERNMENT BUSINESS PROGRAM** — Mr Gavin Jennings moved, That, pursuant to Sessional Order 20, the Orders of the Day, Government Business, relating to the

following Bills be considered and completed by 4.30 p.m. on Thursday, 7 October 2004:

Interpretation of Legislation (Amendment) Bill  
 Sentencing (Superannuation Orders) Bill  
 Major Crime Legislation (Office of Police Integrity) Bill  
 Aboriginal Lands (Amendment) Bill  
 Evidence (Witness Identity Protection) Bill  
 Crimes (Dangerous Driving) Bill  
 Major Crime (Special Investigations Monitor) Bill  
 National Parks (Additions and Other Amendments) Bill.

Debate ensued.

Question — put and resolved in the affirmative.

- 8 ABORIGINAL LANDS (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr Gavin Jennings moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Wendy Lovell, the debate was adjourned until the next day of meeting.

- 9 MAJOR CRIME (SPECIAL INVESTIGATIONS MONITOR) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr Gavin Jennings (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable C.A. Strong, the debate was adjourned until the next day of meeting.

- 10 INTERPRETATION OF LEGISLATION (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 11 SENTENCING (SUPERANNUATION ORDERS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 12 MAJOR CRIME LEGISLATION (OFFICE OF POLICE INTEGRITY) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 13 STATE SPORT CENTRES (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the State Sport Centres Act 1994 to include additional land in the land at the Melbourne Sports and Aquatic Centre and to provide for management powers in respect of the Melbourne Sports and Aquatic Centre land, to amend the Australian Grands Prix Act 1994 and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 14 EVIDENCE (WITNESS IDENTITY PROTECTION) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 15 ADJOURNMENT** — Mr John Lenders moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 10.05 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 76 — Wednesday, 6 October 2004

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

- 2 PRIMARY INDUSTRIES LEGISLATION (FURTHER MISCELLANEOUS AMENDMENTS) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend various Acts relating to primary industries, to amend various Acts relating to animals and to amend the Confiscation Act 1997 and the Crimes (Controlled Operations) Act 2004 and to repeal the Barley Marketing Act 1993 and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Theo Theophanous, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 3 PETITIONS** —

**SOMERVILLE POLICE STATION FUNDING** — The Honourable Ron Bowden presented a Petition bearing 308 signatures from certain citizens of Victoria requesting that the Victorian Government fund the establishment of a fully manned 24 hour a day police station for Somerville to service the local and surrounding communities.

Ordered to lie on the Table.



**ST KILDA TRIANGLE PLANNING** — The Honourable David Davis presented a Petition bearing 627 signatures from certain citizens of Victoria requesting that the Victorian Government act to restore to residents of St Kilda the democratic right to lodge appeals to the Victorian Civil and Administrative Tribunal against inappropriate development proposals for the Triangle area of St Kilda.

Ordered to lie on the Table.

\* \* \* \* \*

**IMPACT OF CAR REGISTRATION INCREASE** — The Honourable Ron Bowden presented a Petition bearing 219 signatures from certain citizens of Victoria requesting that the Victorian Government abandon immediately the introduction of motor vehicle registration fees on low and fixed income people.

Ordered to lie on the Table.

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

Statutory Rules under the following Acts of Parliament:

Pharmacists Act 1974 — No. 120.

Sex Offenders Registration Act 2004 — No. 121.

Subordinate Legislation Act 1994 — No. 119.

Subordinate Legislation Act 1994 —

Minister's exception certificates under section 8(4) in respect of Statutory Rule Nos. 119 and 120.

Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 121.

Victorian Broiler Industry Negotiation Committee — Minister's report of receipt of 2003-04 report.

**5 MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

**6 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 34 inclusive, be postponed until the next day of meeting.

**7 PRE-SCHOOL EDUCATION** — The Honourable Peter Hall moved, That this House calls on the Government to recognise the value of pre-school education by —

(a) creating a pay parity system of equality between pre-school teachers and primary school teachers;

(b) recognising that pre-school is an important educational experience by moving responsibility for pre-schools to the Department of Education and Training;

(c) providing access to pre-school for all children, irrespective of their family's economic circumstances, and providing support for children with additional needs; and

(d) working to attract and retain more pre-school teachers to tackle teacher shortages, especially in rural areas.

Debate ensued.

Question — put.

The Council divided.

AYES, 17

The Hon. Bruce Atkinson  
The Hon. W.R. Baxter  
The Hon. Barry Bishop (*Teller*)  
The Hon. Ron Bowden  
The Hon. Andrew Brideson  
The Hon. Andrea Coote

NOES, 21

The Hon. Lidia Argondizzo  
Ms Candy Broad  
Ms Elaine Carbines (*Teller*)  
The Hon. Kaye Darveniza  
The Hon. John Eren  
Ms Dianne Hadden

The Hon. Richard Dalla-Riva  
The Hon. David Davis  
The Hon. Philip Davis  
The Hon. Bill Forwood  
The Hon. Peter Hall (*Teller*)  
The Hon. Wendy Lovell  
The Hon. Andrew Olexander  
The Hon. Gordon Rich-Phillips  
The Hon. Graeme Stoney  
The Hon. C.A. Strong  
The Hon. John Vogels

The Hon. Geoff Hilton  
Mr Gavin Jennings  
Mr John Lenders  
The Hon. Justin Madden  
Ms Jenny Mikakos  
The Hon. Robert Mitchell  
The Hon. Sang Nguyen  
Mr Noel Pullen  
Ms Glenyys Romanes  
Mr Johan Scheffer  
Mr Robert Smith (*Teller*)  
Mr Adem Somyurek  
The Hon. Theo Theophanous  
The Hon. Marsha Thomson  
Mr Matt Viney

And so it passed in the negative.

**8 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03.

**9 STATE SPORT CENTRES (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden moved, That, pursuant to Sessional Order 34, the second reading speech (except for the statement under section 85 (5) of the *Constitution Act 1975*) be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Justin Madden moved, That the Bill be now read a second time.

The Honourable Justin Madden made a statement pursuant to section 85 (5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

On the motion of the Honourable Gordon Rich-Phillips, the debate was adjourned until the next day of meeting.

**10 CRIMES (DANGEROUS DRIVING) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**11 MAGISTRATES' COURT (INCREASED CIVIL JURISDICTION) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Magistrates' Court Act 1989 so as to increase the civil jurisdiction of the Magistrates' Court and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Theo Theophanous (for the Honourable Justin Madden), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**12 ABORIGINAL LANDS (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 13 DANGEROUS GOODS LEGISLATION (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Dangerous Goods Act 1985 and the Road Transport (Dangerous Goods) Act 1995 to regulate access to high consequence dangerous goods and make further provision for explosives, to amend the Terrorism (Community Protection) Act 2003 to provide for notifications about certain high consequence dangerous goods and for other purposes* and desiring the agreement of the Council.

On the motion of Mr Gavin Jennings (for Mr John Lenders), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 14 MAJOR CRIME (SPECIAL INVESTIGATIONS MONITOR) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put.

The Council divided.

AYES, 23

The Hon. Lidia Argondizzo  
 The Hon. W.R. Baxter  
 Ms Candy Broad  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza (*Teller*)  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Peter Hall  
 The Hon. Geoff Hilton  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer (*Teller*)  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Marsha Thomson  
 Mr Matt Viney

NOES, 12

The Hon. Bruce Atkinson (*Teller*)  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels (*Teller*)

And so it was resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

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

**16 BUILDING (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Business having been interrupted by the President at 10.00 pm pursuant to Sessional Order 14, the debate stood adjourned in the name of the Honourable David Davis.*

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

Debate ensued.

And then the Council, at 10.19 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*

## **No. 77 — Thursday, 7 October 2004**

1 The President took the Chair and read the Prayer.

**2 PETITION — SOMERVILLE POLICE STATION FUNDING** — The Honourable Ron Bowden presented a Petition bearing 420 signatures from certain citizens of Victoria requesting that the Victorian Government fund the establishment of a fully manned 24 hour a day police station for Somerville to service the local and surrounding communities.

Ordered to lie on the Table.

**3 PAPERS —**

**PUBLIC SECTOR ASSET INVESTMENT PROGRAM, 2004-05** — Mr John Lenders moved, by leave, That there be laid before this House a copy of the 2004-05 Public Sector Asset Investment Program (Budget Information Paper No. 1).

Question — put and resolved in the affirmative.

The said paper was thereupon presented by Mr John Lenders and ordered to lie on the Table.

\* \* \* \* \*

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

Auditor-General — Report on Measuring the success of the Our Forests, Our Future policy, October 2004.

Gascor Pty Ltd — Financial Statements for the period 1 July 2003 to 15 September 2003.

**4 MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

**5 STATEMENTS ON REPORTS AND PAPERS** — The President proposed the question, That reports and papers tabled in the Council be noted.

Statements were made by Honourable Members pursuant to Sessional Order 17.

Question — put and resolved in the affirmative.

**6 DANGEROUS GOODS LEGISLATION (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Marsha Thomson (for Mr John Lenders) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Marsha Thomson moved, That the Bill be now read a second time.

On the motion of the Honourable Andrea Coote (for the Honourable Bill Forwood), the debate was adjourned until the next day of meeting.

- 7 PRIMARY INDUSTRIES LEGISLATION (FURTHER MISCELLANEOUS AMENDMENTS) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Marsha Thomson (for the Honourable Theo Theophanous) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Marsha Thomson moved, That the Bill be now read a second time.

On the motion of the Honourable Andrea Coote (for the Honourable Philip Davis), the debate was adjourned until the next day of meeting.

- 8 MAGISTRATES' COURT (INCREASED CIVIL JURISDICTION) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Marsha Thomson (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Marsha Thomson moved, That the Bill be now read a second time.

On the motion of the Honourable Andrea Coote (for the Honourable C.A. Strong), the debate was adjourned until the next day of meeting.

- 9 NATIONAL PARKS (ADDITIONS AND OTHER AMENDMENTS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Business having been interrupted at 2.03 p.m. pursuant to Sessional Order 6 —*

- 10 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03.

- 11 NATIONAL PARKS (ADDITIONS AND OTHER AMENDMENTS) BILL** — Debate continued on the question, That the Bill be now read a second time.

Question — put.

The Council divided.

AYES, 35

The Hon. Lidia Argondizzo  
 The Hon. Bruce Atkinson  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 Ms Candy Broad  
 Ms Elaine Carbines  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. Kaye Darveniza  
 The Hon. David Davis (*Teller*)  
 The Hon. Philip Davis  
 The Hon. John Eren (*Teller*)  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. Wendy Lovell

NOES, 2

The Hon. W.R. Baxter (*Teller*)  
 The Hon. Peter Hall (*Teller*)

The Hon. John McQuilten  
The Hon. Justin Madden  
Ms Jenny Mikakos  
The Hon. Robert Mitchell  
The Hon. Sang Nguyen  
The Hon. Andrew Olexander  
Mr Noel Pullen  
The Hon. Gordon Rich-Phillips  
Ms Glenyys Romanes  
Mr Johan Scheffer  
Mr Adem Somyurek  
The Hon. Graeme Stoney  
The Hon. C.A. Strong  
The Hon. Theo Theophanous  
The Hon. Marsha Thomson  
The Hon. John Vogels

And so it was resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**12 STATE TAXATION ACTS (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Accident Compensation Act 1985, the Duties Act 2000, the First Home Owner Grant Act 2000, the Land Tax Act 1958, the Pay-roll Tax Act 1971 and the Valuation of Land Act 1960 and for other purposes* and desiring the agreement of the Council.

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

**13 BUILDING (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

On the motion of the Honourable Peter Hall, the debate was adjourned until the next day of meeting.

**14 ADJOURNMENT** — Mr John Lenders moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 4.33 p.m., adjourned until Tuesday, 12 October 2004.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*



## LEGISLATIVE COUNCIL

### MINUTES OF THE PROCEEDINGS Nos. 78, 79 and 80

#### No. 78 — Tuesday, 12 October 2004

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Lieutenant-Governor, as the Governor's deputy, informing the Council that she had, this day, given the Royal Assent to the undermentioned Acts presented to her by the Clerk of the Parliaments:
  - Aboriginal Lands (Amendment) Act*
  - Crimes (Dangerous Driving) Act*
  - Evidence (Witness Identity Protection) Act*
  - Interpretation of Legislation (Amendment) Act*
  - Major Crime (Special Investigations Monitor) Act*
  - Major Crime Legislation (Office of Police Integrity) Act*
  - National Parks (Additions and Other Amendments) Act*
  - Sentencing (Superannuation Orders) Act.*
- 3 **DRUGS, POISONS AND CONTROLLED SUBSTANCES AND THERAPEUTIC GOODS (VICTORIA) ACTS (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Drugs, Poisons and Controlled Substances Act 1981 in relation to the scheduling of poisons and certain licence, permit and warrant provisions, to repeal the licensing requirements in relation to Schedule 5 poisons and Schedule 6 poisons, to amend the Therapeutic Goods (Victoria) Act 1994 and to consequentially amend other Acts and for other purposes* and desiring the agreement of the Council.

On the motion of Mr Gavin Jennings, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 4 **CONSTITUTION (RECOGNITION OF ABORIGINAL PEOPLE) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Constitution Act 1975 to give recognition within that Act to Victoria's Aboriginal people and their contribution to the State of Victoria* and desiring the agreement of the Council.

On the motion of Mr Gavin Jennings, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 5 **MAGISTRATES' COURT (FAMILY VIOLENCE) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Magistrates' Court Act 1989 to establish the Family Violence Court Division of the Magistrates' Court, to amend the Crimes (Family Violence) Act 1987 and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**6 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

**7 MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

**8 PETITIONS** —

**BUSHFIRE RECOVERY TASKFORCE DOG TRAPPERS, NORTH EAST VICTORIA** — The Honourable Philip Davis presented a Petition bearing 8 signatures from certain citizens of Victoria requesting that financial arrangements be put in place at the beginning of the financial year to meet the costs for the permanent employment of no less than four dog trappers at Tallangatta and three at Corryong and to ensure that the two dogmen currently funded by the Bushfire Recovery Taskforce are retained on a permanent basis in the Upper Murray area of North East Victoria.

Ordered to lie on the Table.

\* \* \* \* \*

**MOTOR VEHICLE REGISTRATION FEE** — The Honourable Ron Bowden presented a Petition bearing 282 signatures from certain citizens of Victoria requesting that the Victorian Government abandon immediately the introduction of motor vehicle registration fees on low and fixed income people.

Ordered to lie on the Table.

\* \* \* \* \*

**PENSIONERS' CAR REGISTRATION FEES** — The Honourable David Koch presented a Petition bearing 291 signatures from certain citizens of Victoria requesting that the Victorian Government abandon the proposal to increase the cost of car registration for Victorian pensioners by \$78.50 as it will detrimentally impact upon those who are financially unable to pay by jeopardising their freedom of movement, removing their independence and diminishing their quality of life.

Ordered to lie on the Table.

\* \* \* \* \*

**WESTERN PORT HIGHWAY TRAFFIC LIGHTS** — The Honourable Ron Bowden presented a Petition bearing 287 signatures from certain citizens of Victoria requesting that the Victorian Government prevent the installation of traffic lights along the Western Port Highway at Lyndhurst (Dandenong/Hastings Road) due to growing community concerns.

Ordered to lie on the Table.

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

Auditor-General — Report, 2003-04.

City West Water Limited — Report, 2003-04.

Crown Land (Reserves) Act 1978 — Minister's Order of 21 September 2004 giving approval for the granting of a lease at Mt Rouse Public Park Reserve.

Duties Act 2000 — Treasurer's report of approved exemptions made on corporate reconstructions for 2003-04.

Essential Services Commission — Final Report on the Review of Hire Car Licence fees, August 2004.

Fisheries Act 1995 — Report on the Disbursement of Recreational Fishing Licence Revenue from the Recreational Fishing Licence Trust Account, 2003-04.

South East Water Limited — Report, 2003-04.

Tattersall's — Report, 2003-04 (including the Financial Statements of Club Keno Pty Ltd, Footy Consortium Pty Ltd, Tattersall's Gaming Pty Ltd and Tattersall's Sweeps Pty Ltd) (two papers).



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

Alpine Resorts (Management) (Amendment) Act 2004 — Part 3 — 1 November 2004 (*Gazette No. G41, 7 October 2004*).

Animals Legislation (Animal Welfare) Act 2003 — Section 26 — 19 October 2004 (*Gazette No. G41, 7 October 2004*).

**10 GOVERNMENT BUSINESS PROGRAM** — Mr John Lenders moved, That, pursuant to Sessional Order 20, the Orders of the Day, Government Business, relating to the following Bills be considered and completed by 4.30 p.m. on Thursday, 14 October 2004:

Building (Amendment) Bill

Dangerous Goods Legislation (Amendment) Bill

Primary Industries Legislation (Further Miscellaneous Amendments) Bill

Magistrates' Court (Increased Civil Jurisdiction) Bill

State Sport Centres (Amendment) Bill

State Taxation Acts (Amendment) Bill.

Debate ensued.

Question — put and resolved in the affirmative.

**11 STATE TAXATION ACTS (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Graeme Stoney (for the Honourable Bill Forwood), the debate was adjourned until the next day of meeting.

**12 BUILDING (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put.

The Council divided.

AYES, 36

The Hon. Lidia Argondizzo  
 The Hon. Bruce Atkinson  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 Ms Candy Broad  
 Ms Elaine Carbines  
 The Hon. Richard Dalla-Riva  
 The Hon. Kaye Darveniza  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. John Eren  
 The Hon. Bill Forwood (*Teller*)  
 Ms Dianne Hadden (*Teller*)  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 The Hon. David Koch  
 Mr John Lenders

NOES, 4

The Hon. W.R. Baxter  
 The Hon. Barry Bishop (*Teller*)  
 The Hon. Damian Drum (*Teller*)  
 The Hon. Peter Hall

The Hon. Wendy Lovell  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 The Hon. Andrew Olexander  
 Mr Noel Pullen  
 The Hon. Gordon Rich-Phillips  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. Marsha Thomson  
 Mr Matthew Viney  
 The Hon. John Vogels

And so it was resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 13 DANGEROUS GOODS LEGISLATION (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 14 PRIMARY INDUSTRIES LEGISLATION (FURTHER MISCELLANEOUS AMENDMENTS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — That the Bill be now read a second time — put and resolved in the affirmative.

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

- 15 LIMITATION OF ACTIONS (ADVERSE POSSESSION) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Limitation of Actions Act 1958, to exempt council land from adverse possession* and desiring the agreement of the Council.

On the motion of the Honourable Theo Theophanous (for Ms Candy Broad), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 16 ADJOURNMENT** — The Honourable Theo Theophanous moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 10.24 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 79 — Wednesday, 13 October 2004

1 The President took the Chair and read the Prayer.

2 **PETITIONS —**

**NOWINGI TOXIC WASTE FACILITY** — The Honourable Barry Bishop presented a Petition bearing 356 signatures from certain citizens of Victoria requesting that the Victorian Government abandon its proposal to place a toxic waste facility in the Mildura area.

Ordered to lie on the Table.

\* \* \* \* \*

**PENSIONERS' CAR REGISTRATION FEES** — The Honourable Wendy Lovell presented a Petition bearing 121 signatures from certain citizens of Victoria requesting that the Victorian Government abandon the proposal to increase the cost of car registration for Victorian pensioners by \$78.50 as it will detrimentally impact upon those who are financially unable to pay by jeopardising their freedom of movement, removing their independence and diminishing their quality of life.

Ordered to lie on the Table.

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

Budget Sector — Financial Report, 2003-04, incorporating the Quarterly Financial Report No. 4 for the period ended 30 June 2004.

Prevention of Cruelty to Animals Act 1986 — Code of Practice for the Housing and Care of Laboratory mice, rats, guinea pigs and rabbits.

Yarra Valley Water Limited — Report, 2003-04.

4 **OUTER SUBURBAN/INTERFACE SERVICES AND DEVELOPMENT COMMITTEE** — Mr John Lenders moved, by leave, That the Honourable Lidia Argondizzo be a member of the Outer Suburban/Interface Services and Development Committee.

Question — put and resolved in the affirmative.

5 **MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

6 **BUSINESS POSTPONED —**

Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 4 inclusive, 6 to 10 inclusive, 12 and 14 to 33 inclusive, be postponed until the next day of meeting.

Ordered — That the consideration of Notices of Motion, General Business, Nos. 5, 11 and 13 be postponed until later this day.

7 **INDUSTRIAL RELATIONS POLICIES** — The Honourable Bruce Atkinson moved, That this House condemns the State Government on its failure to develop industrial relations policies that will secure job and investment growth in Victoria for the future.

Debate ensued.

Question — put.

The Council divided.

## AYES, 16

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Bill Forwood  
 The Hon. Peter Hall  
 The Hon. David Koch (*Teller*)  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong (*Teller*)  
 The Hon. John Vogels

## NOES, 23

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza (*Teller*)  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith (*Teller*)  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

And so it passed in the negative.

**8 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

**9 LIMITATION OF ACTIONS (ADVERSE POSSESSION) BILL** — The Order of the Day having been read for the second reading of this Bill, Ms Candy Broad moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Philip Davis (for the Honourable John Vogels), the debate was adjourned until the next day of meeting.

**10 MAGISTRATES' COURT (FAMILY VIOLENCE) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Philip Davis (for the Honourable C.A. Strong), the debate was adjourned until the next day of meeting.

**11 CONSTITUTION (RECOGNITION OF ABORIGINAL PEOPLE) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for Mr Gavin Jennings) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Philip Davis, the debate was adjourned until the next day of meeting.

- 12 DRUGS, POISONS AND CONTROLLED SUBSTANCES AND THERAPEUTIC GOODS (VICTORIA) ACTS (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for Mr Gavin Jennings) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Philip Davis (for the Honourable David Davis), the debate was adjourned until the next day of meeting.

- 13 PRIMARY INDUSTRIES LEGISLATION (FURTHER MISCELLANEOUS AMENDMENTS) BILL** — The Order of the Day having been read for the committal of this Bill to a Committee of the whole, the President left the Chair.

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 14 MAGISTRATES' COURT (INCREASED CIVIL JURISDICTION) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 15 ADJOURNMENT** — The Honourable Justin Madden moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 5.01 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 80 — Thursday, 14 October 2004

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

- 2 CHILDREN AND YOUNG PERSONS (AGE JURISDICTION) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Children and Young Persons Act 1989 to increase the age jurisdiction of the Criminal Division of the Children's Court by one year from 17 years to 18 years, to make consequential amendments to certain other Acts and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 3 PARLIAMENTARY SUPERANNUATION LEGISLATION (REFORM) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Parliamentary Salaries and Superannuation Act 1968 to reform parliamentary superannuation, to make miscellaneous amendments to other specified superannuation legislation and for other purposes* and desiring the agreement of the Council.

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

**4 PETITIONS —**

**WIND ENERGY FACILITIES DEVELOPMENT** — Ms Dianne Hadden presented a Petition bearing 147 signatures from certain citizens of Victoria requesting that the Victorian Government prohibit any further wind farm developments pending the development of —

- (1) policies by which Victorian communities can be consulted and included in planning policy;
- (2) Occupational Health and Safety Regulations for the protection of citizens regarding the positioning of turbines; and
- (3) in-depth guidelines for the wind energy industry for the location and construction of wind turbines.

Ordered to lie on the Table.

\* \* \* \* \*

**NOWINGI TOXIC WASTE FACILITY** — The Honourable Barry Bishop presented a Petition bearing 134 signatures from certain citizens of Victoria requesting that the Victorian Government abandon its proposal to place a toxic waste facility in the Mildura area.

Ordered to lie on the Table.

\* \* \* \* \*

**HEPBURN SHIRE COUNCIL** — Ms Dianne Hadden presented a Petition bearing 427 signatures from certain citizens of Victoria requesting that the Hepburn Shire Council and its Chief Executive Officer be immediately suspended due to —

- (1) their incompetence as Committee of Management in handling the Hepburn Spa Bathhouse Lease;
  - (2) unacceptable levels of municipal debt and avoidable rises in rates and charges without acceptable levels of services;
  - (3) the secrecy and lack of openness, transparency and good governance and their failure to achieve the best long term outcomes for the local community; and
  - (4) their failure to act honestly and exercise reasonable care and diligence;
- and that an Administrator be appointed to run the Shire and fresh Council elections take place within 30 days.

Ordered to lie on the Table.

**5 PAPERS —**

**PARLIAMENTARY DEPARTMENTS** — Ms Glenyys Romanes moved, by leave, That there be laid before this House a copy of the report of —

- (1) the Clerk on the operations of the Department of the Legislative Council for the year 2003-04; and
- (2) the Secretary on the operations of the Department of Parliamentary Services for the year 2003-04.

Question — put and resolved in the affirmative.

The said Reports were thereupon presented by Ms Glenyys Romanes and ordered to lie on the Table.

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

Emergency Services Superannuation Scheme — Report, 2003-04.

Government Superannuation Office — Report, 2003-04.

Parliamentary Committees Act 2003 — Minister's response to recommendations in Public Accounts and Estimates Committee's report on the 2002-03 Budget Outcomes.

Parliamentary Contributory Superannuation Fund — Report, 2003-04.

Statutory Rules under the following Acts of Parliament:

Cemeteries Act 1958 — No. 123.

Tobacco Act 1987 — No. 122.

Subordinate Legislation Act 1994 — Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 122 and 123.

Veterinary Practitioners Registration Board of Victoria — Minister's report of receipt of 2003-04 report.

- 6 SITTING OF THE COUNCIL** — Mr Gavin Jennings moved, That, notwithstanding any sitting of the Council on Friday, 15 October 2004 for the completion of the Government Business Program, the Council, at its rising, adjourn until Wednesday, 3 November 2004.

Question — put and resolved in the affirmative.

- 7 MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

- 8 STATEMENTS ON REPORTS AND PAPERS** — The President proposed the question, That reports and papers tabled in the Council be noted.

Statements were made by Honourable Members pursuant to Sessional Order 17.

Question — put and resolved in the affirmative.

- 9 STATE SPORT CENTRES (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Bill read a second time and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 10 STATE TAXATION ACTS (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — That the Bill be now read a second time — put and resolved in the affirmative.

Ordered — That the Bill be committed to a Committee of the whole later this day.

- 11 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

- 12 ESSENTIAL SERVICES COMMISSION (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Essential Services Commission Act 2001, the Electricity Industry Act 2000, the Energy Legislation (Regulatory Reform) Act 2004, the Gas Industry Act 2001, the Grain Handling and Storage Act 1995, the Port Services Act 1995 and the Water Industry Act 1994 and for other purposes* and desiring the agreement of the Council.

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

**13 STATE TAXATION ACTS (AMENDMENT) BILL** — The Order of the Day having been read for the committal of this Bill to a Committee of the whole, the President left the Chair.

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**14 TEACHING SERVICE (CONDUCT AND PERFORMANCE) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Teaching Service Act 1981 and for other purposes* and desiring the agreement of the Council.

On the motion of Mr John Lenders (for the Honourable Theo Theophanous), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**15 ADJOURNMENT** — The Honourable Marsha Thomson moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 4.00 p.m., adjourned until Wednesday, 3 November 2004.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*





## LEGISLATIVE COUNCIL

### MINUTES OF THE PROCEEDINGS Nos. 81 and 82

#### No. 81 — Wednesday, 3 November 2004

- 1 The President took the Chair and read the Prayer.
- 2 **THE LATE MR CLIVE BUBB** — Mr John Lenders moved, That this House expresses its sincere sorrow at the death, on 12 October 2004, of Mr Clive Bubb, and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a Member of the Legislative Council for the Ballarat Province from 1979 to 1985.  
And other Honourable Members and the President having addressed the House —  
The question was put and, Honourable Members signifying their assent by rising in their places, unanimously resolved in the affirmative.
- 3 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 19 October 2004, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:  
*Building (Amendment) Act*  
*Dangerous Goods Legislation (Amendment) Act*  
*Magistrates' Court (Increased Civil Jurisdiction) Act*  
*Primary Industries Legislation (Further Miscellaneous Amendments) Act*  
*State Sports Centres (Amendment) Act*  
*State Taxation Acts (Amendment) Act.*
- 4 **PLANNING AND ENVIRONMENT (GENERAL AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Planning and Environment Act 1987 to improve the planning system in Victoria and for other purposes* and desiring the agreement of the Council.  
On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 5 **PETITION — HOME OPPORTUNITY LOAN SCHEME** — The Honourable Bill Forwood presented a Petition bearing 74 signatures from certain citizens of Victoria praying that the State Government instructs the Director of the Office of Housing to honour the original contract and promise of affordable home ownership to Ms Cindy Taylor under the Home Opportunity Loan Scheme, and that ownership status and equity in her home be returned and sold to her at a certain fixed rate of interest and at affordable fortnightly repayments to end in 2019, and moved, That it do lie on the Table and be read by the Clerk.  
Question — put and resolved in the affirmative.  
Ordered to lie on the Table.  
The Clerk read the Petition.

**6 PAPERS —****SCRUTINY OF ACTS AND REGULATIONS COMMITTEE —**

**REDUNDANT AND UNCLEAR LEGISLATION** — The Honourable Lidia Argondizzo presented a Report from the Scrutiny of Acts and Regulations Committee on the Review of Redundant and Unclear Legislation concerning the *Maintenance Act 1965*, *Marriage Act 1958* and the *Perpetuities and Accumulations Act 1968*, together with an Appendix.

Ordered to lie on the Table and to be printed.

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**ALERT DIGEST** — The Honourable Lidia Argondizzo presented Alert Digest No. 9 of 2004 from the Scrutiny of Acts and Regulations Committee, together with Appendices and an Extract from the Proceedings of the Committee.

Ordered to lie on the Table and to be printed.

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

Accident Compensation Conciliation Service — Report, 2003-04.

Adult, Community and Further Education Board — Report, 2003-04.

Agriculture Victoria Services Pty Ltd — Report, 2003-04.

Architects Registration Board of Victoria — Minister's report of receipt of 2003-04 report.

Australian Centre for the Moving Image — Report, 2003-04.

Australian Food Industry Science Centre — Report, 2003-04.

Building Commission — Report, 2003-04.

Casey's Weir and Major Creek Rural Water Authority — Minister's report of receipt of 2003-04 report.

Chief Electrical Inspector's Office — Report, 2003-04.

Commissioner for Environmental Sustainability — Minister's report of receipt of 2003-04 report.

Country Fire Authority — Report, 2003-04.

Dairy Food Safety Victoria — Minister's report of receipt of 2003-04 report.

Dandenong Development Board — Minister's report of receipt of 2003-04 report.

Education and Training Department — Report, 2003-04.

Emergency Communications Victoria — Report, 2003-04.

Environment Protection Act 1970 — Order in Council of 5 October 2004 declaring the State Environment Protection Policy (Waters of Victoria) Amendment.

Equal Opportunity Commission — Report, 2003-04.

Essential Services Commission — Report, 2003-04.

Film Victoria — Report, 2003-04.

Fisheries Co-Management Council — Report, 2003-04.

Gambling Research Panel — Report, 2003-04.

Gas Safety Office — Report, 2003-04.

Geelong Performing Arts Centre Trust — Report, 2003-04.

Gippsland and Southern Rural Water Authority — Report, 2003-04 (two papers).

Goulburn-Murray Rural Water Authority — Report, 2003-04.

Greater Victoria Wine Grape Industry Development Committee — Minister's report of failure to submit 2003-04 report within the prescribed period.

Greyhound Racing Victoria — Report, 2003-04.

Harness Racing Victoria — Report, 2003-04.

Hastings Port (Holding) Corporation — Report for the period ended 1 January 2004.

Heritage Council — Report, 2003-04.

Infrastructure Department — Report, 2003-04.

Intellectual Disability Review Panel — Report, 2003-04.

- Judicial College of Victoria — Report, 2003-04.  
Justice Department — Report, 2003-04.  
Legal Ombudsman's Office — Report, 2003-04.  
Legal Practice Board — Report, 2003-04.  
Legal Practitioners' Liability Committee — Report, 2003-04.  
Library Board of Victoria — Report, 2003-04.  
Melbourne 2006 Commonwealth Games Corporation — Report for the period 5 November 2003 to 30 June 2004.  
Melbourne 2006 Commonwealth Games Pty Ltd — Report, 2003-04.  
Melbourne and Olympic Parks Trust — Report, 2003-04.  
Melbourne Cricket Ground Trust — Report for the year ended 31 March 2004.  
Melbourne Market Authority — Report, 2003-04.  
Melbourne Water Corporation — Report, 2003-04.  
Metropolitan Fire and Emergency Services Board — Report, 2003-04.  
Mitcham-Frankston Project Act 2004 — Mitcham-Frankston Freeway Project Agreement, pursuant to section 21 of the Act (twelve papers).  
Murray Valley Citrus Marketing Board — Report, 2003-04.  
Murray Valley Wine Grape Industry Development Committee — Minister's report of receipt of 2003-04 report.  
Museums Board of Victoria — Report, 2003-04.  
National Gallery of Victoria — Report, 2003-04.  
National Parks Act 1975 — Report on working of the Act, 2003-04.  
National Parks Advisory Council — Report, 2003-04.  
Northern Victorian Fresh Tomato Industry Development Committee — Minister's report of failure to submit 2003-04 report within the prescribed period.  
Phytogene Pty Ltd — Minister's report of receipt of 2003-04 report.  
Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:  
    Casey Planning Scheme — Amendment C48 (Part 2).  
    Colac Otway Planning Scheme — Amendment C23.  
    Darebin Planning Scheme — Amendments C10 (Part 1) and C62.  
    Glen Eira Planning Scheme — Amendment C25.  
    Horsham Planning Scheme — Amendment C18 (Part 1).  
    Knox Planning Scheme — Amendments C5 and C35.  
    LaTrobe Planning Scheme — Amendment C4.  
    Maribyrnong Planning Scheme — Amendment C48.  
    Mildura Planning Scheme — Amendment C40.  
    Mitchell Planning Scheme — Amendment C34.  
    Mornington Peninsula Planning Scheme — Amendment C67.  
    Port Phillip Planning Scheme — Amendment C45.  
    South Gippsland Planning Scheme — Amendment C31.  
    Surf Coast Planning Scheme — Amendments C13 and C20.  
    Victoria Planning Provisions — Amendment VC28.  
    Warrnambool Planning Scheme — Amendments C32 and C36.  
    Whittlesea Planning Scheme — Amendments C19, C24, C26, C30 (Part 2) and C45.  
Plumbing Industry Commission — Report, 2003-04.  
Police Appeals Board — Report, 2003-04.  
Police — Office of the Chief Commissioner — Report, 2003-04 (two papers).  
Port of Hastings Corporation — Report for the period 1 January to 30 June 2004.  
Port of Melbourne Corporation — Report, 2003-04.  
Premier and Cabinet Department — Report, 2003-04.  
Prevention of Cruelty to Animals Act 1986 —  
    Code of Practice for the Welfare of Animals in Hunting (Revision Number 1).  
    Revocation of the Code of Practice for the Welfare of Animals in Hunting.  
Primary Industries Department — Report, 2003-04.

- PrimeSafe — Minister's report of receipt of 2003-04 report.
- Public Advocate's Office — Report, 2003-04.
- Public Prosecution's Office — Report, 2003-04.
- Public Record Office Victoria — Report, 2003-04.
- Public Transport Ticketing Authority — Report, 2003-04.
- Queen Victoria Women's Centre Trust — Report, 2003-04.
- Residential Tenancies Bond Authority — Report, 2003-04
- Roads Corporation (VicRoads) — Report, 2003-04.
- Rolling Stock Holdings (Victoria) Pty Limited — Reports —  
2002-03; and  
2003-04.
- Rolling Stock (Victoria-VL) Pty Limited — Reports —  
1 January 2003 to 30 June 2003; and  
2003-04.
- Rolling Stock (VL-1) Pty Limited — Reports —  
1 January 2003 to 30 June 2003; and  
2003-04.
- Rolling Stock (VL-2) Pty Limited — Reports —  
1 January 2003 to 30 June 2003; and  
2003-04.
- Rolling Stock (VL-3) Pty Limited — Reports —  
1 January 2003 to 30 June 2003; and  
2003-04.
- Royal Botanic Gardens Board — Report, 2003-04.
- Rural Finance Corporation of Victoria — Report, 2003-04.
- Shrine of Remembrance Trustees — Minister's report of receipt of 2003-04 report.
- Small Business Commissioner's Office — Report for the period 1 May 2003 to 30 June 2004.
- South Eastern Medical Complex Limited — Treasurer's report of receipt of 1 July 2003 to 27 February 2004 and 28 February 2004 to 30 June 2004 reports.
- Southern and Eastern Integrated Transport Authority — Report, 2003-04.
- Spencer Street Station Authority — Report, 2003-04 (two papers).
- State Electricity Commission of Victoria — Report, 2003-04.
- State Sport Centres Trust — Report, 2003-04.
- Statutory Rules under the following Acts of Parliament:  
Subordinate Legislation Act 1994 — Nos. 124 and 125.  
Transport Act 1983 — Nos. 126 and 127.
- Subordinate Legislation Act 1994 —  
Minister's exception certificates under section 8(4) in respect of Statutory Rule Nos. 124 and 125.  
Minister's exemption certificates under section 9(6) in respect of Statutory Rule Nos. 126 and 127.
- Sunraysia Rural Water Authority — Report, 2003-04.
- Surveyors Board of Victoria — Minister's report of receipt of 2003-04 report.
- Sustainability and Environment Department — Report, 2003-04.
- Transport Accident Commission — Report, 2003-04.
- Treasury and Finance Department — Report, 2003-04.
- Treasury Corporation of Victoria — Report, 2003-04.
- Tricontinental Holdings Limited — Report, 2003.
- V/Line Passenger Corporation — Report, 2003-04.
- V/Line Passenger Pty Ltd — Reports —  
2003; and  
1 January 2004 to 30 June 2004.
- Victoria Legal Aid — Report, 2003-04.
- Victorian Arts Centre Trust — Report, 2003-04 (two papers).
- Victorian Casino and Gaming Authority — Report, 2003-04.

Victorian Catchment Management Council — Report, 2003-04.  
 Victorian Channels Authority — Report for the period ended 31 March 2004.  
 Victorian Coastal Council — Report, 2003-04 (three papers).  
 Victorian Communities Department — Report, 2003-04.  
 Victorian Curriculum and Assessment Authority — Report, 2003-04.  
 Victorian Electoral Commission — Report, 2003-04.  
 Victorian Energy Networks Corporation — Report, 2003-04.  
 Victorian Funds Management Corporation — Report, 2003-04.  
 Victorian Government Purchasing Board — Report, 2003-04.  
 Victorian Institute of Forensic Medicine — Report, 2003-04.  
 Victorian Institute of Sport — Report, 2003-04 (two papers).  
 Victorian Institute of Teaching — Report, 2003-04.  
 Victorian Law Reform Commission — Report, 2003-04.  
 Victorian Learning and Employment Skills Commission — Report, 2003-04.  
 Victorian Managed Insurance Authority — Report, 2003-04.  
 Victorian Multicultural Commission — Report, 2003-04.  
 Victorian Privacy Commissioner's Office — Report, 2003-04.  
 Victorian Qualifications Authority — Report, 2003-04.  
 Victorian Rail Services Pty Ltd — Minister's report of receipt of 2002-03 report.  
 Victorian Rail Track — Report, 2003-04.  
 Victorian Regional Channels Authority — Report, 2003-04.  
 Victorian Relief Committee — Report, 2003-04.  
 Victorian Strawberry Industry Development Committee — Minister's report of receipt of 2003-04 report.  
 Victorian Urban Development Authority — Report, 2003-04.  
 Victorian WorkCover Authority — Report, 2003-04.  
 VITS LanguageLink — Minister's report of receipt of 2003-04 report.  
 Wimmera-Mallee Rural Water Authority — Report, 2003-04.  
 Yarra Bend Park Trust — Minister's report of receipt of 2003-04 report.  
 Young Farmers' Finance Council — Report, 2003-04.

\* \* \* \* \*

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

Local Government (Democratic Reform) Act 2003 — Section 89 — 29 October 2004 (*Gazette No. G44, 28 October 2004*).

**7 GOVERNMENT BUSINESS PROGRAM** — Mr John Lenders moved, That, pursuant to Sessional Order 20, the Orders of the Day, Government Business, relating to the following Bills be considered and completed by 4.30 p.m. on Thursday, 4 November 2004:

Parliamentary Superannuation Legislation (Reform) Bill  
 Essential Services Commission (Amendment) Bill  
 Limitation of Actions (Adverse Possession) Bill  
 Magistrates' Court (Family Violence) Bill  
 Drugs, Poisons and Controlled Substances and Therapeutic Goods (Victoria) Acts (Amendment) Bill  
 Children and Young Persons (Age Jurisdiction) Bill  
 Teaching Service (Conduct and Performance) Bill.

Debate ensued.

Question — put and resolved in the affirmative.

**8 MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

**9 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 33 inclusive, be postponed until later this day.

**10 RURAL AND REGIONAL AGRICULTURAL AND NATURAL RESOURCES PROGRAMS**

— The Honourable Peter Hall moved, That this House refers to the Rural and Regional Services and Development Committee for inquiry, consideration and report on the importance of a skilled workforce and research capacity for the future development of agriculture and other natural resource based industries, and specifically:

- (1) The current organisation and delivery of post-secondary education and extension in agriculture, agribusiness and natural resource management in Victoria, and how this interacts with Government and private sector research programs in these areas.
- (2) Available opportunities to co-ordinate and better integrate the provision of these programs to:
  - (a) ensure that rural and regional students are able to pursue education and training in these sectors without having to move to the city to do so;
  - (b) ensure students are encouraged and able to undertake post-graduate study in agriculture and natural resource related disciplines;
  - (c) maximise synergies and cooperation between universities and government and private sector research institutions in the provision of research and education in agriculture, natural resource management and related disciplines;

and to report to the Parliament by the first day of the Autumn 2005 Parliamentary sittings.

Debate ensued.

The Honourable Philip Davis moved, as an amendment, That the following words be added after "Parliamentary sittings" —

“; and

That the Minister for Education acts immediately to ensure the University of Melbourne does not pre-empt the inquiry by implementing its proposed changes to the mode of delivery of current agriculture and related programs in regional Victoria.”

Debate ensued.

Question — That the words proposed to be added be so added — put.

The Council divided.

AYES, 17

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell (*Teller*)  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips (*Teller*)  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong

NOES, 21

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton (*Teller*)  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen (*Teller*)  
 Ms Glenyys Romanes

The Hon. John Vogels

Mr Johan Scheffer  
Mr Robert Smith  
Mr Adem Somyurek  
The Hon. Theo Theophanous  
Mr Matt Viney

And so it passed in the negative.

Question — That this House refers to the Rural and Regional Services and Development Committee for inquiry, consideration and report on the importance of a skilled workforce and research capacity for the future development of agriculture and other natural resource based industries, and specifically:

- (1) The current organisation and delivery of post-secondary education and extension in agriculture, agribusiness and natural resource management in Victoria, and how this interacts with Government and private sector research programs in these areas.
- (2) Available opportunities to co-ordinate and better integrate the provision of these programs to:
  - (a) ensure that rural and regional students are able to pursue education and training in these sectors without having to move to the city to do so;
  - (b) ensure students are encouraged and able to undertake post-graduate study in agriculture and natural resource related disciplines;
  - (c) maximise synergies and co-operation between universities and government and private sector research institutions in the provision of research and education in agriculture, natural resource management and related disciplines;

and to report to the Parliament by the first day of the Autumn 2005 Parliamentary sittings — put.

The Council divided.

AYES, 17

The Hon. Bruce Atkinson  
The Hon. W.R. Baxter  
The Hon. Barry Bishop  
The Hon. Andrew Brideson  
The Hon. Andrea Coote  
The Hon. Richard Dalla-Riva  
The Hon. Philip Davis  
The Hon. Damian Drum  
The Hon. Bill Forwood  
The Hon. Peter Hall (*Teller*)  
The Hon. David Koch  
The Hon. Wendy Lovell  
The Hon. Andrew Olexander (*Teller*)  
The Hon. Gordon Rich-Phillips  
The Hon. Graeme Stoney  
The Hon. C.A. Strong  
The Hon. John Vogels

NOES, 21

The Hon. Lidia Argondizzo  
Ms Candy Broad  
Ms Elaine Carbines (*Teller*)  
The Hon. Kaye Darveniza  
The Hon. John Eren  
Ms Dianne Hadden  
The Hon. Geoff Hilton  
Mr Gavin Jennings  
Mr John Lenders  
The Hon. John McQuilten  
The Hon. Justin Madden  
Ms Jenny Mikakos (*Teller*)  
The Hon. Robert Mitchell  
The Hon. Sang Nguyen  
Mr Noel Pullen  
Ms Glenyys Romanes  
Mr Johan Scheffer  
Mr Robert Smith  
Mr Adem Somyurek  
The Hon. Theo Theophanous  
Mr Matt Viney

And so it passed in the negative.

- 11 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.
- 12 CHILDREN AND YOUNG PERSONS (AGE JURISDICTION) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.  
Question — put and resolved in the affirmative.  
The Honourable Justin Madden moved, That the Bill be now read a second time.  
On the motion of the Honourable C.A. Strong, the debate was adjourned until the next day of meeting.
- 13 PARLIAMENTARY SUPERANNUATION LEGISLATION (REFORM) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.  
Question — put and resolved in the affirmative.  
Mr John Lenders moved, That the Bill be now read a second time.  
On the motion of the Honourable C.A. Strong the debate was adjourned until later this day.
- 14 ESSENTIAL SERVICES COMMISSION (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.  
Question — put and resolved in the affirmative.  
Mr John Lenders moved, That the Bill be now read a second time.  
On the motion of the Honourable C.A. Strong, the debate was adjourned until later this day.
- 15 TEACHING SERVICE (CONDUCT AND PERFORMANCE) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Theo Theophanous) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.  
Question — put and resolved in the affirmative.  
Mr John Lenders moved, That the Bill be now read a second time.  
On the motion of the Honourable Andrea Coote (for the Honourable Andrew Brideson), the debate was adjourned until the next day of meeting.
- 16 LIMITATION OF ACTIONS (ADVERSE POSSESSION) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.  
Debate resumed.  
Question — put and resolved in the affirmative.  
Bill read a second time and, by leave, read a third time and passed.  
Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 17 PARLIAMENTARY SUPERANNUATION LEGISLATION (REFORM) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.  
Debate resumed.  
Question — put and resolved in the affirmative.  
Bill read a second time and, by leave, read a third time and passed.



Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**18 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 6, be postponed until later this day.

**19 DRUGS, POISONS AND CONTROLLED SUBSTANCES AND THERAPEUTIC GOODS (VICTORIA) ACTS (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

On the motion of the Honourable Damian Drum, the debate was adjourned until later this day.

**20 ESSENTIAL SERVICES COMMISSION (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**21 MAGISTRATES' COURT (FAMILY VIOLENCE) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

On the motion of the Honourable W.R. Baxter, the debate was adjourned until later this day.

**22 ORDER OF THE COUNCIL RESCINDED** — Mr John Lenders moved, by leave, That the Order of the Council appointing the next day of meeting for the resumption of debate on the second reading of the Children and Young Persons (Age Jurisdiction) Bill be read and rescinded, and that the resumption of the debate on the second reading of the said Bill be made an Order of the Day for later this day.

Question — put and resolved in the affirmative.

**23 MAGISTRATES' COURT (FAMILY VIOLENCE) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**24 CHILDREN AND YOUNG PERSONS (AGE JURISDICTION) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**25 DRUGS, POISONS AND CONTROLLED SUBSTANCES AND THERAPEUTIC GOODS (VICTORIA) ACTS (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Business having been interrupted by the President pursuant to Sessional Order 14, the debate stood adjourned in the name of the Honourable Geoff Hilton.*

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

Debate ensued.

And then the Council, at 10.37 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
Clerk of the Legislative Council

## No. 82 — Thursday, 4 November 2004

1 The President took the Chair and read the Prayer.

2 **PETITIONS** —

**WIND FARM PLANNING** — Ms Dianne Hadden presented a Petition bearing 43 signatures from certain citizens of Victoria requesting that the Victorian Government prohibit any further wind farm developments until such time as — (1) local government Shires can, with the financial support of the State Government, properly assess landscape values and develop appropriate overlays to planning schemes; (2) the current wind farm guidelines be amended to provide communities with greater knowledge of local wind farm proposals, and greater opportunity to participate in the planning process; and (3) the benefits of wind energy can be evaluated against other forms of renewable and fossil fuel energies to assess the economic, social and environmental benefits of wind-generated power.

Ordered to lie on the Table.

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**UNIVERSITY OF MELBOURNE LONGERENONG CAMPUS** — The Honourable David Koch presented a Petition bearing 114 signatures from certain citizens of Victoria requesting that the Victorian Government — (1) fully support the retention of Longerengong Campus; (2) support the retention of full-time student courses at Longerengong Campus by the University of Melbourne; (3) provide and maintain adequate infrastructure and provide sufficient recurrent funding for such infrastructure renewal; (4) allow the Longerengong Campus to further develop and provide an extension of its educational opportunities; (5) ensure a “long term” commitment to the Longerengong Campus; and (6) ensure that the Longerengong Advisory Board be given representation on the Board of Management of the Institute of Land and Food Resources (University of Melbourne).

Ordered to lie on the Table.

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

Albury-Wodonga Development Corporation (Victoria) — Report, 2003-04.

Alpine Resorts Coordinating Council — Minister’s report of receipt of 2003-04 report.

Australian Grand Prix Corporation — Report, 2003-04.

Barwon Region Water Authority — Report, 2003-04.

- Barwon Regional Waste Management Group — Minister's report of receipt of 2003-04 report.
- Calder Regional Waste Management Group — Minister's report of receipt of 2003-04 report.
- Central Gippsland Region Water Authority — Report, 2003-04.
- Central Highlands Region Water Authority — Report, 2003-04.
- Central Murray Regional Waste Management Group — Minister's report of receipt of 2003-04 report.
- Coliban Region Water Authority — Report, 2003-04.
- Consumer Utilities Advocacy Centre — Report, 2003-04.
- Corangamite Catchment Management Authority — Report, 2003-04.
- Desert Fringe Regional Waste Management Group — Minister's report of receipt of 2003-04 report.
- East Gippsland Catchment Management Authority — Report, 2003-04.
- East Gippsland Region Water Authority — Report, 2003-04 (two papers).
- Eastern Regional Waste Management Group — Report, 2003-04.
- Ecorecycle Victoria — Report, 2003-04.
- Emerald Tourist Railway Board — Report, 2003-04.
- Environment Protection Authority — Report, 2003-04 (two papers).
- Federation Square Management Pty Ltd — Report, 2003-04.
- First Mildura Irrigation Trust — Report, 2003-04.
- Gippsland Regional Waste Management Group — Minister's report of receipt of 2003-04 report.
- Glenelg Hopkins Catchment Management Authority — Report, 2003-04 (three papers).
- Glenelg Region Water Authority — Report, 2003-04.
- Goulburn Broken Catchment Management Authority — Report, 2003-04.
- Goulburn Regional Waste Management Group — Minister's report of receipt of 2003-04 report.
- Goulburn Valley Region Water Authority — Report, 2003-04.
- Grampians Regional Waste Management Group — Minister's report of receipt of 2003-04 report.
- Grampians Region Water Authority — Report, 2003-04.
- Highlands Regional Waste Management Group — Minister's report of receipt of 2003-04 report.
- Innovation, Industry and Regional Development Department — Report, 2003-04.
- Lower Murray Region Water Authority — Report, 2003-04.
- Mallee Catchment Management Authority — Report, 2003-04.
- Melbourne Convention and Exhibition Trust — Report, 2003-04.
- Mildura Regional Waste Management Group — Minister's report of receipt of 2003-04 report.
- Mornington Peninsula Regional Waste Management Group — Minister's report of receipt of 2003-04 report.
- North Central Catchment Management Authority — Report, 2003-04.
- North East Catchment Management Authority — Report, 2003-04.
- North East Victorian Regional Waste Management Group — Minister's report of receipt of 2003-04 report.
- North East Water — Report, 2003-04.
- Northern Regional Waste Management Group — Minister's report of receipt of 2003-04 report.
- Overseas Projects Corporation of Victoria Ltd — Report, 2003-04.
- Phillip Island Nature Park Board of Management — Report, 2003-04 (three papers).
- Port Phillip and Westernport Catchment Management Authority — Report, 2003-04.
- Portland Coast Region Water Authority — Report, 2003-04.

Prince Henry's Institute of Medical Research — Report, 2003-04.  
 Regional Development Victoria — Report, 2003-04.  
 South Eastern Regional Waste Management Group — Minister's report of receipt of 2003-04 report.  
 South Gippsland Region Water Authority — Report, 2003-04.  
 South West Water Authority — Report, 2003-04.  
 South Western Regional Waste Management Group — Minister's report of receipt of 2003-04 report.  
 Statutory Rules under the following Acts of Parliament:  
   Local Government Act 1989 — No. 130.  
   Prostitution Control Act 1994 — Nos. 128 and 129.  
   Road Safety Act 1986 — No. 132.  
   Subordinate Legislation Act 1994 — No. 131.  
 Subordinate Legislation Act 1994 —  
   Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 131.  
   Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 132.  
 Sustainable Energy Authority Victoria — Report, 2003-04.  
 Tourism Victoria — Report, 2003-04.  
 Trust for Nature — Minister's report of receipt of 2003-04 report.  
 Victorian Environmental Assessment Council — Report, 2003-04.  
 West Gippsland Catchment Management Authority (two papers) — Report, 2003-04.  
 Western Region Water Authority — Report, 2003-04.  
 Western Regional Waste Management Group — Report, 2003-04.  
 Westernport Region Water Authority — Report, 2003-04.  
 Wimmera Catchment Management Authority — Report, 2003-04.  
 Zoological Parks and Gardens Board of Victoria — Report, 2003-04.

- 4 MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.
- 5 STATEMENTS ON REPORTS AND PAPERS** — The President proposed the question, That reports and papers tabled in the Council be noted.  
 Statements were made by Honourable Members pursuant to Sessional Order 17.  
 Question — put and resolved in the affirmative.
- 6 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 1, be postponed until later this day.
- 7 DRUGS, POISONS AND CONTROLLED SUBSTANCES AND THERAPEUTIC GOODS (VICTORIA) ACTS (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.  
 Debate resumed.  
 Question — put and resolved in the affirmative.  
 Bill read a second time and, by leave, read a third time and passed.  
 Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 8 PLANNING AND ENVIRONMENT (GENERAL AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.  
 Question — put and resolved in the affirmative.  
 Mr John Lenders moved, That the Bill be now read a second time.

On the motion of the Honourable David Davis, the debate was adjourned until the next day of meeting.

**9 TEACHING SERVICE (CONDUCT AND PERFORMANCE) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Mr John Lenders announced that the Honourable Theo Theophanous proposed to move amendments in Committee and requested that they be circulated, pursuant to Sessional Order 36.

Debate resumed.

Question — put and resolved in the affirmative.

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

The Honourable Justin Madden (for the Honourable Theo Theophanous) moved, That it be an instruction to the Committee that they have the power to consider —

- (1) the insertion of a new clause amending the *Victorian Institute of Teaching Act 2001* to enable the chief executive officer of the Victorian Institute of Teaching to obtain a criminal record check of any registered teacher without the consent of that teacher and to require the employer of a registered teacher to disclose to that chief executive officer whether the teacher has at any time undergone a criminal record check; and
- (2) to amend the *Education Act 1958* to enable the Secretary to the Department of Education and Training to obtain a criminal record check of any person employed under that Act, the *Public Sector Management and Employment Act 1998* or the *Teaching Service Act 1981* who performs duties in a State school without the consent of that person, to enable a school council to disclose to the Secretary information relevant to a check of a person employed by that council and to enable the Secretary to disclose to a school council a copy of a criminal record report relating to a person employed by that council.

Question — put and resolved in the affirmative.

The Acting President left the Chair.

*Business having been interrupted at 2.03 p.m. pursuant to Sessional Order 6—*

**10 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03.

**11 TEACHING SERVICE (CONDUCT AND PERFORMANCE) BILL** — This Bill was committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill with amendments, and the following amended title: "*A Bill to amend the Teaching Service Act 1981, the Victorian Institute of Teaching Act 2001 and the Education Act 1958 and for other purposes*"; the Report was adopted, and the Bill was read a third time and passed.

Ordered — That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with amendments, and desiring their concurrence.

**12 MAJOR CRIME LEGISLATION (SEIZURE OF ASSETS) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Confiscation Act 1997, the Sentencing Act 1991 and the Drugs, Poisons and Controlled Substances Act 1981 and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Theo Theophanous (for the Honourable Justin Madden), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 13 CONSTITUTION (RECOGNITION OF ABORIGINAL PEOPLE) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Interruption of business pursuant to Sessional Order 14* —

The Acting President having interrupted business at 4.30 p.m., the Honourable Justin Madden moved, That the sitting be continued.

Question — put and resolved in the affirmative.

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

Question — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time with the concurrence of a special majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 14 STATE CONCESSIONS BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to remake with amendments the law relating to certain concessions, to repeal the State Concessions Act 1986, to make various consequential amendments to other Acts and for other purposes* and desiring the agreement of the Council.

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

- 15 PHARMACY PRACTICE BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to regulate the practice of pharmacists, to establish the Pharmacy Board of Victoria and the Pharmacy Board Fund, to repeal the Pharmacists Act 1974 and to make consequential amendments to other Acts and for other purposes* and desiring the agreement of the Council.

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

- 16 MAJOR CRIME (INVESTIGATIVE POWERS) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to provide for coercive powers in relation to the investigation of organised crime and to amend certain Acts to make further provision for the Director, Police Integrity and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

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

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 5.30 p.m., adjourned until Tuesday next.

W.R. TUNNECLIFFE  
Clerk of the Legislative Council



## LEGISLATIVE COUNCIL

### MINUTES OF THE PROCEEDINGS Nos. 83, 84 and 85

#### No. 83 — Tuesday, 9 November 2004

- 1 The President took the Chair and read the Prayer.
- 2 **THE LATE HONOURABLE MARIE THERESE TEHAN** — Mr John Lenders moved, That this House expresses its sincere sorrow at the death, on 1 November 2004, of the Honourable Marie Therese Tehan, and places on record its acknowledgement of the valuable services rendered by her to the Parliament and the people of Victoria as a Member of the Legislative Council for the Central Highlands Province from 1987 to 1992, Member of the Legislative Assembly for the electoral district of Seymour from 1992 to 1999, Minister for Health from 1992 to 1996 and Minister for Conservation and Land Management from 1996 to 1999.

And other Honourable Members and the President having addressed the House —

The question was put and, Honourable Members signifying their assent by rising in their places, unanimously resolved in the affirmative.

- 3 **ADJOURNMENT** — Mr John Lenders moved, That as a further mark of respect to the memory of the late Honourable Marie Therese Tehan, the House adjourn until tomorrow at 9.30 a.m.

Question — put and resolved in the affirmative.

And then the Council, at 3.24 p.m., adjourned until tomorrow at 9.30 a.m.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*

#### No. 84 — Wednesday, 10 November 2004

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 9 November 2004, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:

*Children and Young Persons (Age Jurisdiction) Act*

*Constitution (Recognition of Aboriginal People) Act*

*Drugs, Poisons and Controlled Substances and Therapeutic Goods (Victoria)*

*Acts (Amendment) Act*

*Essential Services Commission (Amendment) Act*

*Limitation of Actions (Adverse Possession) Act*

*Magistrates' Court (Family Violence) Act*

*Parliamentary Superannuation Legislation (Reform) Act.*

**3 PETITIONS —**

**UNIVERSITY OF MELBOURNE LONGERENONG CAMPUS** — The Honourable David Koch presented a Petition bearing 67 signatures from certain citizens of Victoria requesting that the Victorian Government —

- (1) fully support the retention of Longerrenong Campus;
- (2) support the retention of full-time student courses at Longerrenong Campus by the University of Melbourne;
- (3) provide and maintain adequate infrastructure and provide sufficient recurrent funding for such infrastructure renewal;
- (4) allow the Longerrenong Campus to further develop and provide an extension of its educational opportunities;
- (5) ensure a “long term” commitment to the Longerrenong Campus; and
- (6) ensure that the Longerrenong Advisory Board be given representation on the Board of Management of the Institute of Land and Food Resources (University of Melbourne).

Ordered to lie on the Table.

\* \* \* \* \*

**WIND ENERGY FACILITIES DEVELOPMENT** — Ms Dianne Hadden presented a Petition bearing 12 signatures from certain citizens of Victoria requesting that the Victorian Government prohibit any further wind farm developments pending the development of —

- (1) policies by which Victorian communities can be consulted and included in planning policy;
- (2) Occupational Health and Safety Regulations for the protection of citizens regarding the positioning of turbines; and
- (3) in-depth guidelines for the wind energy industry for the location and construction of wind turbines.

Ordered to lie on the Table.

**4 PAPERS —**

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — RURAL AMBULANCE SERVICES** — The Honourable Bill Forwood presented a Report from the Public Accounts and Estimates Committee on the Review of the Auditor-General’s special report on Victorian Rural Ambulance Services: Fulfilling a vital community need, together with Appendices and Minutes of Evidence.

Ordered to lie on the Table and the Report and Appendices to be printed.

The Honourable Bill Forwood moved, That the Council take note of the Report.

Debate ensued.

Question — put and resolved in the affirmative.

\* \* \* \* \*

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

Alexandra and District Ambulance Service of Victoria — Minister’s report of receipt of 2003-04 report.

Alpine Health — Report, 2003-04 (three papers).

Ambulance Service Victoria – Metropolitan Region — Report, 2003-04.

Bairnsdale Regional Health Service — Report, 2003-04 (two papers).

Barwon Health — Report, 2003-04.

Bass Coast Regional Health — Report, 2003-04 (two papers).

Beechworth Health Service — Report, 2003-04.

Benalla and District Memorial Hospital — Report, 2003-04 (two papers).

Casterton Memorial Hospital — Report, 2003-04.

Cobram District Hospital — Report, 2003-04 (two papers).



- Cohuna District Hospital — Report, 2003-04.  
Colac Area Health — Report, 2003-04.  
Commonwealth Games Arrangements Act 2001 — Commonwealth Games Project and Venue Orders pursuant to section 18 of the Act.  
Dental Practice Board of Victoria — Minister's report of receipt of 2003-04 report.  
Djerriwarrh Health Services — Report, 2003-04 (two papers).  
Food Safety Council — Minister's report of receipt of 2003-04 report.  
Health Purchasing Victoria — Minister's report of receipt of 2003-04 report.  
Hepburn Health Service — Report, 2003-04.  
Human Services Department — Report, 2003-04.  
Infertility Treatment Authority — Minister's report of receipt of 2003-04 report.  
Kerang District Health — Report, 2003-04.  
Kilmore and District Hospital — Report, 2003-04.  
Kooweerup Regional Health Service — Report, 2003-04 (two papers).  
Kyabram and District Health Services — Report, 2003-04.  
Kyneton District Health Service — Report, 2003-04.  
Lorne Community Hospital — Minister's report of receipt of 2003-04 report.  
Maldon Hospital — Minister's report of receipt of 2003-04 report.  
Mallee Track Health and Community Service — Report, 2003-04 (two papers).  
Manangatang and District Hospital — Minister's report of receipt of 2003-04 report.  
Mansfield District Hospital — Report, 2003-04 (three papers).  
McIvor Health and Community Services — Report, 2003-04.  
Members of Parliament (Register of Interests) Act 1978 — Summary of Returns, June 2004 and Summary of Variations notified between 3 June and 30 September 2004.  
Moyne Health Services — Report, 2003-04.  
Mt Alexander Hospital — Report, 2003-04.  
Nathalia District Hospital — Minister's report of receipt of 2003-04 report.  
Northeast Health Wangaratta — Report, 2003-04.  
Numurkah District Health Service — Report, 2003-04 (two papers).  
O'Connell Family Centre (Grey Sisters) Incorporated — Minister's report of receipt of 2003-04 report.  
Omeo District Hospital — Minister's report of receipt of 2003-04 report.  
Optometrists Registration Board of Victoria — Minister's report of receipt of 2003-04 report.  
Osteopaths Registration Board of Victoria — Minister's report of receipt of 2003-04 report.  
Parks Victoria — Report, 2003-04.  
Pharmacy Board of Victoria — Minister's report of receipt of 2003-04 report.  
Physiotherapists Registration Board of Victoria — Minister's report of receipt of 2003-04 report.  
Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:  
    Banyule Planning Scheme — Amendment C44 (Part 1).  
    Cardinia Planning Scheme — Amendment C44.  
    Casey Planning Scheme — Amendment C60.  
    Darebin Planning Scheme — Amendment C58 (Part 1).  
    East Gippsland Planning Scheme — Amendment C35.  
    Kingston Planning Scheme — Amendment C43.  
    Maribyrnong Planning Scheme — Amendment C51.  
    Victoria Planning Provisions — Amendment VC29.  
Podiatrists Registration Board of Victoria — Minister's report of receipt of 2003-04 report.  
Project Development and Construction Management Act 1994 — Orders in Council of 3 November 2004 of nomination and application orders.  
Queen Elizabeth Centre — Report, 2003-04.

Radiation Advisory Committee — Report for the year ended 30 September 2004.  
 Rural Ambulance Victoria — Report, 2003-04.  
 Rural Northwest Health —  
 Minister's report of failure to submit 2002-03 report within the prescribed period.  
 Report, 2002-03.  
 Seymour District Memorial Hospital — Report, 2003-04.  
 Snowy Hydro Limited — Report for the period 29 June 2003 to 26 June 2004.  
 South West Healthcare — Report, 2003-04.  
 State Trustees Limited — Report, 2003-04.  
 A Statutory Rule under the Supreme Court Act 1986 — No. 133.  
 Swan Hill District Hospital — Report, 2003-04.  
 Tallangatta Health Service — Report, 2003-04 (two papers).  
 Terang and Mortlake Health Service — Report, 2003-04.  
 Timboon and District Healthcare Service — Minister's report of receipt of 2003-04  
 report.  
 Tweddle Child and Family Health Service — Minister's report of receipt of 2003-04  
 report.  
 Upper Murray Health and Community Services — Report, 2003-04 (three papers).  
 Western District Health Service — Report, 2003-04.  
 Wodonga Regional Health Service — Report, 2003-04 (three papers).  
 Yarram and District Health Service — Report, 2003-04 (two papers).  
 Yarrawonga District Health Service — Report, 2003-04 (two papers).  
 Yea and District Memorial Hospital — Minister's report of receipt of 2003-04  
 report.

\* \* \* \* \*

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

Aboriginal Lands (Amendment) Act 2004 — 4 November 2004 (*Gazette No. G45, 4 November 2004*).

Mitcham-Frankston Project Act 2004 — Sections 60 and 229(3) and Division 2 of Part 8 — 18 November 2004 (*Gazette No. G45, 4 November 2004*).

**5 GOVERNMENT BUSINESS PROGRAM** — Mr John Lenders moved, That, pursuant to Sessional Order 20, the Orders of the Day, Government Business, relating to the following Bills be considered and completed by 4.30 p.m. on Thursday, 11 November 2004:

State Concessions Bill  
 Planning and Environment (General Amendment) Bill; and  
 Pharmacy Practice Bill.

Debate ensued.

Question — put and resolved in the affirmative.

**6 MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

**7 RURAL AMBULANCE AND EMERGENCY SERVICES** — The Honourable David Koch moved, by leave, That this House condemns the Government for its mismanagement of rural ambulance services and its failure to provide effective emergency services in rural Victoria in view of —

- (1) shortfalls in the provision of air ambulance and safety rescue services, especially on the south west coast and in Western Victoria by its failure to base a rotary air ambulance service at Warrnambool and its failure to base rotary air ambulance services at Ballarat, a major regional hospital;
- (2) its threatened closure of the helipad at Shepparton Hospital; and
- (3) its mismanagement of State wide paramedic recruitment;

and calls on the Government to undertake a review of ambulance services, including staffing, manning and service levels in rural and regional communities.

Debate ensued.

Question — put.

The Council divided.

AYES, 17

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson (*Teller*)  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell (*Teller*)  
 The Hon. Andrew Olexander  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

NOES, 22

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell (*Teller*)  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith (*Teller*)  
 Mr Adem Somyurek  
 The Hon. Marsha Thomson  
 Mr Matt Viney

And so it passed in the negative.

**8 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03.

**ADDITIONAL PUBLIC HOLIDAYS' COSTS** — The Honourable Marsha Thomson having given answers to a question and a supplementary question without notice relating to additional public holidays and its cost impact on small business —

The Honourable Bruce Atkinson moved, That the Minister's answer be taken into consideration on the next day of meeting.

Question — put and resolved in the affirmative.

**QUESTIONS** — Questions without notice continued.

**9 STATE CONCESSIONS BILL** — The Order of the Day having been read for the second reading of this Bill, Mr Gavin Jennings moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable John Vogels, the debate was adjourned until later this day.

**10 PHARMACY PRACTICE BILL** — The Order of the Day having been read for the second reading of this Bill, Mr Gavin Jennings moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable David Davis the debate was adjourned until later this day.

- 11 MAJOR CRIME (INVESTIGATIVE POWERS) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden moved, That, pursuant to Sessional Order 34, the second reading speech (except for the statement under section 85 (5) of the *Constitution Act 1975*) be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Justin Madden moved, That the Bill be now read a second time.

The Honourable Justin Madden made a statement pursuant to section 85 (5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

On the motion of the Honourable Andrea Coote (for the Honourable Richard Dalla-Riva), the debate was adjourned until later this day.

- 12 MAJOR CRIME LEGISLATION (SEIZURE OF ASSETS) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Justin Madden moved, That the Bill be now read a second time.

On the motion of the Honourable C.A. Strong the debate was adjourned until later this day.

- 13 STATE CONCESSIONS BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 14 TEACHING SERVICE (CONDUCT AND PERFORMANCE) BILL** — The President announced the receipt of a Message from the Assembly advising the Council that they have agreed to the amendments made in this Bill by the Council.

- 15 PLANNING AND ENVIRONMENT (GENERAL AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put.

The Council divided.

AYES, 23

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza (*Teller*)  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh

NOES, 18

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden (*Teller*)  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva (*Teller*)  
 The Hon. Philip Davis

Mr Gavin Jennings	The Hon. Damian Drum
Mr John Lenders	The Hon. Bill Forwood
The Hon. John McQuilten ( <i>Teller</i> )	The Hon. Peter Hall
The Hon. Justin Madden	The Hon. David Koch
Ms Jenny Mikakos	The Hon. Wendy Lovell
The Hon. Robert Mitchell	The Hon. Andrew Olexander
The Hon. Sang Nguyen	The Hon. Gordon Rich-Phillips
Mr Noel Pullen	The Hon. Graeme Stoney
Ms Glenyys Romanes	The Hon. C.A. Strong
Mr Johan Scheffer	The Hon. John Vogels
Mr Robert Smith	
Mr Adem Somyurek	
The Hon. Theo Theophanous	
The Hon. Marsha Thomson	
Mr Matt Viney	

And so it was resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 16 COMMONWEALTH POWERS (DE FACTO RELATIONSHIPS) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to refer certain financial matters arising out of the breakdown of de facto relationships to the Parliament of the Commonwealth for the purposes of section 51(xxxvii) of the Constitution of the Commonwealth and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 17 PHARMACY PRACTICE BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 18 MAJOR CRIME LEGISLATION (SEIZURE OF ASSETS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

The Honourable C.A. Strong moved, as an amendment, That all the words after “That” be omitted with the view of inserting in their place “this House refuses to read this Bill a second time until the Government establishes a Royal Commission, or other independent body, to review Victoria’s capacity to deal with organised crime and police corruption through asset forfeiture proceedings”.

Debate ensued.

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

**19 PETROLEUM PRODUCTS (TERMINAL GATE PRICING) (AMENDMENT) BILL —**

The President announced the receipt of a Message from the Assembly presenting a Bill to amend the *Petroleum Products (Terminal Gate Pricing) Act 2000* and for other purposes and desiring the agreement of the Council.

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

*Business having been interrupted by the President at 10.00 p.m. pursuant to Sessional Order 14 —*

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

Debate ensued.

And then the Council, at 10.48 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
Clerk of the Legislative Council

**No. 85 — Thursday, 11 November 2004**

1 The President took the Chair and read the Prayer.

**2 PETITION — UNIVERSITY OF MELBOURNE LONGERENONG CAMPUS —** The Honourable David Koch presented a Petition bearing 192 signatures from certain citizens of Victoria requesting that the Victorian Government —

- (1) fully support the retention of Longerrenong Campus;
- (2) support the retention of full-time student courses at Longerrenong Campus by the University of Melbourne;
- (3) provide and maintain adequate infrastructure and provide sufficient recurrent funding for such infrastructure renewal;
- (4) allow the Longerrenong Campus to further develop and provide an extension of its educational opportunities;
- (5) ensure a “long term” commitment to the Longerrenong Campus; and
- (6) ensure that the Longerrenong Advisory Board be given representation on the Board of Management of the Institute of Land and Food Resources (University of Melbourne).

Ordered to lie on the Table.

**3 PAPERS —**

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — BUDGET ESTIMATES, 2004-05 —** The Honourable Bill Forwood presented a Report from the Public Accounts and Estimates Committee on the 2004-05 Budget Estimates, together with Appendices and Minutes of Evidence.

Ordered to lie on the Table and the Report and Appendices to be printed.

The Honourable Bill Forwood moved, That the Council take note of the Report.

Debate ensued.

Question — put and resolved in the affirmative.

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

Mental Health Review Board — Minister’s report of receipt of 2003-04 report.

Nurses Board of Victoria — Report, 2003-04.

Psychosurgery Review Board — Minister’s report of receipt of 2003-04 report.

Rural Northwest Health — Report, 2003-04.

South Eastern Medical Complex Limited — Reports —  
 1 July 2003 to 27 February 2004.  
 28 February 2004 to 30 June 2004.

Statutory Rules under the following Acts of Parliament:

Sex Offenders Registration Act 2004 — No. 135.

Tobacco Act 1987 — No. 134.

Subordinate Legislation Act 1994 —

Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 133.

Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 135.

Victorian Health Promotion Foundation — Report, 2003-04.

Victorian Institute for Forensic Mental Health — Report, 2003-04.

**4 MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

**5 STATEMENTS ON REPORTS AND PAPERS** — The President proposed the question, That reports and papers tabled in the Council be noted.

Statements were made by Honourable Members pursuant to Sessional Order 17.

Question — put and resolved in the affirmative.

**6 PETROLEUM PRODUCTS (TERMINAL GATE PRICING) (AMENDMENT) BILL** —

The Order of the Day having been read for the second reading of this Bill, the Honourable Theo Theophanous (for Mr John Lenders) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Theo Theophanous moved, That the Bill be now read a second time.

On the motion of the Honourable Graeme Stoney (for the Honourable Bruce Atkinson) the debate was adjourned until the next day of meeting.

**7 COMMONWEALTH POWERS (DE FACTO RELATIONSHIPS) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Theo Theophanous (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Theo Theophanous moved, That the Bill be now read a second time.

On the motion of the Honourable Graeme Stoney (for the Honourable C.A. Strong) debate was adjourned until the next day of meeting.

**8 MAJOR CRIME (INVESTIGATIVE POWERS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

The Honourable Richard Dalla-Riva moved, as an amendment, That all the words after "That" be omitted with the view of inserting in their place "this House refuses to read this Bill a second time until the Government establishes a Royal Commission to:

(1) investigate police corruption and links to organised crime; and

(2) review the provision and operation of coercive investigative powers, including the creation of an independent crime commission".

Debate ensued.

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

The Council divided.

AYES, 23

The Hon. Lidia Argondizzo

Ms Candy Broad

NOES, 15

The Hon. Bruce Atkinson

The Hon. W.R. Baxter

Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen (*Teller*)  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek (*Teller*)  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva (*Teller*)  
 The Hon. David Davis (*Teller*)  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney

And so it was resolved in the affirmative — Amendment negatived.

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

The Council divided.

AYES, 23

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton (*Teller*)  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen (*Teller*)  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

NOES, 16

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop (*Teller*)  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood (*Teller*)  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney



And so it was resolved in the affirmative.

Bill read a second time and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**9 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03.

**10 MAJOR CRIME LEGISLATION (SEIZURE OF ASSETS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time, and on the amendment of the Honourable C.A. Strong — That all the words after “That” be omitted with the view of inserting in their place “this House refuses to read this Bill a second time until the Government establishes a Royal Commission, or other independent body, to review Victoria’s capacity to deal with organised crime and police corruption through asset forfeiture proceedings”.

Debate resumed.

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

The Council divided.

AYES, 22

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten (*Teller*)  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney (*Teller*)

NOES, 18

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 The Hon. Peter Hall  
 The Hon. David Koch (*Teller*)  
 The Hon. Andrew Olexander (*Teller*)  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative — Amendment negated.

*Interruption of business pursuant to Sessional Order 14* —

The President having interrupted business at 4.36 p.m., Mr John Lenders moved, That the sitting be continued.

Question — put and resolved in the affirmative.

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

The Council divided.

## AYES, 26

The Hon. Lidia Argondizzo  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 Ms Candy Broad  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. Damian Drum  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Peter Hall  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 Ms Jenny Mikakos (*Teller*)  
 The Hon. Robert Mitchell (*Teller*)  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

## NOES, 14

The Hon. Bruce Atkinson  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Bill Forwood  
 The Hon. David Koch  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips (*Teller*)  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong (*Teller*)  
 The Hon. John Vogels

And so it was resolved in the affirmative.

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

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 11 ELECTORAL LEGISLATION (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Electoral Act 2002, the Electoral Boundaries Commission Act 1982 and the Constitution (Parliamentary Reform) Act 2003 and for other purposes* and desiring the agreement of the Council.

On the motion of Mr John Lenders (for the Honourable Justin Madden), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 12 LIQUOR CONTROL REFORM (UNDERAGE DRINKING AND ENHANCED ENFORCEMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Liquor Control Reform Act 1998 and the Business Licensing Authority Act 1998 and for other purposes* and desiring the agreement of the Council.

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

**13 ELECTRICITY INDUSTRY (WIND ENERGY DEVELOPMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Electricity Industry Act 2000, the Essential Services Commission Act 2001, the Energy Legislation (Regulatory Reform) Act 2004 and for other purposes* and desiring the agreement of the Council.

On the motion of Mr John Lenders (for the Honourable Theo Theophanous), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**14 ADJOURNMENT** — Mr John Lenders moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 5.16 p.m., adjourned until Tuesday, 16 November 2004.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*



## LEGISLATIVE COUNCIL

### MINUTES OF THE PROCEEDINGS Nos. 86, 87 and 88

#### No. 86 — Tuesday, 16 November 2004

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, this day, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:
  - Major Crime (Investigative Powers) Act*
  - Pharmacy Practice Act*
  - Planning and Environment (General Amendment) Act*
  - State Concessions Act*
  - Teaching Services (Conduct and Performance) Act.*
- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.
- 4 **MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.
- 5 **PAPERS** —  
**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — The Honourable Lidia Argondizzo presented Alert Digest No. 10 of 2004 from the Scrutiny of Acts and Regulations Committee, together with Appendices.  
Ordered to lie on the Table and to be printed.

\* \* \* \* \*

- PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:
- Budget Sector — Quarterly Financial Report No. 1 for the period ended 30 September 2004.
  - Crown Land (Reserves) Act 1978 — Minister's Orders of 26 October 2004 for the granting of licences at Toolangi Natural Interest Reserve (two papers).
  - Members of Parliament (Register of Interests) Act 1978 — Cumulative Summary of Returns, 30 September 2004.
  - Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:
    - Bendigo — Greater Bendigo Planning Scheme — Amendment C38.
    - Kingston Planning Scheme — Amendment C2.
    - Moonee Valley Planning Scheme — Amendment C55.
  - Public Employment Office — Report, 2003-04.
  - VicFleet Pty Ltd — Minister's report of receipt of 2003-04 report.
  - Victims of Crime Assistance Tribunal — Report, 2003-04.
  - Victorian Civil and Administrative Tribunal — Report, 2003-04.

- 6 GOVERNMENT BUSINESS PROGRAM** — The Honourable Theo Theophanous moved, That, pursuant to Sessional Order 20, the Orders of the Day, Government Business, relating to the following Bills be considered and completed by 4.30 p.m. on Thursday, 18 November 2004:

Commonwealth Powers (De Facto Relationships) Bill  
 Petroleum Products (Terminal Gate Pricing) (Amendment) Bill  
 Electricity Industry (Wind Energy Development) Bill; and  
 Electoral Legislation (Amendment) Bill.

Debate ensued.

Question — put and resolved in the affirmative.

- 7 ELECTORAL LEGISLATION (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Theo Theophanous (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Theo Theophanous moved, That the Bill be now read a second time.

On the motion of the Honourable C.A. Strong, the debate was adjourned until the next day of meeting.

- 8 ELECTRICITY INDUSTRY (WIND ENERGY DEVELOPMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Theo Theophanous moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Theo Theophanous moved, That the Bill be now read a second time.

On the motion of the Honourable Andrea Coote (for the Honourable Bill Forwood), the debate was adjourned until the next day of meeting.

- 9 LIQUOR CONTROL REFORM (UNDERAGE DRINKING AND ENHANCED ENFORCEMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Theo Theophanous (for Mr John Lenders) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Theo Theophanous moved, That the Bill be now read a second time.

On the motion of the Honourable Andrea Coote (for the Honourable Wendy Lovell), the debate was adjourned until the next day of meeting.

- 10 COMMONWEALTH POWERS (DE FACTO RELATIONSHIPS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 11 PETROLEUM PRODUCTS (TERMINAL GATE PRICING) (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**12 ADJOURNMENT** — The Honourable Marsha Thomson moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 6.45 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*

## **No. 87 — Wednesday, 17 November 2004**

1 The President took the Chair and read the Prayer.

**2 TRANSPORT ACCIDENT (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Transport Accident Act 1986 and the Accident Compensation Act 1985 and for other purposes* and desiring the agreement of the Council.

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

**3 PETITIONS** —

**WESTERN PORT HIGHWAY TRAFFIC LIGHTS** — The Honourable Ron Bowden presented a Petition bearing 40 signatures from certain citizens of Victoria requesting that the Victorian Government prevent the installation of traffic lights along the Western Port Highway at Lyndhurst (Dandenong/Hastings Road) due to growing community concerns.

Ordered to lie on the Table.

\* \* \* \* \*

**MOTOR VEHICLE REGISTRATION FEE** — The Honourable Ron Bowden presented a Petition bearing 106 signatures from certain citizens of Victoria requesting that the Victorian Government abandon immediately the introduction of motor vehicle registration fees on low and fixed income people.

Ordered to lie on the Table.

**4 PAPERS** —

**HEALTH SERVICES COMMISSIONER** — Mr John Lenders (for Mr Gavin Jennings) moved, by leave, That there be laid before this House a copy of the Report of the Health Services Commissioner for the year 2003-04.

Question — put and resolved in the affirmative.

The said Report was thereupon presented by Mr John Lenders and ordered to lie on the Table.

\* \* \* \* \*

**PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk:

Housing Guarantee Fund Ltd and Domestic Building (HH) Indemnity Fund — Report, 2003-04.

**5 MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

**6 BUSINESS POSTPONED —**

Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 3, 7 to 9, 11 to 16, 18 and 19, 21, 23, 25, 27 and 29, be postponed until later this day.

Ordered — That the consideration of Notices of Motion, General Business, Nos. 4 to 6, 10, 17, 20, 22, 24, 26 and 28, be postponed until the next day of meeting.

**7 BUILDING INDUSTRY PRACTITIONERS —** The Honourable C.A. Strong moved, That this House condemns the Government for its failure to manage Victoria's regulated building practitioners for the benefit of consumers and specifically calls on the Government to:

- (1) direct the Building Commission to de-register "shonky" builders and building practitioners;
- (2) direct Consumer Affairs Victoria to take action against "shonky" builders and building practitioners to protect consumers;
- (3) empower Consumer Affairs Victoria to give resolution directions in the settlement of domestic building mediations; and
- (4) reform the failed Building Warranty Insurance system which provides limited consumer protection at the cost of driving small to medium builders (particularly rural builders) out of the industry, limiting choice and increasing building costs.

Debate ensued.

Question — put.

The Council divided.

AYES, 18

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong (*Teller*)  
 The Hon. John Vogels (*Teller*)

NOES, 21

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 Ms Elaine Carbines (*Teller*)  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 Ms Dianne Hadden (*Teller*)  
 The Hon. Geoff Hilton  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

And so it passed in the negative.

**8 QUESTIONS —** Questions without notice were taken pursuant to Standing Order 6.03.**9 ELECTRICITY INDUSTRY (WIND ENERGY DEVELOPMENT) BILL —** The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put.

The Council divided.

AYES, 23

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza (*Teller*)  
 The Hon. John Eren (*Teller*)  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Ms Carlolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

NOES, 18

The Hon. Bruce Atkinson (*Teller*)  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop (*Teller*)  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative.

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

House in Committee.

The President resumed the Chair; and the Chair of Committees reported that the Committee had made progress in the Bill, and asked leave to sit again.

Resolved — That the Council will, on the next day of meeting, again resolve itself into the said Committee.

- 10 WORLD SWIMMING CHAMPIONSHIPS BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to provide for the staging, conduct and management of the 2007 World Swimming Championships, to establish the 2007 World Swimming Championships Corporation and provide for its powers and functions, to provide for various matters in relation to commercial arrangements, including the use of logos, images and certain references and the authorisation of broadcasting, filming and certain advertising in respect of the 2007 World Swimming Championships, to amend the Borrowing and Investment Powers Act 1987 and for other purposes* and desiring the agreement of the Council.

On the motion of Ms Candy Broad (for the Honourable Justin Madden), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 11 ADJOURNMENT** — The Honourable Theo Theophanous moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.



And then the Council, at 6.58 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
Clerk of the Legislative Council

## No. 88 — Thursday, 18 November 2004

- 1 The President took the Chair and read the Prayer.
- 2 **MILDURA COLLEGE LANDS (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Mildura College Lands Act 1916 to make further provision for the distribution of trust funds to schools in the Mildura region and for other purposes* and desiring the agreement of the Council.  
On the motion of the Honourable Theo Theophanous, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 3 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:
  - Auditor-General — Report on the Finances of the State of Victoria, 2003-04, November 2004.
  - Austin Health — Report, 2003-04 (two papers).
  - Bayside Health — Report, 2003-04.
  - Calvary Health Care Bethlehem Limited — Report for the period 27 June 2003 to 30 June 2004 (two papers).
  - Dental Health Services Victoria — Report, 2003-04.
  - Eastern Health — Report, 2003-04.
  - Health Services Act 1988 — Report of Community Visitors for 2003-04.
  - Intellectually Disabled Persons' Services Act 1986 — Report of Community Visitors for 2003-04.
  - Melbourne Health — Report, 2003-04.
  - Mercy Public Hospitals Incorporated — Report, 2003-04 (three papers).
  - Northern Health — Report, 2003-04.
  - Peninsula Health — Report, 2003-04 (two papers).
  - Peter MacCallum Cancer Centre — Report, 2003-04.
  - Royal Victorian Eye & Ear Hospital — Report, 2003-04.
  - Southern Health — Report, 2003-04.
  - Statutory Rules under the following Acts of Parliament:
    - Fair Trading Act 1999 — No. 138.
    - Fisheries Act 1995 — No. 136.
    - Land Conservation (Vehicle Control) Act 1972 — No. 140.
    - Magistrates' Court Act 1989 — No. 137.
    - Wildlife Act 1975 — No. 139.
  - St. Vincent's Health [incorporating the financial statements of Caritas Christi Hospital Limited, St. George's Health Service Limited and St Vincent's Hospital (Melbourne) Limited] — Report, 2003-04 (four papers).
  - Subordinate Legislation Act 1994 — Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 136 to 140.
  - Victorian Law Reform Commission — Final Report on Defences to Homicide.
  - Western Health — Report, 2003-04.
  - Women's and Children's Health — Report, 2003-04.
- 4 **MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.
- 5 **STATEMENTS ON REPORTS AND PAPERS** — The President proposed the question, That reports and papers tabled in the Council be noted.

Statements were made by Honourable Members pursuant to Sessional Order 17.  
Question — put and resolved in the affirmative.

**6 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 1 and 2, be postponed until later this day.

**7 ELECTRICITY INDUSTRY (WIND ENERGY DEVELOPMENT) BILL** — The Order of the Day having been read for the further consideration of this Bill in Committee of the whole, the Acting President left the Chair.

House in Committee.

The Acting President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted.

Question — That the Bill be now read a third time and that the Bill do pass — put.

The Council divided.

AYES, 22

The Hon. Lidia Argondizzo  
Ms Candy Broad  
Ms Elaine Carbines  
The Hon. Kaye Darveniza (*Teller*)  
The Hon. John Eren  
Ms Dianne Hadden  
The Hon. Geoff Hilton  
Ms Carolyn Hirsh  
Mr Gavin Jennings  
Mr John Lenders  
The Hon. John McQuilten (*Teller*)  
The Hon. Justin Madden  
Ms Jenny Mikakos  
The Hon. Robert Mitchell  
The Hon. Sang Nguyen  
Mr Noel Pullen  
Ms Glenyys Romanes  
Mr Johan Scheffer  
Mr Robert Smith  
Mr Adem Somyurek  
The Hon. Theo Theophanous  
Mr Matt Viney

NOES, 16

The Hon. Bruce Atkinson  
The Hon. W.R. Baxter  
The Hon. Ron Bowden  
The Hon. Andrew Brideson  
The Hon. Andrea Coote  
The Hon. Richard Dalla-Riva (*Teller*)  
The Hon. David Davis  
The Hon. Philip Davis  
The Hon. Damian Drum  
The Hon. Bill Forwood  
The Hon. David Koch  
The Hon. Andrew Olexander  
The Hon. Gordon Rich-Phillips (*Teller*)  
The Hon. Graeme Stoney  
The Hon. C.A. Strong  
The Hon. John Vogels

And so it was resolved in the affirmative.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**8 TRANSPORT ACCIDENT (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Andrea Coote (for the Honourable Bill Forwood) the debate was adjourned until the next day of meeting.

**9 WORLD SWIMMING CHAMPIONSHIPS BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden moved, That,

pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Justin Madden moved, That the Bill be now read a second time.

On the motion of the Honourable Andrea Coote (for the Honourable Bruce Atkinson) the debate was adjourned until the next day of meeting.

- 10 ELECTORAL LEGISLATION (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

The Honourable C.A. Strong moved, as an amendment, That all the words after “That” be omitted with the view of inserting in their place “this House refuses to read this Bill a second time until the Government confers with all political parties, independent members of Parliament, and other persons interested in the electoral process with a view to developing an acceptable model by which the Electoral Boundaries Commission conducts redistributions, without entrenching mechanical provisions into the *Constitution Act 1975* in a way that makes it difficult to adapt to future changes of circumstance, or to correct errors or unforeseen consequences”.

Debate ensued.

*Business having been interrupted at 2.03 p.m. pursuant to Sessional Order 6 —*

- 11 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03.

- 12 ELECTORAL LEGISLATION (AMENDMENT) BILL** — Debate continued on the question, That the Bill be now read a second time and on the amendment of the Honourable C.A. Strong — That all the words after “That” be omitted with the view of inserting in their place “this House refuses to read this Bill a second time until the Government confers with all political parties, independent members of Parliament, and other persons interested in the electoral process with a view to developing an acceptable model by which the Electoral Boundaries Commission conducts redistributions, without entrenching mechanical provisions into the *Constitution Act 1975* in a way that makes it difficult to adapt to future changes of circumstance, or to correct errors or unforeseen consequences”.

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

The Council divided.

AYES, 22

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 Ms Dianne Hadden (*Teller*)  
 The Hon. Geoff Hilton (*Teller*)  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes

NOES, 17

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden (*Teller*)  
 The Hon. Andrew Brideson (*Teller*)  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 The Hon. David Koch  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong

Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

The Hon. John Vogels

And so it was resolved in the affirmative — Amendment negatived.

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

The Council divided.

AYES, 22

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. Justin Madden  
 Ms Jenny Mikakos (*Teller*)  
 The Hon. Robert Mitchell (*Teller*)  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

NOES, 17

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis (*Teller*)  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood (*Teller*)  
 The Hon. David Koch  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**13 LIQUOR CONTROL REFORM (UNDERAGE DRINKING AND ENHANCED ENFORCEMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

On the motion of the Honourable Damian Drum the debate was adjourned until the next day of meeting.

**14 SITTING OF THE COUNCIL** — Ms Candy Broad moved, That the Council, at its rising, adjourn until Tuesday, 30 November 2004.

Question — put and resolved in the affirmative.

*The Deputy President having interrupted business pursuant to Sessional Order 14 —*

**15 ENERGY LEGISLATION (AMENDMENT) BILL** — The Deputy President announced the receipt of a Message from the Assembly presenting a Bill to amend the *Electricity Industry Act 2000, the Gas Industry Act 2001 and the Essential Services*

*Commission Act 2001 and for other purposes* and desiring the agreement of the Council.

On the motion of Ms Candy Broad (for the Honourable Theo Theophanous), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**16 CHILDREN AND YOUNG PERSONS (KOORI COURT) BILL** — The Deputy President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Children and Young Persons Act 1989 to establish a Koori Court (Criminal Division) of the Children's Court, to provide for the jurisdiction and procedure of that Division and for other purposes* and desiring the agreement of the Council.

On the motion of Ms Candy Broad (for Mr Gavin Jennings), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**17 CONSTRUCTION INDUSTRY LONG SERVICE LEAVE (AMENDMENT) BILL** — The Deputy President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Construction Industry Long Service Leave Act 1997 with respect to the administration of the Construction Industry Long Service Leave Fund and for other purposes* and desiring the agreement of the Council.

On the motion of Ms Candy Broad (for Mr Gavin Jennings), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**18 ADJOURNMENT** — The Deputy President proposed the question, That the House do now adjourn.

Debate ensued.

And then the Council, at 4.55 p.m., adjourned until Tuesday, 30 November 2004.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*



## LEGISLATIVE COUNCIL

### MINUTES OF THE PROCEEDINGS Nos. 89, 90 and 91

#### No. 89 — Tuesday, 30 November 2004

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 23 November 2004, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:  
*Commonwealth Powers (De Facto Relationships) Act*  
*Electoral Legislation (Amendment) Act*  
*Electricity Industry (Wind Energy Development) Act*  
*Major Crime Legislation (Seizure of Assets) Act*  
*Petroleum Products (Terminal Gate Pricing) (Amendment) Act.*

- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

- 4 **MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

- 5 **PAPERS** —

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

**ELECTRONIC DEMOCRACY** — The Honourable Lidia Argondizzo presented a Report from the Scrutiny of Acts and Regulations Committee on the Evidence obtained in North America in relation to the Victorian Electronic Democracy Inquiry, together with Appendices.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

**ALERT DIGEST** — The Honourable Lidia Argondizzo presented Alert Digest No. 11 of 2004 from the Scrutiny of Acts and Regulations Committee, together with Appendices and Minority Reports.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

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

Alexandra District Hospital — Report, 2003-04 (two papers).

Ballarat Health Services —

Minister's report of failure to submit 2003-04 report within the prescribed period and the reasons therefor.

Report, 2003-04.

Beaufort and Skipton Health Service —

Minister's report of failure to submit 2003-04 report within the prescribed period and the reasons therefor.

Report, 2003-04 (two papers).

Bendigo Health Care Group — Report, 2003-04.

- Boort District Hospital — Report, 2003-04.
- Border Groundwaters Agreement Review Committee — Report, 2003-04.
- Central Gippsland Health Service — Report, 2003-04.
- Coleraine District Health Services —  
Minister's report of failure to submit 2003-04 report within the prescribed period and the reasons therefor.  
Report, 2003-04.
- Crown Land (Reserves) Act 1978 — Minister's Order of 26 October 2004 giving approval for the granting of a lease at Williamstown Botanic Gardens Reserve.
- Dunmunkle Health Services —  
Minister's report of failure to submit 2003-04 report within the prescribed period and the reasons therefor.  
Minister's report of receipt of 2003-04 report.
- East Wimmera Health Service —  
Minister's report of failure to submit 2003-04 report within the prescribed period and the reasons therefor.  
Report, 2003-04 (two papers).
- Echuca Regional Health — Report, 2003-04.
- Edenhope and District Memorial Hospital —  
Minister's report of failure to submit 2003-04 report within the prescribed period and the reasons therefor.  
Report, 2003-04.
- Gippsland Southern Health Service — Report, 2003-04 (two papers).
- Goulburn Valley Health — Report, 2003-04 (two papers).
- Inglewood and Districts Health Service —  
Minister's report of failure to submit 2003-04 report within the prescribed period and the reasons therefor.  
Report, 2003-04.
- Latrobe Regional Hospital — Report, 2003-04.
- Maryborough District Health Service — Report, 2003-04 (two papers).
- Mitcham-Frankston Project Act 2004 — Mitcham-Frankston Project Statement of Variation No. 1.
- Orbost Regional Health — Report, 2003-04.
- Otway Health and Community Services —  
Minister's report of failure to submit 2003-04 report within the prescribed period and the reasons therefor.  
Minister's report of receipt of 2003-04 report.
- Parliamentary Committees Act 2003 — Minister's response to recommendations in the Drugs and Crime Prevention Committee's report on Amphetamine and Party Drug Use in Victoria.
- Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:  
Brimbank Planning Scheme — Amendments C73 and C77.  
Geelong — Greater Geelong Planning Scheme — Amendments C71 and C99.  
Moonee Valley Planning Scheme — Amendment C43.  
Moorabool Planning Scheme — Amendment C9.  
Victoria Planning Provisions — Amendment VC31.
- Rochester and Elmore District Health Service — Report, 2003-04.
- South Gippsland Hospital — Minister's report of receipt of 2003-04 report.
- A Statutory Rule under the Crimes Act 1958 — No. 141.
- Stawell Regional Health —  
Minister's report of failure to submit 2003-04 report within the prescribed period and the reasons therefor.  
Report, 2003-04 (two papers).

Subordinate Legislation Act 1994 — Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 130.

Victorian Industry Participation Policy — Report, 2003-04.

West Gippsland Healthcare Group — Report, 2003-04.

West Wimmera Health Service —

Minister's report of failure to submit 2003-04 report within the prescribed period and the reasons therefor.

Report, 2003-04.

Wimmera Health Care Group —

Minister's report of failure to submit 2003-04 report within the prescribed period and the reasons therefor.

Report, 2003-04 (two papers).

\* \* \* \* \*

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

Major Crime (Investigative Powers) Act 2004 — Parts 1, 7, 8 (other than sections 75 and 97), Parts 9, 10 (other than section 105) and Part 11 (other than section 130) — 16 November 2004 (*Gazette No. S237, 16 November 2004*).

Major Crime (Special Investigations Monitor) Act 2004 — 16 November 2004 (*Gazette No. S237, 16 November 2004*).

Major Crime Legislation (Office of Police Integrity) Act 2004 — Parts 1 to 5 (other than section 12) and Part 10 — 16 November 2004 (*Gazette No. S237, 16 November 2004*).

Primary Industries Legislation (Further Miscellaneous Amendments) Act 2004 — Sections 37 to 43 — 1 December 2004 (*Gazette No. G47, 18 November 2004*).

**6 GOVERNMENT BUSINESS PROGRAM** — Mr John Lenders moved, That, pursuant to Sessional Order 20, the Orders of the Day, Government Business, relating to the following Bills be considered and completed by 4.30 p.m. on Thursday, 2 December 2004:

Liquor Control Reform (Underage Drinking and Enhanced Enforcement) Bill

World Swimming Championships Bill

Transport Accident (Amendment) Bill

Mildura College Lands (Amendment) Bill

Construction Industry Long Service Leave (Amendment) Bill

Children and Young Persons (Koori Court) Bill.

Debate ensued.

Question — put and resolved in the affirmative.

**7 MILDURA COLLEGE LANDS (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Theo Theophanous) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Andrew Brideson, the debate was adjourned until the next day of meeting.

**8 CONSTRUCTION INDUSTRY LONG SERVICE LEAVE (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for Mr Gavin Jennings) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable C.A. Strong, the debate was adjourned until the next day of meeting.



- 9 CHILDREN AND YOUNG PERSONS (KOORI COURT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for Mr Gavin Jennings) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable C.A. Strong, the debate was adjourned until the next day of meeting.

- 10 ENERGY LEGISLATION (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Theo Theophanous) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Andrea Coote (for the Honourable Bill Forwood), the debate was adjourned until the next day of meeting.

- 11 LIQUOR CONTROL REFORM (UNDERAGE DRINKING AND ENHANCED ENFORCEMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put.

The Council divided.

AYES, 21

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten (*Teller*)  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen (*Teller*)  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

NOES, 18

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Peter Hall  
 The Hon. David Koch (*Teller*)  
 The Hon. Wendy Lovell (*Teller*)  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative.

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

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted.

Question — That the Bill be now read a third time and that the Bill do pass — put.  
The Council divided.

## AYES, 21

The Hon. Lidia Argondizzo  
Ms Candy Broad  
Ms Elaine Carbines  
The Hon. Kaye Darveniza  
The Hon. John Eren  
Ms Dianne Hadden  
The Hon. Geoff Hilton  
Mr Gavin Jennings  
Mr John Lenders  
The Hon. John McQuilten  
Ms Jenny Mikakos  
The Hon. Robert Mitchell  
The Hon. Sang Nguyen  
Mr Noel Pullen  
Ms Glenyys Romanes  
Mr Johan Scheffer  
Mr Robert Smith (*Teller*)  
Mr Adem Somyurek (*Teller*)  
The Hon. Theo Theophanous  
The Hon. Marsha Thomson  
Mr Matt Viney

## NOES, 17

The Hon. Bruce Atkinson  
The Hon. W.R. Baxter  
The Hon. Barry Bishop  
The Hon. Andrea Coote  
The Hon. Richard Dalla-Riva  
The Hon. David Davis  
The Hon. Philip Davis  
The Hon. Damian Drum  
The Hon. Bill Forwood  
The Hon. Peter Hall  
The Hon. David Koch  
The Hon. Wendy Lovell  
The Hon. Andrew Olexander (*Teller*)  
The Hon. Gordon Rich-Phillips (*Teller*)  
The Hon. Graeme Stoney  
The Hon. C.A. Strong  
The Hon. John Vogels

And so it was resolved in the affirmative.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**12 PLANNING AND ENVIRONMENT (DEVELOPMENT CONTRIBUTIONS) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Planning and Environment Act 1987 in relation to development contributions, to amend the Building Act 1993 and for other purposes* and desiring the agreement of the Council.

On the motion of Mr John Lenders (for the Honourable Justin Madden), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**13 BUILDING (COOLING TOWERS AND PLUMBING) (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Building Act 1993 and for other purposes* and desiring the agreement of the Council.

On the motion of Mr John Lenders (for the Honourable Justin Madden), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**14 WORLD SWIMMING CHAMPIONSHIPS BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

On the motion of the Honourable Andrea Coote, the debate was adjourned until the next day of meeting.

*Business having been interrupted by the President at 10.04 pm pursuant to Sessional Order 14—*

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

Debate ensued.

And then the Council, at 10.41 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
Clerk of the Legislative Council

## No. 90 — Wednesday, 1 December 2004

1 The President took the Chair and read the Prayer.

2 **PETITIONS** —

**GOULBURN VALLEY HEALTH HELIPAD** — The Honourable Wendy Lovell presented a Petition bearing 1,610 signatures from certain citizens of Victoria praying that the Minister for Health, the Victorian Government and the Board of Goulburn Valley Health abandon plans to decommission the helipad at Goulburn Valley Health as it would — (1) place lives at risk; (2) increase transportation times for patients in critical condition; (3) increase multiple handling risks for spinal injury patients; and (4) place additional stress on the resources of the Goulburn Valley Ambulance Service.

Ordered to lie on the Table.

\* \* \* \* \*

**CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) ENFORCEMENT ACT 1995** — The Honourable Bruce Atkinson presented a Petition bearing 4,788 signatures from certain citizens of Victoria requesting that the Legislative Council amend the *Classification (Publications, Films and Computer Games) Enforcement Act 1995* to allow adult films classified X to be sold from restricted premises in Victoria.

Ordered to lie on the Table.

3 **PAPERS** —

**RURAL AND REGIONAL SERVICES AND DEVELOPMENT COMMITTEE — COUNTRY FOOTBALL** — The Honourable Robert Mitchell presented a Report from the Rural and Regional Services and Development Committee on Country Football, together with Appendices, Minority reports, Extracts from the Proceedings of the Committee and Minutes of Evidence.

Ordered to lie on the Table and the Report, Appendices, Minority reports and Extracts from the Proceedings of the Committee be printed.

The Honourable Robert Mitchell moved, That the Council take note of the Report.

Debate ensued.

Question — put and resolved in the affirmative.

\* \* \* \* \*

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

Auditor-General — Report on Results of 30 June 2004 financial statement and other audits, December 2004.

Parliamentary Committees Act 2003 — Minister's response to recommendations in the Education and Training Committee's report on the Impact of the High Levels of Unmet Demand for Places in Higher Education Institutions on Victoria.

4 **MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

**5 BUSINESS POSTPONED —**

Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 3 and 6 to 25 inclusive, be postponed until the next day of meeting.

Ordered — That the consideration of Notices of Motion, General Business, Nos. 4, 5, 26 and 27 be postponed until later this day.

**6 FREE TRADE AGREEMENTS —** The Honourable Gordon Rich-Phillips moved, That this House congratulates the Federal Government for securing free trade agreements with Singapore, Thailand and the United States of America and for its pursuit of further multilateral and bilateral trade opportunities, and encourages the Victorian Government to exploit those opportunities to improve Victoria's export performance.

Debate ensued.

Question — put and resolved in the affirmative.

**7 QUESTIONS —** Questions without notice were taken pursuant to Standing Order 6.03.**8 PLANNING AND ENVIRONMENT (DEVELOPMENT CONTRIBUTIONS) BILL —** The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Justin Madden moved, That the Bill be now read a second time.

On the motion of the Honourable David Davis, the debate was adjourned until the next day of meeting.

**9 BUILDING (COOLING TOWERS AND PLUMBING) (AMENDMENT) BILL —** The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Justin Madden moved, That the Bill be now read a second time.

On the motion of the Honourable David Davis, the debate was adjourned until the next day of meeting.

**10 WORLD SWIMMING CHAMPIONSHIPS BILL —** The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**11 TRANSPORT ACCIDENT (AMENDMENT) BILL —** The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**12 MILDURA COLLEGE LANDS (AMENDMENT) BILL —** The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**13 CONSTRUCTION INDUSTRY LONG SERVICE LEAVE (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted.

Question — That the Bill be now read a third time and that the Bill do pass — put.

The Council divided.

AYES, 22

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen (*Teller*)  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney (*Teller*)

NOES, 17

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter (*Teller*)  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels (*Teller*)

And so it was resolved in the affirmative.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**14 CHILDREN AND YOUNG PERSONS (KOORI COURT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Interruption of business pursuant to Sessional Order 14* —

The President having interrupted business at 10.00 p.m., Mr. John Lenders moved, That the sitting be continued.

Question — put and resolved in the affirmative.

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

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

- 15 LEGAL PROFESSION BILL** — The Acting President announced the receipt of a Message from the Assembly presenting a Bill *to improve the regulation of the legal profession, principally by implementing national model provisions for the regulation of the profession and establishing new bodies responsible for regulating it, to facilitate the regulation of legal practice on a national basis across State and Territory borders, to repeal the Legal Practice Act 1996, to make consequential amendments to Acts and for other purposes* and desiring the agreement of the Council.

On the motion of Mr John Lenders (for the Honourable Justin Madden), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 16 ADJOURNMENT** — Mr John Lenders moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 10.42 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 91 — Thursday, 2 December 2004

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

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

Auditor-General — Report on Meeting our future Victorian Public Service workforce needs, December 2004.

Parliamentary Committees Act 2003 — Attorney-General's response to recommendations in the Law Reform Committee's report on Administration of Justice Offences.

- 3 **MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

- 4 **STATEMENTS ON REPORTS AND PAPERS** — The President proposed the question, That reports and papers tabled in the Council be noted.

Statements were made by Honourable Members pursuant to Sessional Order 17.

Question — put and resolved in the affirmative.

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Mr John Lenders moved, by leave, That so much of Sessional Order 17 be suspended so as to permit an additional 13 minutes debate on the motion that reports and papers tabled in the Council be noted this day.

Debate ensued.

Question — put and resolved in the affirmative.

Pursuant to the foregoing order, the Acting President proposed the question, That reports and papers tabled in the Council be noted.

Further statements were made by Honourable Members.

Question — put and resolved in the affirmative.

- 5 LEGAL PROFESSION BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Marsha Thomson (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Marsha Thomson moved, That the Bill be now read a second time.

On the motion of the Honourable C.A. Strong the debate was adjourned until the next day of meeting.

- 6 CHILDREN AND YOUNG PERSONS (KOORI COURT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 7 ENERGY LEGISLATION (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Business having been interrupted at 2.03 p.m. pursuant to Sessional Order 6 —*

- 8 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03.

- 9 ENERGY LEGISLATION (AMENDMENT) BILL** — Debate continued on the question, That the Bill be now read a second time.

Question — put and resolved in the affirmative.

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

House in Committee.

*Business having been interrupted at 4.30 p.m. pursuant to Sessional Order 14 —*

Mr John Lenders moved, That the sitting be continued.

Question — put and resolved in the affirmative.

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Further consideration of the Bill continued in Committee of the whole.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 10 PUBLIC ADMINISTRATION BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to provide a framework for good governance in the Victorian public sector and in public administration generally in Victoria, to establish a State Services Authority, to repeal the Public Sector Management and Employment Act 1998 and the Public Sector Reform (Miscellaneous Amendments) Act 1998, to amend the Constitution Act 1975 and the Parliamentary Officers Act 1975, to make consequential amendments to certain other Acts and for other purposes* and desiring the agreement of the Council.

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

- 11 MULTICULTURAL VICTORIA BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to establish principles of multiculturalism, to provide for the re-establishment of the Victorian Multicultural*

*Commission, to establish reporting requirements for government departments in relation to multiculturalism, to repeal the Victorian Multicultural Commission Act 1993 and for other purposes and desiring the agreement of the Council.*

On the motion of Mr John Lenders (for Mr Gavin Jennings), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 12 FAIR TRADING (ENHANCED COMPLIANCE) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Fair Trading Act 1999 to enhance compliance with that Act, to amend the Co-operatives Act 1996, the Credit (Administration) Act 1984, the Estate Agents Act 1980, the Fundraising Appeals Act 1998, the Funerals (Pre-Paid Money) Act 1993, the Introduction Agents Act 1997, the Motor Car Traders Act 1986, the Prostitution Control Act 1994, the Residential Tenancies Act 1997, the Sale of Land Act 1962, the Second-Hand Dealers and Pawnbrokers Act 1989, the Travel Agents Act 1986, the Trustee Companies Act 1984 and other Acts and for other purposes and desiring the agreement of the Council.*

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

- 13 EMERGENCY SERVICES TELECOMMUNICATIONS AUTHORITY BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to make provision for certain emergency services telecommunications services and other communications services by the establishment of an authority and other related matters and for other purposes and desiring the agreement of the Council.*

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 14 CORRECTIONS AND MAJOR CRIME (INVESTIGATIVE POWERS) ACTS (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Corrections Act 1986 to require a prisoner to obtain the approval of the Secretary to the Department of Justice before making an application for a change of name, to amend the Major Crime (Investigative Powers) Act 2004 and for other purposes and desiring the agreement of the Council.*

On the motion of Mr John Lenders (for the Honourable Theo Theophanous), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 15 ADJOURNMENT** — Mr John Lenders moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 5.10 p.m., adjourned until Tuesday, 7 December 2004.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*





## LEGISLATIVE COUNCIL

### MINUTES OF THE PROCEEDINGS Nos. 92, 93 and 94

#### No. 92 — Tuesday, 7 December 2004

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, this day, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:
  - Children and Young Persons (Koori Court) Act*
  - Construction Industry Long Service Leave (Amendment) Act*
  - Energy Legislation (Amendment) Act*
  - Liquor Control Reform (Underage Drinking and Enhanced Enforcement) Act*
  - Mildura College Lands (Amendment) Act*
  - Transport Accident (Amendment) Act*
  - World Swimming Championships Act.*
- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03.
- 4 **MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.
- 5 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:
  - Audit Act 1994 — Report on the Performance Audit of the Victorian Auditor-General's Office, December 2004.
  - Ombudsman's Office — Report, 2003-04.
  - Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:
    - Colac Otway Planning Scheme — Amendment C35.
    - Dandenong — Greater Dandenong Planning Scheme — Amendment C31 (Part 2).
    - Hume Planning Scheme — Amendment C51.
    - Kingston Planning Scheme — Amendment C50.
    - Knox Planning Scheme — Amendment C7.
    - Latrobe Planning Scheme — Amendment C27 (Part 1).
    - Moreland Planning Scheme — Amendment C45.
    - Queenscliffe Planning Scheme — Amendment C14.
    - Shepparton — Greater Shepparton Planning Scheme — Amendment C47.
    - Stonnington Planning Scheme — Amendments C5 (Part 2) and C36.
  - Statutory Rules under the following Acts of Parliament:
    - Births, Deaths and Marriages Registration Act 1996 — No. 143.
    - National Parks Act 1975 — No. 142.
  - Subordinate Legislation Act 1994 —
    - Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 142.

Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 143.

Victoria Grants Commission — Report for the year ended 31 August 2004.

\* \* \* \* \*

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

Death Notification Legislation (Amendment) Act 2004 — Remaining provisions — 26 November 2004 (*Gazette No. S246, 26 November 2004*).

Limitation of Actions (Adverse Possession) Act 2004 — 26 November 2004 (*Gazette No. S245, 26 November 2004*).

Mental Health (Amendment) Act 2003 — Part 2 — 6 December 2004 (*Gazette No. G49, 2 December 2004*).

- 6 PUBLIC ADMINISTRATION BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden (for Mr John Lenders) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Justin Madden moved, That the Bill be now read a second time.

On the motion of the Honourable Graeme Stoney (for the Honourable Bill Forwood), the debate was adjourned until the next day of meeting.

- 7 MULTICULTURAL VICTORIA BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden (for Mr Gavin Jennings) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Justin Madden moved, That the Bill be now read a second time.

On the motion of the Honourable Graeme Stoney (for the Honourable Andrea Coote), the debate was adjourned until the next day of meeting.

- 8 FAIR TRADING (ENHANCED COMPLIANCE) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden (for Mr John Lenders) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Justin Madden moved, That the Bill be now read a second time.

On the motion of the Honourable Graeme Stoney (for the Honourable Bruce Atkinson), the debate was adjourned until the next day of meeting.

- 9 EMERGENCY SERVICES TELECOMMUNICATIONS AUTHORITY BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden (for the Honourable Theo Theophanous) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Justin Madden moved, That the Bill be now read a second time.

On the motion of the Honourable Richard Dalla-Riva, the debate was adjourned until the next day of meeting.

- 10 CORRECTIONS AND MAJOR CRIME (INVESTIGATIVE POWERS) ACTS (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden (for the Honourable Theo Theophanous) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Justin Madden moved, That the Bill be now read a second time.

On the motion of the Honourable Richard Dalla-Riva, the debate was adjourned until the next day of meeting.

- 11 PLANNING AND ENVIRONMENT (DEVELOPMENT CONTRIBUTIONS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 12 HERITAGE (WORLD HERITAGE) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Heritage Act 1995 to provide for the protection of places in Victoria that are included in the World Heritage List and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 13 BUILDING (COOLING TOWERS AND PLUMBING) (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 14 LEGAL PROFESSION BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 15 GAMBLING REGULATION (FURTHER AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Gambling Regulation Act 2003 and the Casino Control Act 1991 and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Marsha Thomson (for the Honourable Justin Madden), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 16 ACCIDENT COMPENSATION LEGISLATION (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Accident Compensation Act 1985, the Accident Compensation (WorkCover Insurance) Act 1993 and the Workers Compensation Act 1958 and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Marsha Thomson (for Mr John Lenders), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

*Business having been interrupted at 9.58 p.m. by the President pursuant to Sessional Order 14 —*

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

Debate ensued.

And then the Council, at 10.21 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
Clerk of the Legislative Council

## No. 93 — Wednesday, 8 December 2004

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

**2 PETITION — WESTERN PORT HIGHWAY TRAFFIC LIGHTS** — The Honourable Ron Bowden presented a Petition bearing 109 signatures from certain citizens of Victoria requesting that the Victorian Government prevent the installation of traffic lights along the Western Port Highway at Lyndhurst (Dandenong/Hastings Road) due to growing community concerns.

Ordered to lie on the Table.

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

Auditor-General — Report on Managing school attendance, December 2004.

Mental Health Act 1986 — Report of Community Visitors for 2003-04.

Mitcham-Frankston Project Act 2004 — Orders in Council of 30 November 2004 varying the Project Area and Extended Project Area (two papers).

Murray-Darling Basin Commission — Report, 2002-03.

Statutory Rules under the following Acts of Parliament:

Domestic Building Contracts Act 1995 — No. 146.

Drugs, Poisons and Controlled Substances Act 1981 — No. 150.

Marine Act 1988 — No. 152.

Mental Health Act 1986 — No. 149.

Royal Botanic Gardens Act 1991 — No. 148.

Supreme Court Act 1986 — Nos. 144 and 145.

Transport Act 1983 — No. 151.

Wildlife Act 1975 — No. 147.

Subordinate Legislation Act 1994 —

Minister's exception certificates under section 8(4) in respect of Statutory Rule Nos. 144 and 145.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 146 and 151.

**4 MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

**5 BUSINESS POSTPONED** —

Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 20 and Nos. 23 to 26 inclusive, be postponed until the next day of meeting.

Ordered — That the consideration of Notices of Motion, General Business, Nos. 21 and 22 be postponed until later this day.

**6 FORESTS AND TIMBER INDUSTRIES** — The Honourable Graeme Stoney moved, That this House condemns the State Government for mismanaging Victoria's forests and timber industries and in particular:

- (1) causing uncertainty and hardship to contractors;
- (2) causing shortages of hardwood logs to sawmills which in turn has led to an increasing shortage of high quality hardwood timber products;
- (3) causing an ever increasing reliance on imported rainforest timber and products;
- (4) not finding meaningful solutions to issues surrounding the plantation industries; and
- (5) a bungling of the hardwood salvage process following the bushfires.

Debate ensued.

Question — put.

The Council divided.

AYES, 18

The Hon. Bruce Atkinson (*Teller*)  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden (*Teller*)  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

NOES, 22

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza (*Teller*)  
 The Hon. John Eren (*Teller*)  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Marsha Thomson  
 Mr Matt Viney

And so it passed in the negative.

**7 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

**8 GAMBLING REGULATION (FURTHER AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Andrea Coote (for the Honourable David Koch), the debate was adjourned until the next day of meeting.

- 9 HERITAGE (WORLD HERITAGE) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Andrea Coote (for the Honourable David Davis), the debate was adjourned until the next day of meeting.

- 10 ACCIDENT COMPENSATION LEGISLATION (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Andrea Coote (for the Honourable Bill Forwood), the debate was adjourned until the next day of meeting.

- 11 MULTICULTURAL VICTORIA BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 12 EMERGENCY SERVICES TELECOMMUNICATIONS AUTHORITY BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

House in Committee.

The President resumed the Chair; and the Acting Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 13 CORRECTIONS AND MAJOR CRIME (INVESTIGATIVE POWERS) ACTS (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

The Honourable Richard Dalla-Riva moved, as an amendment, That all the words after “That” be omitted with the view of inserting in their place “this Bill be withdrawn and redrafted to — (1) retain the laudable amendments to the *Corrections Act 1986* in relation to prisoners' name changes; and (2) take into account the outcome of further consultation with the wider community about the effects of the proposed amendments to the *Major Crime (Investigative Powers) Act 2004*”.

Debate ensued.

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

The Council divided.

## AYES, 21

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 Ms Dianne Hadden (*Teller*)  
 The Hon. Geoff Hilton (*Teller*)  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

## NOES, 18

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva (*Teller*)  
 The Hon. David Davis (*Teller*)  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative — Amendment negatived.

Question — That the Bill be now read a second time — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**14 PUBLIC ADMINISTRATION BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Business having been interrupted at 10.00 p.m. by the Deputy President pursuant to Sessional Order 14, the debate stood adjourned in the name of the Honourable Bill Forwood —*

**15 ADJOURNMENT** — The Deputy President proposed the question, That the House do now adjourn.

Debate ensued.

And then the Council, at 10.25 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
 Clerk of the Legislative Council

## No. 94 — Thursday, 9 December 2004

1 The President took the Chair and read the Prayer.

2 **PETITION — PRE-SCHOOL EDUCATION** — The Honourable Andrew Olexander presented a Petition bearing 171 signatures from certain citizens of Victoria requesting that the Victorian Government recognise the value of pre-school education, respect the work of pre-school teachers and resource pre-schools to

provide access for all children, alleviate unacceptable workloads, provide salary parity with primary school teachers and support for children with special needs.

Ordered to lie on the Table.

### 3 PAPERS —

**PREMIER'S DRUG PREVENTION COUNCIL REPORT** — Mr John Lenders moved, by leave, That there be laid before this House a copy of the Premier's Drug Prevention Council Report for the year 2003-04.

Question — put and resolved in the affirmative.

The said report was thereupon presented by Mr John Lenders and ordered to lie on the Table.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — DISCRIMINATION IN THE LAW** — The Honourable Lidia Argondizzo presented a Progress Report from the Scrutiny of Acts and Regulations Committee on Discrimination in the Law: Summary of Submissions, Statutory Compliance Defences and Human Rights Protections, together with Appendices, an Extract from the Proceedings of the Committee and a Minority Report.

Ordered to lie on the Table and to be printed.

The Honourable Lidia Argondizzo moved, That the Council take note of the Report.

Debate ensued.

Question — put and resolved in the affirmative.

\* \* \* \* \*

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

Adult Parole Board of Victoria — Report, 2003-04.

Australian Catholic University — Report, 2003 (two papers).

Chinese Medicine Registration Board of Victoria —

Minister's report of failure to submit 2003-04 report within the prescribed period and the reasons therefor.

Minister's report of receipt of 2003-04 report.

Chiropractors Registration Board of Victoria —

Minister's report of failure to submit 2003-04 report within the prescribed period and the reasons therefor.

Minister's report of receipt of 2003-04 report.

Consumer Affairs Victoria — Report, 2003-04.

East Grampians Health Service —

Minister's report of failure to submit 2003-04 report within the prescribed period and the reasons therefor.

Report, 2003-04.

Freedom of Information Act 1982 — Report of the Attorney-General on the operation of the Act, 2003-04.

Portland District Health —

Minister's report of failure to submit 2003-04 report within the prescribed period and the reasons therefor.

Report, 2003-04.

A Statutory Rule under the Magistrates' Court Act 1989 — No. 153.

Subordinate Legislation Act 1994 —

Guidelines in relation to statutory rules, pursuant to section 26 of the Act.

Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 153.

Minister's exemption certificates under section 9(6) in respect of Statutory Rule Nos. 134 and 149.

Victoria Law Foundation — Report, 2003-04.



Victorian Environmental Assessment Council — Final Report for the Angahook-Otway Investigation, November 2004.

**4 MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

**5 STATEMENTS ON REPORTS AND PAPERS** — The President proposed the question, That reports and papers tabled in the Council be noted.

Statements were made by Honourable Members pursuant to Sessional Order 17.

Question — put and resolved in the affirmative.

**6 PUBLIC ADMINISTRATION BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put.

The Council divided.

AYES, 22

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten (*Teller*)  
 The Hon. Justin Madden  
 Ms Jenny Mikakos (*Teller*)  
 The Hon. Robert Mitchell  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 Mr Matt Viney

NOES, 17

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood (*Teller*)  
 The Hon. Peter Hall  
 The Hon. David Koch (*Teller*)  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong

And so it was resolved in the affirmative.

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

House in Committee.

*Business having been interrupted at 2.03 p.m. pursuant to Sessional Order 6 —*

**7 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

**8 PUBLIC ADMINISTRATION BILL** — Further consideration of the Bill continued in Committee of the whole.

The President resumed the Chair; and the Acting Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted.

Question — That the Bill be now read a third time and that the Bill do pass — put.  
The Council divided.

AYES, 24

The Hon. Lidia Argondizzo  
Ms Candy Broad  
The Hon. Helen Buckingham  
Ms Elaine Carbines  
The Hon. Kaye Darveniza  
The Hon. John Eren  
Ms Dianne Hadden  
The Hon. Geoff Hilton  
Ms Carolyn Hirsh  
Mr Gavin Jennings  
Mr John Lenders  
The Hon. John McQuilten  
The Hon. Justin Madden  
Ms Jenny Mikakos  
The Hon. Robert Mitchell (*Teller*)  
The Hon. Sang Nguyen (*Teller*)  
Mr Noel Pullen  
Ms Glenyys Romanes  
Mr Johan Scheffer  
Mr Robert Smith  
Mr Adem Somyurek  
The Hon. Theo Theophanous  
The Hon. Marsha Thomson  
Mr Matt Viney

NOES, 18

The Hon. Bruce Atkinson  
The Hon. W.R. Baxter  
The Hon. Barry Bishop  
The Hon. Ron Bowden  
The Hon. Andrea Coote  
The Hon. Richard Dalla-Riva  
The Hon. David Davis  
The Hon. Philip Davis  
The Hon. Damian Drum  
The Hon. Bill Forwood  
The Hon. Peter Hall  
The Hon. David Koch  
The Hon. Wendy Lovell (*Teller*)  
The Hon. Andrew Olexander (*Teller*)  
The Hon. Gordon Rich-Phillips  
The Hon. Graeme Stoney  
The Hon. C.A. Strong  
The Hon. John Vogels

And so it was resolved in the affirmative.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 9 FAIR TRADING (ENHANCED COMPLIANCE) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

The Honourable Bruce Atkinson moved, as an amendment, That all the words after “That” be omitted with the view of inserting in their place “this House refuses to read this Bill a second time until there is an adequate period of consultation with the broader community and industry groups in particular, in relation to the effect of the compliance provisions proposed by the Bill”.

Debate ensued.

*Business having been interrupted at 4.30 p.m. pursuant to Sessional Order 14 —*

Mr John Lenders moved, That the sitting be continued.

Question — put and resolved in the affirmative.

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Debate continued on the question, That the Bill be now read a second time, and on the amendment of the Honourable Bruce Atkinson — That all the words after “That” be omitted with the view of inserting in their place “this House refuses to read this Bill a second time until there is an adequate period of consultation with the broader community and industry groups in particular, in relation to the effect of the compliance provisions proposed by the Bill”.

On the motion of the Honourable Damian Drum, the debate was adjourned until the next day of meeting.

- 10 HOUSING (HOUSING AGENCIES) BILL** — The Acting President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Housing Act 1983 to provide a regulatory framework for non-profit rental housing agencies serving the needs of low-income tenants, to amend the Borrowing and Investment Powers Act 1987 and the Transfer of Land Act 1958 and for other purposes* and desiring the agreement of the Council.

On the motion of Ms Candy Broad, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 11 OCCUPATIONAL HEALTH AND SAFETY BILL** — The Acting President announced the receipt of a Message from the Assembly presenting a Bill *to promote and improve standards for occupational health, safety and welfare, to repeal the Occupational Health and Safety Act 1985 and for other purposes* and desiring the agreement of the Council.

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

- 12 SAFETY ON PUBLIC LAND BILL** — The Acting President announced the receipt of a Message from the Assembly presenting a Bill *to facilitate the management of public safety in State forests by providing for the establishment and enforcement of public safety zones in State forests, to amend the Forests Act 1958 and consequentially amend the Conservation, Forests and Lands Act 1987 and for other purposes* and desiring the agreement of the Council.

On the motion of Ms Candy Broad, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 13 TRANSPORT LEGISLATION (AMENDMENT) BILL** — The Acting President announced the receipt of a Message from the Assembly presenting a Bill *to amend various Acts relating to transport and for other purposes* and desiring the agreement of the Council.

On the motion of Ms Candy Broad, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 14 ADJOURNMENT** — Mr John Lenders moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 5.26 p.m., adjourned until Tuesday, 14 December 2004 at 9.30 a.m.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*



## LEGISLATIVE COUNCIL

### MINUTES OF THE PROCEEDINGS Nos. 95, 96, 97 and 98

#### No. 95 — Tuesday, 14 December 2004

- 1 The President took the Chair and read the Prayer.
- 2 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:
  - Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:
    - Glenelg Planning Scheme — Amendment C12.
    - Knox Planning Scheme — Amendment C31 (Part 1).
    - Moonee Valley Planning Scheme — Amendment C54.
    - Moreland Planning Scheme — Amendment C41.
    - Whittlesea Planning Scheme — Amendment C62.
    - Wodonga Planning Scheme — Amendment C36.
  - A Statutory Rule under the Victorian Civil and Administrative Tribunal Act 1998 — No. 154.

- 3 **GOVERNMENT BUSINESS PROGRAM** — Mr John Lenders moved, That, pursuant to Sessional Order 20, the Orders of the Day, Government Business, relating to the following Bills be considered and completed by 4.30 p.m. on Thursday, 16 December 2004:
  - Fair Trading (Enhanced Compliance) Bill
  - Heritage (World Heritage) Bill
  - Gambling Regulation (Further Amendment) Bill
  - Accident Compensation Legislation (Amendment) Bill
  - Housing (Housing Agencies) Bill
  - Transport Legislation (Amendment) Bill
  - Safety on Public Land Bill
  - Occupational Health and Safety Bill.

Debate ensued.

Question — put.

The Council divided.

AYES, 22

The Hon. Lidia Argondizzo  
Ms Elaine Carbines  
The Hon. Kaye Darveniza  
The Hon. John Eren  
Ms Dianne Hadden  
The Hon. Geoff Hilton  
Ms Carolyn Hirsh  
Mr Gavin Jennings  
Mr John Lenders  
The Hon. John McQuilten

NOES, 18

The Hon. Bruce Atkinson  
The Hon. W.R. Baxter  
The Hon. Barry Bishop  
The Hon. Ron Bowden  
The Hon. Andrew Brideson (*Teller*)  
The Hon. Andrea Coote  
The Hon. Richard Dalla-Riva  
The Hon. David Davis  
The Hon. Philip Davis  
The Hon. Damian Drum

The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen (*Teller*)  
 Mr Noel Pullen (*Teller*)  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

The Hon. Bill Forwood  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips (*Teller*)  
 The Hon. Graeme Stoney  
 The Hon. John Vogels

And so it was resolved in the affirmative.

- 4 STATUTE LAW REVISION BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders moved, That the Bill be now read a second time.

On the motion of the Honourable Philip Davis, the debate was adjourned until Thursday 24 February 2005.

- 5 STATUTE LAW REVISION BILL** — Mr John Lenders moved, by leave, That the proposals contained in the Statute Law Revision Bill be referred to the Scrutiny of Acts and Regulations Committee for inquiry, consideration and report.

Question — put and resolved in the affirmative.

- 6 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 2 to 4 inclusive, be postponed until later this day.

- 7 OCCUPATIONAL HEALTH AND SAFETY BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders, moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Bill Forwood, the debate was adjourned until the next day of meeting.

- 8 FAIR TRADING (ENHANCED COMPLIANCE) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time, and on the amendment of the Honourable Bruce Atkinson — That all the words after “That” be omitted with the view of inserting in their place “this House refuses to read this Bill a second time until there is an adequate period of consultation with the broader community and industry groups in particular, in relation to the effect of the compliance provisions proposed by the Bill”.

Debate resumed.

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

The Council divided.

AYES, 23

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton

NOES, 18

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva

Ms Carolyn Hirsh	The Hon. David Davis
Mr Gavin Jennings	The Hon. Damian Drum
Mr John Lenders	The Hon. Bill Forwood
The Hon. John McQuilten	The Hon. Peter Hall
The Hon. Justin Madden	The Hon. David Koch
Ms Jenny Mikakos	The Hon. Wendy Lovell
The Hon. Robert Mitchell	The Hon. Andrew Olexander
The Hon. Sang Nguyen	The Hon. Gordon Rich-Phillips
Mr Noel Pullen	The Hon. Graeme Stoney
Ms Glenyys Romanes	The Hon. C.A. Strong ( <i>Teller</i> )
Mr Johan Scheffer ( <i>Teller</i> )	The Hon. John Vogels ( <i>Teller</i> )
Mr Robert Smith	
Mr Adem Somyurek ( <i>Teller</i> )	
The Hon. Theo Theophanous	
The Hon. Marsha Thomson	
Mr Matt Viney	

And so it was resolved in the affirmative — Amendment negatived.

Question — That the Bill be now read a second time — put and resolved in the affirmative.

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

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 9 HERITAGE (WORLD HERITAGE) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Business having been interrupted at 2.03 p.m. pursuant to Sessional Order 6 —*

- 10 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

- 11 MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

- 12 HERITAGE (WORLD HERITAGE) BILL** — Debate continued on the question, That the Bill be now read a second time.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 13 GAMBLING REGULATION (FURTHER AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**14 SAFETY ON PUBLIC LAND BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Theo Theophanous (for Ms Candy Broad), moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Theo Theophanous moved, That the Bill be now read a second time.

On the motion of the Honourable Graeme Stoney, the debate was adjourned until the next day of meeting.

**15 ACCIDENT COMPENSATION LEGISLATION (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

The Honourable Lidia Argondizzo moved, That the debate be adjourned until later this day.

Debate ensued.

Question — put.

The Council divided.

AYES, 23

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren (*Teller*)  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek (*Teller*)  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson

NOES, 19

The Hon. Bruce Atkinson (*Teller*)  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden (*Teller*)  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative.

**16 TRANSPORT LEGISLATION (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Ms Candy Broad moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Ron Bowden, the debate was adjourned until the next day of meeting.

**17 HOUSING (HOUSING AGENCIES) BILL** — The Order of the Day having been read for the second reading of this Bill, Ms Candy Broad, moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

The Honourable Wendy Lovell moved, That the debate be now adjourned.

Question — put.

The Council divided.

AYES, 18

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva (*Teller*)  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood (*Teller*)  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

NOES, 23

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 Ms Dianne Hadden (*Teller*)  
 The Hon. Geoff Hilton (*Teller*)  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson

And so it passed in the negative.

The Honourable Wendy Lovell moved, That the debate be adjourned until the next day of meeting.

Mr John Lenders moved, as an amendment, That the words “the debate be adjourned until the next day of meeting” be omitted with the view of inserting in their place “the Bill be debated forthwith and that Ms Glenyys Romanes be called as the next speaker”.

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

The Council divided.

AYES, 17

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson (*Teller*)

NOES, 22

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren



The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 The Hon. Peter Hall  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong (*Teller*)  
 The Hon. John Vogels

Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos (*Teller*)  
 The Hon. Robert Mitchell (*Teller*)  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson

And so it passed in the negative.

Question — That the words proposed to be inserted be so inserted — put.

The Council divided.

AYES, 22

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen (*Teller*)  
 Mr Noel Pullen (*Teller*)  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson

NOES, 17

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop (*Teller*)  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 The Hon. Peter Hall  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels (*Teller*)

And so it was resolved in the affirmative.

Question — That the Bill be debated forthwith and that Ms Glenyys Romanes be called as the next speaker — put and resolved in the affirmative.

*Business having been interrupted at 10.12 p.m. by the President pursuant to Sessional Order 14 —*

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

Debate ensued.

And then the Council, at 10.49 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*

## **No. 96 — Wednesday, 15 December 2004**

1 The President took the Chair and read the Prayer.

2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 14 December 2004, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:

*Building (Cooling Towers and Plumbing) (Amendment) Act*

*Corrections and Major Crime (Investigative Powers) Acts (Amendment) Act*

*Emergency Services Telecommunications Authority Act*

*Legal Profession Act*

*Multicultural Victoria Act*

*Planning and Environment (Development Contributions) Act.*

3 **PETITION — WIND ENERGY FACILITIES DEVELOPMENT** — Ms Dianne Hadden presented a Petition bearing 61 signatures from certain citizens of Victoria requesting that the Victorian Government prohibit any further wind farm developments pending the development of —

(1) policies by which Victorian communities can be consulted and included in planning policy;

(2) Occupational Health and Safety Regulations for the protection of citizens regarding the positioning of turbines; and

(3) in-depth guidelines for the wind energy industry for the location and construction of wind turbines.

Ordered to lie on the Table.

4 **PAPERS** —

**MINISTER FOR FINANCE'S RESPONSE TO AUDITOR-GENERAL'S REPORTS** —

Mr John Lenders moved, by leave, That there be laid before this House a copy of the Response by the Minister for Finance to the Auditor-General's Reports tabled during 2003-04.

Question — put and resolved in the affirmative.

The said paper was thereupon presented by Mr John Lenders and ordered to lie on the Table.

\* \* \* \* \*

**PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk:

Budget Sector — Update 2004-05.

5 **MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

6 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 26 inclusive, be postponed until later this day.

7 **CHILDHOOD OBESITY** — The Honourable Andrew Brideson moved, That this House —

(1) calls on the Government to increase resources to tackle the problems associated with childhood obesity;

- (2) urges the Government to reinstate Health and Physical Education as a core discipline in the revised Victorian Essential Learning Standards and to introduce a system of accountability for the mandating of Physical Education and Sport;
- (3) recommends that the Government's "Go for Your Life" initiative be implemented in schools; and
- (4) notes that literacy, numeracy, language, the arts and humanities cannot be enjoyed without good health.

Debate ensued.

Question — put and resolved in the affirmative.

- 8 HOUSING (HOUSING AGENCIES) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Business having been interrupted at 2.04 p.m. pursuant to Sessional Order 6 —*

- 9 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

- 10 HOUSING (HOUSING AGENCIES) BILL** — Debate continued on the question, That the Bill be now read a second time.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 11 TRANSPORT LEGISLATION (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

The Honourable Barry Bishop announced that he proposed to move amendments in Committee and requested that they be circulated, pursuant to Sessional Order 22. Accordingly, the amendments were circulated.

Debate continued.

Question — put and resolved in the affirmative.

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

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 12 SAFETY ON PUBLIC LAND BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

The Honourable Graeme Stoney announced that he proposed to move amendments in Committee and requested that they be circulated, pursuant to Sessional Order 22. Accordingly, the amendments were circulated.

Debate continued.

*Business having been interrupted at 10.00 p.m. by the President pursuant to Sessional Order 14, the debate stood adjourned in the name of the Honourable Graeme Stoney.*

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

Debate ensued.

And then the Council, at 10.30 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 97 — Thursday, 16 December 2004

1 The President took the Chair and read the Prayer.

**2 PETITION — PRE-SCHOOL EDUCATION** — The Honourable Andrew Olexander presented a Petition bearing 52 signatures from certain citizens of Victoria requesting that the Victorian Government recognise the value of pre-school education, respect the work of pre-school teachers and resource pre-schools to provide access for all children, alleviate unacceptable workloads, provide salary parity with primary school teachers and support for children with special needs.

Ordered to lie on the Table.

**3 PAPERS —**

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — INTELLECTUAL DISABILITY SERVICES** — The Honourable Bill Forwood presented a Report from the Public Accounts and Estimates Committee on the Review of the Auditor-General's Performance Audit Report on Services for People with an Intellectual Disability, together with Appendices and Minutes of Evidence.

Ordered to lie on the Table and the Report and Appendices to be printed.

The Honourable Bill Forwood moved, That the Council take note of the Report.

Debate ensued.

Question — put and resolved in the affirmative.

\* \* \* \* \*

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — ANNUAL REPORT** — The Honourable Bill Forwood presented the 2003-04 Annual Report from the Public Accounts and Estimates Committee, together with Appendices.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

**PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk:

Dandenong Development Board — Report, 2003-04.

**4 SITTING OF THE COUNCIL** — Mr John Lenders moved, That, notwithstanding any sitting of the Council on Friday, 17 December 2004 to complete the unfinished Government Business Program, the Council, at its rising, adjourn until Thursday, 24 February 2005 at 2.00 p.m. or until a day and hour to be fixed by the President, whichever is the earlier, which will be notified in writing to each Member of the Council.

Question — put and resolved in the affirmative.

**5 MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

**6 STATEMENTS ON REPORTS AND PAPERS** — The President proposed the question, That reports and papers tabled in the Council be noted.

Statements were made by Honourable Members pursuant to Sessional Order 17.

Question — put and resolved in the affirmative.

- 7 OCCUPATIONAL HEALTH AND SAFETY BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Business having been interrupted at 2.03 p.m. pursuant to Sessional Order 6 —*

- 8 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

- 9 OCCUPATIONAL HEALTH AND SAFETY BILL** — Debate continued on the question, That the Bill be now read a second time.

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

- 10 DRUGS AND CRIME PREVENTION COMMITTEE** — The Honourable Marsha Thomson moved, by leave, That the Drugs and Crime Prevention Committee have leave to sit during the sitting of the Council on Friday, 17 December 2004.

Question — put and resolved in the affirmative.

- 11 OCCUPATIONAL HEALTH AND SAFETY BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Business having been interrupted at 4.30 p.m. pursuant to Sessional Order 14 —*

Ms Candy Broad moved, That pursuant to Sessional Order 27(a) the sitting be extended to complete the unfinished Government Business Program determined on 14 December 2004.

Question — put and resolved in the affirmative.

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

Question — put.

The Council divided.

AYES, 23

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 Mr John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer (*Teller*)  
 Mr Robert Smith  
 Mr Adem Somyurek

NOES, 18

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum (*Teller*)  
 The Hon. Bill Forwood (*Teller*)  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. John Vogels

The Hon. Theo Theophanous  
The Hon. Marsha Thomson  
Mr Matt Viney (*Teller*)

And so it was resolved in the affirmative.

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

House in Committee.

*Business having been interrupted at 10.00 p.m. by the President pursuant to Sessional Order 14 —*

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

Statutory Rules under the following Acts of Parliament:

Agricultural and Veterinary Chemicals (Control of Use) Act 1992 — No. 155.

Confiscation Act 1997 — No. 164.

Evidence Act 1958 — No. 156.

Land Tax Act 1958 — Nos. 160 and 161.

Mental Health Act 1986 — No. 157.

Road Safety Act 1986 — Nos. 158 and 159.

Subordinate Legislation Act 1994 — Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 155 to 159 and No. 164.

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

Debate ensued.

And then the Council, at 10.35 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*

## **No. 98 — Friday, 17 December 2004**

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

**2 SAFETY ON PUBLIC LAND BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**3 ACCIDENT COMPENSATION LEGISLATION (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 4 OCCUPATIONAL HEALTH AND SAFETY BILL** — The Order of the Day having been read for the further consideration of this Bill in Committee of the whole, the President left the Chair.

House in Committee.

*Business having been interrupted at 4.00 p.m. by the Chair of Committees pursuant to Sessional Order 27(c) —*

The President resumed the Chair; and the Chair of Committees reported that the Committee had agreed to the Bill without amendment.

Question — That the Report be now adopted, that the Bill be now read a third time and that the Bill do pass — put.

The Council divided.

AYES, 24

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith (*Teller*)  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney (*Teller*)

NOES, 18

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood (*Teller*)  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips (*Teller*)  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

And then the Council, at 4.08 p.m., adjourned until Thursday, 24 February 2005 at 2.00 p.m. or until a day and hour to be fixed by the President, whichever is the earlier.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS No. 99

### No. 99 — Thursday, 24 February 2005

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 21 December 2004, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:  
*Accident Compensation Legislation (Amendment) Act*  
*Fair Trading (Enhanced Compliance) Act*  
*Gambling Regulation (Further Amendment) Act*  
*Heritage (World Heritage) Act*  
*Housing (Housing Agencies) Act*  
*Occupational Health and Safety Act*  
*Public Administration Act*  
*Safety on Public Land Act*  
*Transport Legislation (Amendment) Act.*
- 3 **SERIOUS SEX OFFENDERS MONITORING BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to enhance the protection of the community by requiring offenders who have served custodial sentences for certain sexual offences and who are a serious danger to the community to be subject to ongoing supervision while in the community, to amend the Corrections Act 1986 and the Sentencing Act 1991 and for other purposes* and desiring the agreement of the Council.  
On the motion of the Honourable Theo Theophanous, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **WATER EFFICIENCY LABELLING AND STANDARDS BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to provide for water efficiency labelling and the making of water efficiency standards and for other purposes* and desiring the agreement of the Council.  
On the motion of Ms Candy Broad, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 5 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03.
- 6 **PETITION — ROCHESTER HOSPITAL** — The Honourable Wendy Lovell presented a Petition bearing 2,175 signatures from certain citizens of Victoria praying that the Victorian Government orders the reopening of the Rochester Hospital operating theatre and provides all the necessary capital funds necessary for its upgrade to a full contemporary operating theatre.

Ordered to lie on the Table.



**7 PAPERS —**

**GEOFFREY GARDINER DAIRY FOUNDATION LIMITED** — The Honourable Theo Theophanous moved, by leave, That there be laid before this House a copy of the Geoffrey Gardiner Foundation Limited Report for 2003-04.

Question — put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable Theo Theophanous and ordered to lie on the Table.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE —**

**STATUTE LAW REVISION BILL** — The Honourable Lidia Argondizzo presented a report from the Scrutiny of Acts and Regulations Committee on the Statute Law Revision Bill, together with Appendices.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

**ALERT DIGESTS** — The Honourable Lidia Argondizzo presented the following Alert Digests from the Scrutiny of Acts and Regulations Committee:

Alert Digest No. 1 of 2005, together with Appendices.

Alert Digest No. 2 of 2005, together with Appendices.

Severally ordered to lie on the Table and to be printed.

\* \* \* \* \*

**ECONOMIC DEVELOPMENT COMMITTEE — LABOUR HIRE EMPLOYMENT —**

Pursuant to the *Parliamentary Committees Act 2003*, the Clerk presented an Interim Report, as amended, from the Economic Development Committee on Labour Hire Employment in Victoria, together with Appendices and Minutes of Evidence.

\* \* \* \* \*

**OMBUDSMAN** — Pursuant to the *Ombudsman Act 1973*, the Clerk presented the following reports from the Ombudsman:

Report on Essendon Rental Housing Co-operative, December 2004; and

Report on a Complaint about the Medical Practitioners Board of Victoria, December 2004.

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

Auditor-General — Report on Regulating operational rail safety, February 2005.

Commissioner for Environmental Sustainability — Strategic Audit of Victorian Government Agencies' Environmental Management Systems, January 2005.

Environment Protection Act 1970 — Order in Council of 14 December 2004 declaring the Waste Management Policy (Siting, Design and Management of Landfills).

Ethical Clothing Trades Council of Victoria — Report, 2004.

Greater Victoria Wine Grape Industry Development Committee — Minister for Agriculture's report of receipt of 2003-04 report.

Hesse Rural Health Service —

Minister's report of failure to submit 2003-04 report within the prescribed period and the reasons therefor.

Report, 2003-04.

Heywood Rural Health —

Minister's report of failure to submit 2003-04 report within the prescribed period and the reasons therefor.

Report, 2003-04.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3)(a)(iii) in relation to Statutory Rule No. 175/2004.

- Legal Practice Act 1996 — Practitioner Remuneration Order, 22 December 2004.
- Office of Police Integrity — Report on the leak of a sensitive Victoria Police information report, February 2005.
- Parliamentary Committees Act 2003 — Government response to recommendations in the Family and Community Development Committee's report on the Roles of Community Advisory Committees of Metropolitan Health Services.
- Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:
- Alpine Resorts Planning Scheme — Amendment C5.
  - Ararat Planning Scheme — Amendment C10.
  - Ballarat Planning Scheme — Amendments C71 and C73 (Part 1).
  - Baw Baw Planning Scheme — Amendment C30.
  - Bayside Planning Scheme — Amendment C40.
  - Bendigo — Greater Bendigo Planning Scheme — Amendment C37.
  - Boroondara Planning Scheme — Amendments C45 and C60.
  - Brimbank Planning Scheme — Amendment C32.
  - Cardinia Planning Scheme — Amendments C47 and C61.
  - Casey Planning Scheme — Amendments C62 and C63.
  - East Gippsland Planning Scheme — Amendment C32.
  - Frankston Planning Scheme — Amendment C21.
  - Gannawarra Planning Scheme — Amendments C7 and C10.
  - Geelong — Greater Geelong Planning Scheme — Amendments C49, C52 and C104.
  - Hobsons Bay Planning Scheme — Amendment C31 (Part 1).
  - Hume Planning Scheme — Amendment C46.
  - Kingston Planning Scheme — Amendment C10.
  - Latrobe Planning Scheme — Amendment C29.
  - Loddon Planning Scheme — Amendment C9.
  - Manningham Planning Scheme — Amendment C29.
  - Melbourne Planning Scheme — Amendments C99 to C101.
  - Mildura Planning Scheme — Amendments C26 and C29 (Part 1).
  - Monash Planning Scheme — Amendment C44.
  - Moonee Valley Planning Scheme — Amendments C35, C53 (Part 1) and C70.
  - Moorabool Planning Scheme — Amendment C28.
  - Moreland Planning Scheme — Amendments C28, C51 and C52.
  - Mornington Peninsula Planning Scheme — Amendment C71.
  - Mount Alexander Planning Scheme — Amendment C27.
  - Murrindindi Planning Scheme — Amendment C10.
  - Nillumbik Planning Scheme — Amendments C20 and C26.
  - Northern Grampians Planning Scheme — Amendment C4.
  - Port Phillip Planning Scheme — Amendment C51.
  - Shepparton — Greater Shepparton Planning Scheme — Amendments C46, C49 and C52.
  - South Gippsland Planning Scheme — Amendments C17, C24 and C25.
  - Strathbogie Planning Scheme — Amendments C17, C18 and C40.
  - Surf Coast Planning Scheme — Amendment C21.
  - Towong Planning Scheme — Amendments C5 (Part 2) and C12.
  - Victoria Planning Provisions — Amendment VC32.
  - Wangaratta Planning Scheme — Amendment C25.
  - Wellington Planning Scheme — Amendment C20.
  - West Wimmera Planning Scheme — Amendment C6.
  - Whitehorse Planning Scheme — Amendments C40 and C52 (Part 1).
  - Wodonga Planning Scheme — Amendment C29.
  - Wyndham Planning Scheme — Amendment C63.

- Planning and Environment Act 1987 — *continued*  
 Yarra Planning Scheme — Amendment C90.  
 Yarra Ranges Planning Scheme — Amendment C35 (Part 2).
- Prevention of Cruelty to Animals Act 1986 — Code of Practice for the Welfare of Animals on Private Game Reserves licensed to hunt game birds.
- Road Management Act 2004 —  
 Code of Practice for Management of Road and Utility Infrastructure in Road Reserves.  
 Code of Practice for Operational Responsibility for Public Roads.  
 Code of Practice for Worksite Safety – Traffic Management.
- Road Safety Act 1986 — Order in Council of 14 December 2004 declaring certain electric scooters not to be motor vehicles.
- Robinvale District Health Services —  
 Minister's report of failure to submit 2003-04 report within the prescribed period and the reasons therefor.  
 Report, 2003-04.
- Statutory Rules under the following Acts of Parliament:  
 Births, Deaths and Marriages Registration Act 1996 — No. 179/2004.  
 Building Act 1993 — No. 174/2004.  
 Co-operative Housing Societies Act 1958 — No. 3/2005.  
 Confiscation Act 1997 — No. 164/2004.  
 Conservation, Forests and Lands Act 1987 — No. 172/2004.  
 County Court Act 1958 — Nos. 180 and 181/2004.  
 Credit Act 1984 — No. 165/2004.  
 Credit (Administration) Act 1984 — No. 167/2004.  
 Domestic (Feral and Nuisance) Animals Act 1994 — No. 162/2004.  
 Electricity Safety Act 1998 — Nos. 182 and 183/2004.  
 Fair Trading Act 1999 — No. 168/2004.  
 Health Act 1958 — No. 4/2005.  
 Health Services Act 1988 — No. 173/2004.  
 Magistrates' Court Act 1989 — Nos. 163/2004 and 5/2005.  
 Motor Car Traders Act 1986 — No. 169/2004.  
 Petroleum Act 1998 — No. 6/2005.  
 Petroleum (Submerged Lands) Act 1982 — No. 175/2004.  
 Road Management Act 2004 — Nos. 176 and 177/2004.  
 Road Safety Act 1986 — Nos. 178 and 184/2004.  
 Second-Hand Dealers and Pawnbrokers Act 1989 — No. 170/2004.  
 Subordinate Legislation Act 1994 — Nos. 1 and 2/2005.  
 Travel Agents Act 1986 — Nos. 166 and 171/2004.
- Subordinate Legislation Act 1994 —  
 Ministers' exception certificates under section 8(4) in respect of Statutory Rule Nos. 154, 174, 180 and 181/2004 and Nos. 1, 2 and 5/2005.  
 Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 128, 162, 165 to 173 and 175 to 177/2004 and Nos. 4 and 6/2005.
- Wrongs Act 1958 — Notice of Scale of fees and costs for referrals of medical questions to medical panels, pursuant to section 28LXA of the Act.

\* \* \* \* \*

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

- Animals Legislation (Animal Welfare) Act 2003 — Section 20(1) — 16 December 2004 (*Gazette No. G51, 16 December 2004*).
- Public Administration Act 2004 — Sections 1, 2 and Part 9 — 21 December 2004 (*Gazette No. S275, 21 December 2004*).

Proclamations — *continued*

Royal Agricultural Showgrounds Act 2003 — Whole Act other than Part 6 — 30 December 2004 (*Gazette No. G52, 23 December 2004*).

Transport Accident (Amendment) Act 2004 — Sections 11 to 13 — 16 December 2004; sections 5, 6, 8, 9, 14, 15 and 17 — 1 January 2005; sections 10, 23 and 24 — 1 March 2005 (*Gazette No. G51, 16 December 2004*).

Transport Legislation (Amendment) Act 2004 — Part 12 — 1 February 2005 (*Gazette No. G3, 20 January 2005*).

World Swimming Championships Act 2004 — 16 February 2005 (*Gazette No. G6, 10 February 2005*).

- 8 CORRECTION OF BILL TITLES** — Mr John Lenders moved, by leave, That where a Bill has passed through both Houses and any title of the Bill includes a reference to a calendar year earlier than that in which passage of a Bill was completed, the Clerk of the Parliaments be empowered to alter the calendar year reference in the Bill title and any corresponding reference within the Bill itself to accord with the year in which its passage was completed.

Question — put and resolved in the affirmative.

- 9 SERIOUS SEX OFFENDERS MONITORING BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Theo Theophanous moved, That the Bill be now read a second time.

Debate ensued.

*Business having been interrupted at 4.30 p.m. pursuant to Sessional Order 14 —*

The Honourable Marsha Thomson moved, That the sitting be continued.

Question — put and resolved in the affirmative.

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

Question — put and resolved in the affirmative.

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

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 10 COURTS LEGISLATION (JUDICIAL APPOINTMENTS AND OTHER AMENDMENTS) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Constitution Act 1975, the County Court Act 1958, the Magistrates' Court Act 1989, the Court Security Act 1980, the Judicial Remuneration Tribunal Act 1995 and the Judicial Salaries Act 2004 to provide for acting judicial appointments and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 11 CORRECTIONS (TRANSITION CENTRES AND CUSTODIAL COMMUNITY PERMITS) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Corrections Act 1986 and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Theo Theophanous, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 12 RETIREMENT VILLAGES (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Retirement Villages Act 1986 and for other purposes* and desiring the agreement of the Council. On the motion of Mr John Lenders (for the Honourable Marsha Thomson), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 13 ANSWERS TO QUESTIONS ON NOTICE** — By leave, answers to certain questions on notice were circulated pursuant to Standing Order 6.07
- 14 ADJOURNMENT** — Mr John Lenders moved, That the Council, at its rising, adjourn until Tuesday, 22 March 2005.  
Question — put and resolved in the affirmative.  
Mr John Lenders moved, That the House do now adjourn.  
Debate ensued.  
Question — put and resolved in the affirmative.  
And then the Council, at 7.22 p.m., adjourned until Tuesday, 22 March 2005.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*



## LEGISLATIVE COUNCIL

### MINUTES OF THE PROCEEDINGS Nos. 100, 101 and 102

#### No. 100 — Tuesday, 22 March 2005

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACT** — The President read a Message from the Governor, informing the Council that he had, on 1 March 2005, given the Royal Assent to the undermentioned Act presented to him by the Clerk of the Parliaments:  
*Serious Sex Offenders Monitoring Act.*
- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.
- 4 **MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.
- 5 **PETITIONS** —  
**MOTOR VEHICLE REGISTRATION FEE** — The Honourable Ron Bowden presented a Petition bearing 103 signatures from certain citizens of Victoria requesting that the State Government abandon immediately the introduction of motor vehicle registration fees on low and fixed income people.

Ordered to lie on the Table.

\* \* \* \* \*

**WESTERN PORT HIGHWAY TRAFFIC LIGHTS** — The Honourable Ron Bowden presented a Petition bearing 25 signatures from certain citizens of Victoria requesting that the Victorian Government prevent the installation of traffic lights along the Western Port Highway at Lyndhurst (Dandenong/Hastings Road) due to growing community concerns.

Ordered to lie on the Table.

- 6 **PAPERS** —  
**MAGISTRATES' COURT OF VICTORIA** — Mr John Lenders (for the Honourable Justin Madden) presented by command of the Governor, the Report of the Magistrates' Court of Victoria for the year 2003-04.

Ordered to lie on the Table.

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**ROAD SAFETY COMMITTEE — CRASHES INVOLVING ROADSIDE OBJECTS** — The Honourable Graeme Stoney presented a Report from the Road Safety Committee on Crashes Involving Roadside Objects, together with Appendices and Minutes of Evidence.

Ordered to lie on the Table and the Report and Appendices to be printed.

The Honourable Graeme Stoney moved, That the Council take note of the Report.

Debate ensued.

Question — put and resolved in the affirmative.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — The Honourable Lidia Argondizzo presented Alert Digest No. 3 of 2005 from the Scrutiny of Acts and Regulations Committee, together with Appendices, an Extract from the Proceedings of the Committee and a Minority Report.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

**EDUCATION AND TRAINING COMMITTEE — SUITABILITY OF PRE-SERVICE TEACHER TRAINING** — Pursuant to the *Parliamentary Committees Act 2003*, the Clerk presented a Report from the Education and Training Committee on Suitability of Pre-Service Teacher Training in Victoria (including Appendices), together with Minutes of Evidence.

\* \* \* \* \*

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

Budget Sector — Mid-year Financial Report, 2004-05, incorporating the Quarterly Financial Report No. 2 for the period ended 31 December 2004.

Commonwealth Games Arrangements Act 2001 — Commonwealth Games Designated access area, Project and Venue Orders, pursuant to section 18 of the Act.

Interpretation of Legislation Act 1984 — Notices pursuant to section 32(3) in relation to Statutory Rule Nos. 111/2004 and 183/2004.

Murray-Darling Basin Commission — Report, 2003-04.

Ombudsman — Report on an Investigation into the Conduct of Council Officers in the Administration of the Shire of Melton, March 2005.

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

Cardinia Planning Scheme — Amendment C24.

Gannawarra Planning Scheme — Amendment C8.

Golden Plains Planning Scheme — Amendment C22.

Hobsons Bay Planning Scheme — Amendment C65.

Maroondah Planning Scheme — Amendments C38 and C40.

Monash Planning Scheme — Amendment C61.

Port of Melbourne Planning Scheme — Amendment L37.

Shepparton — Greater Shepparton Planning Scheme — Amendments C58 and C62.

Stonnington Planning Scheme — Amendment C6 Part 2B.

Surf Coast Planning Scheme — Amendment C14 Part 1.

Whittlesea Planning Scheme — Amendment C5.

Wodonga Planning Scheme — Amendments C33 and C43.

Yarra Ranges Planning Scheme — Amendment C47.

Statutory Rules under the following Acts of Parliament:

Supreme Court Act 1986 — Crimes Act 1958 — No. 7.

Surveying Act 2004 — No. 8.

Subordinate Legislation Act 1994 —

Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 7/2005.

Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 179/2004.

Wildlife Act 1975 — Notice of control of hunting, No. 1/2005, 2 March 2005.

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

Construction Industry Long Service Leave (Amendment) Act 2004 — 1 March 2005 (*Gazette G8, 24 February 2005*).

**7 SESSIONAL ORDERS** — Mr John Lenders moved, That the Sessional Orders of the Council, adopted on 26 February 2003 and amended on 31 March 2004, be further amended as follows:

**Days and hours of meeting**

1. In Sessional Order 1, insert the following new paragraph at the end of the Sessional Order:

“At any time a Minister may move without leave a motion to set the day and time of the next meeting of the Council provided there is no question before the Chair.”

**General Business**

2. Omit Sessional Order 7 and insert:

“Of the time allocated for consideration of a General Business matter under Sessional Order 5 –

- (a) Not more than 70 minutes will be available to the party of the mover of the motion, not more than 60 minutes will be available to the Government party and not more than 45 minutes will be available to other non-Government parties and when any of these time limits are reached the Chair must call the next speaker; and
- (b) Notwithstanding the time limits in paragraph (a), if any party does not use all of its allocated time under paragraph (a), the Chair will allocate that party’s remaining unused time among any other Members wishing to speak for or against the question; and
- (c) Not less than five minutes must be given to the mover of the motion to exercise his or her right of reply prior to the question being put.”

**Statements on reports and papers**

3. Omit Sessional Order 17 and insert:

- “(a) Following Members’ Statements on Thursdays, any Member may make a statement on any report or paper which has been tabled in the Council during the Session. A Member must give not less than one day’s notice of a report or paper proposed for discussion and may propose not more than one report or paper for discussion each week.
- (b) A statement on a report or paper will not exceed 5 minutes.
- (c) The time allocated for discussion on reports and papers may not exceed 60 minutes, and 30 minutes in the final sitting week of each Autumn and Spring sitting period.
- (d) Nothing in this Sessional Order will preclude a Member from –
  - (i) giving notice of a report previously discussed on a Thursday; or
  - (ii) giving notice of a motion to take note of a report or paper for consideration during General Business.
- (e) Subject to the provisions of Sessional Order 41, a Member may also make a statement under this Sessional Order regarding the failure of a Minister to provide either an answer or an explanation to a question.”



### Extension of Government Business Program

4. Insert the following new paragraph to follow paragraph (c) of Sessional Order 27:

“(d) In any sitting of the Council in order to complete the Government Business Program under this Sessional Order, the President may announce to the Council the receipt of any Messages from the Assembly and any Bills transmitted will be read a first time and their second reading made an Order of the Day for the next day of meeting.”

### Time limits on speeches

5. In paragraph (b) of Sessional Order 33 after “five minutes.” insert:  
“Of that 30 minutes, not more than two minutes will be given to the mover of the motion to exercise his or her right of reply.”

Debate ensued.

Question — put.

The Council divided.

AYES, 28

The Hon. Lidia Argondizzo  
The Hon. W.R. Baxter  
The Hon. Barry Bishop (*Teller*)  
Ms Candy Broad  
The Hon. Helen Buckingham (*Teller*)  
Ms Elaine Carbines  
The Hon. Kaye Darveniza  
The Hon. Damian Drum  
The Hon. John Eren  
Ms Dianne Hadden  
The Hon. Peter Hall  
The Hon. Geoff Hilton  
Ms Carolyn Hirsh  
Mr Gavin Jennings  
Mr John Lenders  
The Hon. John McQuilten  
The Hon. Justin Madden  
Ms Jenny Mikakos  
The Hon. Robert Mitchell  
The Hon. Sang Nguyen  
Mr Noel Pullen  
Ms Glenyys Romanes  
Mr Johan Scheffer  
Mr Robert Smith  
Mr Adem Somyurek  
The Hon. Theo Theophanous  
The Hon. Marsha Thomson  
Mr Matt Viney

NOES, 15

The Hon. Bruce Atkinson  
The Hon. Ron Bowden  
The Hon. Andrew Brideson  
The Hon. Andrea Coote  
The Hon. Richard Dalla-Riva  
The Hon. David Davis  
The Hon. Philip Davis  
The Hon. Bill Forwood  
The Hon. David Koch (*Teller*)  
The Hon. Wendy Lovell (*Teller*)  
The Hon. Andrew Olexander  
The Hon. Gordon Rich-Phillips  
The Hon. Graeme Stoney  
The Hon. C.A. Strong  
The Hon. John Vogels

And so it was resolved in the affirmative.

- 8 WATER EFFICIENCY LABELLING AND STANDARDS BILL** — The Order of the Day having been read for the second reading of this Bill, Ms Candy Broad moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Andrea Coote (for the Honourable Graeme Stoney), the debate was adjourned until the next day of meeting.

- 9 RETIREMENT VILLAGES (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Marsha Thomson moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Marsha Thomson moved, That the Bill be now read a second time.

On the motion of the Honourable Wendy Lovell, the debate was adjourned until the next day of meeting.

- 10 CORRECTIONS (TRANSITION CENTRES AND CUSTODIAL COMMUNITY PERMITS) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Theo Theophanous) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Richard Dalla-Riva, the debate was adjourned until the next day of meeting.

- 11 COURTS LEGISLATION (JUDICIAL APPOINTMENTS AND OTHER AMENDMENTS) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable C.A. Strong, the debate was adjourned until the next day of meeting.

- 12 STATUTE LAW REVISION BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That the Bill be transmitted to the Assembly with a Message desiring their concurrence.

- 13 ADJOURNMENT** — The Honourable Marsha Thomson moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 5.35 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 101 — Wednesday, 23 March 2005

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

- 2** **OUTWORKERS (IMPROVED PROTECTION) (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend*

*the Outworkers (Improved Protection) Act 2003 to ensure that outworkers receive the minimum entitlements contained in any relevant federal awards and for other purposes and desiring the agreement of the Council.*

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

- 3 GEOTHERMAL ENERGY RESOURCES BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to facilitate and regulate geothermal energy exploration and extraction in Victoria, to amend the Petroleum (Submerged Lands) Act 1982 and for other purposes and desiring the agreement of the Council.*

On the motion of the Honourable Theo Theophanous, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 4 CHARITIES (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to make miscellaneous amendments to the Charities Act 1978 and for other purposes and desiring the agreement of the Council.*

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 5 PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk:

Auditor-General — Report on Managing patient safety in public hospitals, March 2005.

- 6 MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

- 7 BUSINESS POSTPONED** —

Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 and 2, Nos. 23 to 25 inclusive, and Nos. 28 to 31 inclusive, be postponed until the next day of meeting.

Ordered — That the consideration of Notices of Motion, General Business, Nos. 3 to 22 inclusive, and Nos. 26 and 27, be postponed until later this day.

- 8 COUNTRY HOSPITALS AND HEALTH SERVICES** — The Honourable David Davis moved, That this House expresses its grave concern at the Victorian Government's continuing attack on country hospitals and health services and draws specific attention to —

- (1) the Government's decision to force the closure of the operating theatres at Rochester and Elmore District Health Service and at the Kooweerup Hospital;
- (2) the Government's mismanagement of the Portland Hospital in reprehensibly allowing a dispute to threaten services at the hospital;
- (3) the concerning increase in waiting times at Victorian country hospitals and their emergency departments as reported in recent Government reports, particularly the 2,000 per cent increase in the number of patients waiting more than 12 hours on a trolley in emergency; and
- (4) the Government's connivance in the closure, without consultation, of key country blood donor collection centres;

and calls on the Government to reverse its policies of cutting and closing critical country services, particularly acute and surgical health services and obstetrics, and to undertake full prior parliamentary consultation with the affected communities before any significant future changes to country health services.

Debate ensued.

Question — put.

The Council divided.

## AYES, 17

The Hon. W.R. Baxter  
 The Hon. Ron Bowden (*Teller*)  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood (*Teller*)  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

## NOES, 23

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines (*Teller*)  
 The Hon. Kaye Darveniza (*Teller*)  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

And so it passed in the negative.

- 9 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.
- 10 WATER EFFICIENCY LABELLING AND STANDARDS BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.  
 Debate resumed.  
 Question — put and resolved in the affirmative.  
 Bill read a second time and, by leave, read a third time and passed.  
 Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 11 RETIREMENT VILLAGES (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.  
 Debate resumed.  
 Question — put and resolved in the affirmative.  
 Bill read a second time and committed to a Committee of the whole.  
 House in Committee.  
 The President resumed the Chair; and the Acting Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.  
 Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**12 CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Classification (Publications, Films and Computer Games) (Enforcement) Act 1995, the Crimes Act 1958 and the Confiscation Act 1997 and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Marsha Thomson (for the Honourable Justin Madden), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**13 HEALTH (COMPULSORY TESTING) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Health Act 1958 to make further provision for the compulsory testing of patients for specified infectious diseases* and desiring the agreement of the Council.

On the motion of the Honourable Marsha Thomson (for Mr Gavin Jennings), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**14 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 3, be postponed until the next day of meeting.

**15 CORRECTIONS (TRANSITION CENTRES AND CUSTODIAL COMMUNITY PERMITS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — That the Bill be now read a second time — put and resolved in the affirmative.

Question — That the Bill be now read a third time, by leave, and that the Bill do pass — put.

The Council divided.

AYES, 24

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren (*Teller*)  
 Ms Dianne Hadden (*Teller*)  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek

NOES, 19

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson (*Teller*)  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva (*Teller*)  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

The Hon. Theo Theophanous  
The Hon. Marsha Thomson  
Mr Matt Viney

And so it was resolved in the affirmative.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 16 NATIONAL ELECTRICITY (VICTORIA) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to make provision for the operation of the national electricity market, to repeal the National Electricity (Victoria) Act 1997, to amend the Electricity Industry Act 2000, the Electricity Industry (Residual Provisions) Act 1993 and the Interpretation of Legislation Act 1984 and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Theo Theophanous, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

*Business having been interrupted at 10.00 p.m. by the President pursuant to Sessional Order 14 —*

- 17 ADJOURNMENT** — The President proposed the question, That the House do now adjourn.

Debate ensued.

And then the Council, at 10.25 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 102 — Thursday, 24 March 2005

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

- 2 **PETITION — HARNESS RACING AT BOORT** — The Honourable Damian Drum presented a Petition bearing 136 signatures from certain citizens of Victoria requesting that the Minister for Racing withdraw his support for the V3 scheme and do his utmost to reinstate harness racing at Boort.

Ordered to lie on the Table.

- 3 **PAPERS —**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ANNUAL REVIEW 2004** — The Honourable Lidia Argondizzo presented the Annual Review 2004 Report from the Scrutiny of Acts and Regulations Committee, together with Appendices.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

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

Commonwealth Games Arrangements Act 2001 — Commonwealth Games Venue and Project Orders, pursuant to section 18 of the Act.

Statutory Rules under the following Acts of Parliament:

Fisheries Act 1995 — No. 9.

Magistrates' Court Act 1989 — No. 10.

- 4 **MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

- 5 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Honourable Members pursuant to Sessional Order 17.
- 6 OUTWORKERS (IMPROVED PROTECTION) (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden (for Mr Gavin Jennings) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.  
Question — put and resolved in the affirmative.  
The Honourable Justin Madden moved, That the Bill be now read a second time.  
On the motion of the Honourable C.A. Strong, the debate was adjourned until the next day of meeting.
- 7 GEOTHERMAL ENERGY RESOURCES BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden (for the Honourable Theo Theophanous) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.  
Question — put and resolved in the affirmative.  
The Honourable Justin Madden moved, That the Bill be now read a second time.  
On the motion of the Honourable Graeme Stoney (for the Honourable Bill Forwood), the debate was adjourned until the next day of meeting.
- 8 CHARITIES (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.  
Question — put and resolved in the affirmative.  
The Honourable Justin Madden moved, That the Bill be now read a second time.  
On the motion of the Honourable C.A. Strong, the debate was adjourned until the next day of meeting.
- 9 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 4, be postponed until later this day.
- 10 HEALTH (COMPULSORY TESTING) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden (for Mr Gavin Jennings) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.  
Question — put and resolved in the affirmative.  
The Honourable Justin Madden moved, That the Bill be now read a second time.  
On the motion of the Honourable Graeme Stoney (for the Honourable David Davis), the debate was adjourned until the next day of meeting.
- 11 NATIONAL ELECTRICITY (VICTORIA) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden (for the Honourable Theo Theophanous) moved, That, pursuant to Sessional Order 34, the second reading speech (except for the statement under section 85 (5) of the *Constitution Act 1975*) be incorporated into Hansard.  
Question — put and resolved in the affirmative.  
The Honourable Justin Madden moved, That the Bill be now read a second time.  
The Honourable Justin Madden made a statement pursuant to section 85 (5) of the *Constitution Act 1975* on the reasons for altering or varying this section.  
On the motion of the Honourable Graeme Stoney (for the Honourable Bill Forwood), the debate was adjourned until the next day of meeting.
- 12 COURTS LEGISLATION (JUDICIAL APPOINTMENTS AND OTHER AMENDMENTS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.  
Debate resumed.

Question — put.

The Council divided.

AYES, 24

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton (*Teller*)  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten (*Teller*)  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

NOES, 19

The Hon. Bruce Atkinson (*Teller*)  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva (*Teller*)  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative.

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

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council.

Question — That the Bill do pass — put.

The Council divided.

AYES, 24

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders

NOES, 19

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis (*Teller*)  
 The Hon. Philip Davis  
 The Hon. Damian Drum (*Teller*)  
 The Hon. Bill Forwood



The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos (*Teller*)  
 The Hon. Robert Mitchell (*Teller*)  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**13 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

**14 CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable C.A. Strong, the debate was adjourned until the next day of meeting.

**15 ADJOURNMENT** — Mr John Lenders moved, That the Council, at its rising, adjourn until Tuesday, 19 April 2005.

Question — put and resolved in the affirmative.

Mr John Lenders moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 3.27 p.m., adjourned until Tuesday, 19 April 2005.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*



## LEGISLATIVE COUNCIL

### MINUTES OF THE PROCEEDINGS Nos. 103, 104 and 105

#### No. 103 — Tuesday, 19 April 2005

- 1 The President took the Chair and read the Prayer.
- 2 **THE LATE REVEREND DR JOHN DAVIS McCAUGHEY, AC** — Mr John Lenders moved, That this House expresses its sincere sorrow at the death, on 25 March 2005, of the Reverend Dr John Davis McCaughey, AC, and places on record its acknowledgement of the valuable services rendered by him to the people of Victoria as Governor of Victoria from 1986 to 1992.  
And other Honourable Members and the President having addressed the House —  
The question was put and, Honourable Members signifying their assent by rising in their places, unanimously resolved in the affirmative.
- 3 **THE LATE HIS HOLINESS POPE JOHN PAUL II** — Mr John Lenders moved, That this House expresses its sincere sorrow at the death, on 2 April 2005, of His Holiness Pope John Paul II and extends its deep sympathy to all members of the Catholic community on the loss of their spiritual leader.  
And other Honourable Members having addressed the House —  
The question was put and, Honourable Members signifying their assent by rising in their places, unanimously resolved in the affirmative.
- 4 **ADJOURNMENT** — Mr John Lenders moved, That as a further mark of respect to the memories of the late Reverend Dr John Davis McCaughey, AC, and His Holiness Pope John Paul II the House do now adjourn for one hour.  
Question — put and resolved in the affirmative.  
And then the Council, at 3.28 p.m. adjourned until this day at 4.28 p.m.

- 
- 1 The President took the Chair.
  - 2 **ASSENT TO ACTS** — The President read a Message from the Governor, informing the Council that he had, on 5 April 2005, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:  
*Corrections (Transition Centres and Custodial Community Permits) Act*  
*Courts Legislation (Judicial Appointments and Other Amendments) Act*  
*Retirement Villages (Amendment) Act*  
*Water Efficiency Labelling and Standards Act.*
  - 3 **MITCHAM-FRANKSTON PROJECT (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill to amend the *Mitcham-Frankston Project Act 2004*, the *Road Management Act 2004* and the *Southern and Eastern Integrated Transport Authority Act 2003* and for other purposes and desiring the agreement of the Council.  
On the motion of Ms Candy Broad, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**4 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

**5 MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

**6 PAPERS** —

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — BUDGET OUTCOMES, 2003-04** — The Honourable Bill Forwood presented a Report from the Public Accounts and Estimates Committee on the 2003-04 Budget Outcomes (including Appendices).

Ordered to lie on the Table and to be printed.

The Honourable Bill Forwood moved, That the Council take note of the Report.

Debate ensued.

Question — put and resolved in the affirmative.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — The Honourable Lidia Argondizzo presented Alert Digest No. 4 of 2005 from the Scrutiny of Acts and Regulations Committee (including Appendices).

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

**ECONOMIC DEVELOPMENT COMMITTEE — ECONOMIC CONTRIBUTION OF VICTORIA'S CULTURALLY DIVERSE POPULATION** — Pursuant to the *Parliamentary Committees Act 2003*, the Clerk presented a copy of the Government's response to recommendations in the Economic Development Committee's Report on the Economic Contribution of Victoria's Culturally Diverse Population.

\* \* \* \* \*

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

Medical Practitioners Board of Victoria — Report for the year ended 30 September 2004.

Mitcham-Frankston Project Act 2004 — Orders in Council of 16 March 2005 varying the Project Area and Extended Project Area (two papers).

National Environment Protection Council — Report, 2003-04.

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

Ararat Planning Scheme — Amendment C8.

Ballarat Planning Scheme — Amendment C65.

Banyule Planning Scheme — Amendment C6.

Bendigo — Greater Bendigo Planning Scheme — Amendments C40 and C59.

Boroondara Planning Scheme — Amendments C44 and C47.

Brimbank Planning Scheme — Amendment C69.

Campaspe Planning Scheme — Amendment C32.

Cardinia Planning Scheme — Amendments C50 and C57.

Casey Planning Scheme — Amendment C65.

East Gippsland Planning Scheme — Amendment C44.

Geelong — Greater Geelong Planning Scheme — Amendments C87, C88 and C92.

Glen Eira Planning Scheme — Amendment C44.

Hume Planning Scheme — Amendment C54.

Knox Planning Scheme — Amendment C37.

Planning and Environment Act 1987 — *continued*

Latrobe Planning Scheme — Amendment C37.

Loddon Planning Scheme — Amendment C11.

Macedon Ranges Planning Scheme — Amendments C31 and C36.

Manningham Planning Scheme — Amendment C45.

Mansfield Planning Scheme — Amendment C4.

Melbourne Planning Scheme — Amendment C94.

Port Phillip Planning Scheme — Amendment C50.

Surf Coast Planning Scheme — Amendments C7 Part 1, C19 and C22.

Wyndham Planning Scheme — Amendment C49.

Statutory Rules under the following Acts of Parliament —

Fisheries Act 1995 — No. 12.

Forests Act 1958 — No. 13.

Magistrates' Court Act 1989 — No. 15.

Mineral Resources Development Act 1990 — No. 11.

Public Administration Act 2004 — No. 16.

Subordinate Legislation Act 1994 — No.14.

Subordinate Legislation Act 1994 —

Ministers' exception certificates under section 8(4) in respect of Statutory Rule Nos. 14 and 15.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 11, 12 and 16.

Victorian Environmental Assessment Council Act 2001 — Minister's response to submissions on the proposed Terms of Reference for the Riverine Red Gum Forests Investigation, pursuant to section 16(2) of the Act.

Wildlife Act 1975 — Notice of control of hunting, No. 2/2005, 11 March 2005.

\* \* \* \*

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

Primary Industries Legislation (Further Miscellaneous Amendments) Act 2004 — Section 55 — 1 April 2005 (*Gazette G12, 24 March 2005*).

Public Administration Act 2004 — Remaining provisions of Part 1 and Division 1 of Part 4 — 4 April 2005; remaining provisions except Part 5 — 5 April 2005; Part 5 — 1 July 2005 (*Gazette G13, 31 March 2005*).

**7 CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) (AMENDMENT) BILL** — The Order of the Day was read for the

resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put.

The Council divided.

AYES, 38

NOES, 1

The Hon. Lidia Argondizzo

Ms Dianne Hadden (*Teller*)

The Hon. Bruce Atkinson

The Hon. W.R. Baxter

The Hon. Barry Bishop

The Hon. Ron Bowden

The Hon. Andrew Brideson

Ms Candy Broad

The Hon. Helen Buckingham

Ms Elaine Carbines

The Hon. Andrea Coote

The Hon. Kaye Darveniza

The Hon. David Davis  
 The Hon. Damian Drum  
 The Hon. John Eren  
 The Hon. Bill Forwood (*Teller*)  
 The Hon. Peter Hall  
 The Hon. Geoff Hilton  
 Mr Gavin Jennings  
 The Hon. David Koch  
 Mr John Lenders  
 The Hon. Wendy Lovell  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 The Hon. Gordon Rich-Phillips  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith (*Teller*)  
 Mr Adem Somyurek  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney  
 The Hon. John Vogels

*[There being one member on the side of the Noes, the President directed that the Deputy Clerk act as a second teller for the Noes, pursuant to Standing Order 11.08].*

And so it was resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 8 OUTWORKERS (IMPROVED PROTECTION) (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Business having been interrupted at 10.00 p.m. by the President pursuant to Sessional Order 14, the debate stood adjourned in the name of the Honourable W.R. Baxter.*

- 9 ADJOURNMENT** — The President proposed the question, That the House do now adjourn.

Debate ensued.

And then the Council, at 10.36 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
 Clerk of the Legislative Council

**No. 104 — Wednesday, 20 April 2005**

- 1 The President took the Chair and read the Prayer.
- 2 **PETITION — HARNESS RACING AT HAMILTON** — The Honourable David Koch presented a Petition bearing 188 signatures from certain citizens of Victoria requesting that the Minister for Racing withdraw his support for the V3 scheme and do his utmost to reinstate harness racing at Hamilton.

Ordered to lie on the Table.

- 3 **PAPERS —**  
**DRUGS AND CRIME PREVENTION COMMITTEE — VIOLENCE ASSOCIATED WITH MOTOR VEHICLE USE** — Mr Johan Scheffer presented a Final Report from the Drugs and Crime Prevention Committee on Violence Associated with Motor Vehicle Use (including Appendices), together with Minutes of Evidence.

Ordered to lie on the Table and the Report to be printed.

Mr Johan Scheffer moved, That the Council take note of the Report.

Debate ensued.

Question — put and resolved in the affirmative.

\* \* \* \* \*

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

Auditor-General — Report on Management of Occupational Health and Safety in Local Government, April 2005.

Surveyor-General — Report on the Administration of the *Survey Co-Ordination Act 1958* for 2003-04.

- 4 **MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

- 5 **BUSINESS POSTPONED** —

Ordered — That the consideration of Notices of Motion, General Business, No. 2, Nos. 4 to 21 inclusive, and Nos. 25 and 26, be postponed until the next day of meeting.

Ordered — That the consideration of Notices of Motion, General Business, Nos. 1, 3, 22 to 24 inclusive, and Nos. 27 to 31 inclusive, be postponed until later this day.

- 6 **LOCAL GOVERNMENT MALADMINISTRATION** — The Honourable Bill Forwood moved, That this House —

(1) Expresses its grave concern at the maladministration of local government in Victoria by the Minister for Local Government as evidenced by —

- (a) the undermining of democratic local government processes by Mr. Steven Newnham, Cr. Mohammed Abbouche, Mr. Andres Puig and Mr. Craig Langdon, MP, all members of the Australian Labor Party, through their attempts to improperly influence mayoral elections in the Shire of East Gippsland and the City of Banyule, and their improper interference in planning decisions in various municipalities;
- (b) inadequate procedures for dealing with internal council boundary reviews;
- (c) the lack of accountability and transparency regarding the Hepburn Spa tender process; and
- (d) her failure to ensure that councils comply with the *Local Government Act 1989*;

- (2) Records its particular concern at serious allegations of corrupt behaviour against Cr Colin Brooks, current councillor in Banyule, former mayor and current electorate officer to the Minister for Community Services;
- (3) Censures the Minister for Local Government because of her persistent and partisan refusal to hold inquiries into this unacceptable behaviour of these members of the Australian Labor Party in order to protect her Australian Labor Party mates; and
- (4) Calls on the Minister for Local Government to immediately establish a judicial inquiry into the allegations of corrupt behaviour against Cr Colin Brooks.

Debate ensued.

Question — put.

The Council divided.

AYES, 19

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander (*Teller*)  
 The Hon. Gordon Rich-Phillips (*Teller*)  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

NOES, 22

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 The Hon. Geoff Hilton  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen (*Teller*)  
 Mr Noel Pullen (*Teller*)  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

And so it passed in the negative.

**7 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03.

**DAREBIN LAWN BOWLS RINK** — The Honourable Justin Madden having given answers to a question and a supplementary question without notice relating to the Darebin Lawn Bowls Rink —

The Honourable Bruce Atkinson moved, That the Minister's answers be taken into consideration on the next day of meeting.

Question — put and resolved in the affirmative.

**QUESTIONS** — Questions without notice continued and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

**8 MITCHAM-FRANKSTON PROJECT (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Ms Candy Broad moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Philip Davis, the debate was adjourned until the next day of meeting.

**9 OUTWORKERS (IMPROVED PROTECTION) (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put.

The Council divided.

AYES, 22

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 The Hon. Geoff Hilton  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer (*Teller*)  
 Mr Robert Smith  
 Mr Adem Somyurek (*Teller*)  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

NOES, 18

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter (*Teller*)  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong (*Teller*)

And so it was resolved in the affirmative.

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

House in Committee.

The Acting President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted.

Mr Gavin Jennings moved, That the Bill be now read a third time.

Question — That the Bill be now read a third time and that the Bill do pass — put.

The Council divided.

AYES, 22

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham (*Teller*)  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren

NOES, 18

The Hon. Bruce Atkinson (*Teller*)  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote



The Hon. Geoff Hilton  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney (*Teller*)

The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. Peter Hall (*Teller*)  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong

And so it was resolved in the affirmative.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**10 STATUTE LAW REVISION BILL** — The President announced the receipt of a Message from the Assembly informing the Council that they have agreed to this Bill without amendment.

**11 NATIONAL ELECTRICITY (VICTORIA) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — That the Bill be now read a second time — put and resolved in the affirmative.

The Honourable Theo Theophanous moved, by leave, That the Bill be now read a third time.

Question — put.

The Council divided.

AYES, 38

The Hon. Lidia Argondizzo  
 The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines (*Teller*)  
 The Hon. Andrea Coote  
 The Hon. Kaye Darveniza  
 The Hon. David Davis  
 The Hon. Damian Drum  
 The Hon. John Eren  
 The Hon. Bill Forwood  
 The Hon. Peter Hall

NOES, 1

Ms Dianne Hadden (*Teller*)

The Hon. Geoff Hilton  
Mr Gavin Jennings  
The Hon. David Koch (*Teller*)  
Mr John Lenders  
The Hon. Wendy Lovell  
The Hon. John McQuilten  
The Hon. Justin Madden  
Ms Jenny Mikakos  
The Hon. Robert Mitchell  
The Hon. Sang Nguyen  
The Hon. Andrew Olexander  
Mr Noel Pullen  
The Hon. Gordon Rich-Phillips  
Ms Glenyys Romanes  
Mr Johan Scheffer  
Mr Robert Smith  
Mr Adem Somyurek  
The Hon. Graeme Stoney  
The Hon. C.A. Strong  
The Hon. Theo Theophanous  
The Hon. Marsha Thomson  
Mr Matt Viney

[*There being one member on the side of the Noes, the President directed that the Deputy Clerk act as a second teller for the Noes, pursuant to Standing Order 11.08*].

And so it was resolved in the affirmative.

Bill read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 12 GEOTHERMAL ENERGY RESOURCES BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put.

The Council divided.

AYES, 38

The Hon. Lidia Argondizzo  
The Hon. Bruce Atkinson  
The Hon. W.R. Baxter  
The Hon. Barry Bishop  
The Hon. Ron Bowden  
The Hon. Andrew Brideson  
Ms Candy Broad  
The Hon. Helen Buckingham  
Ms Elaine Carbines  
The Hon. Andrea Coote  
The Hon. Kaye Darveniza (*Teller*)  
The Hon. David Davis  
The Hon. Philip Davis

NOES, 1

Ms Dianne Hadden (*Teller*)

The Hon. Damian Drum (*Teller*)  
 The Hon. John Eren  
 The Hon. Bill Forwood  
 The Hon. Geoff Hilton  
 Mr Gavin Jennings  
 The Hon. David Koch  
 Mr John Lenders  
 The Hon. Wendy Lovell  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 The Hon. Andrew Olexander  
 Mr Noel Pullen  
 The Hon. Gordon Rich-Phillips  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

*[There being one member on the side of the Noes, the President directed that the Usher of the Black Rod act as a second teller for the Noes, pursuant to Standing Order 11.08].*

And so it was resolved in the affirmative.

Bill read a second time.

*Business having been interrupted at 10.06 p.m. by the President pursuant to Sessional Order 14 —*

**13 ADJOURNMENT** — The Deputy President proposed the question, That the House do now adjourn.

Debate ensued.

And then the Council, at 10.30 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*

## **No. 105 — Thursday, 21 April 2005**

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

**2 PETITION — HARNESS RACING AT HAMILTON** — The Honourable David Koch presented a Petition bearing 258 signatures from certain citizens of Victoria requesting that the Minister for Racing withdraw his support for the V3 scheme and do his utmost to reinstate harness racing at Hamilton.

Ordered to lie on the Table.

**3 PAPERS —**

**VICTORIAN GOVERNMENT INDIGENOUS AFFAIRS** — Mr Gavin Jennings moved, by leave, that there be laid before this House a copy of the Victorian Government Indigenous Affairs Report, July 2002 – June 2004.

Question — put and resolved in the affirmative.

The said Report was thereupon presented by Mr Gavin Jennings and ordered to lie on the Table.

\* \* \* \* \*

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

Ballarat University — Report, 2004 (two papers).

Deakin University — Report, 2004.

La Trobe University — Report, 2004.

Melbourne University — Report, 2004.

Melbourne University Private Limited — Report, 2004.

Monash University — Report, 2004.

RMIT University — Report, 2004.

Statutory Rules under the following Acts of Parliament —  
Heritage Act 1995 — No. 18.

Victorian Civil and Administrative Tribunal Act 1998 — No. 17.

Swinburne University of Technology — Report, 2004.

Victoria University of Technology — Report, 2004.

**4 MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

**5 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Honourable Members pursuant to Sessional Order 17.

**6 GEOTHERMAL ENERGY RESOURCES BILL** — The Order of the Day having been read for the third reading of this Bill, the Honourable Marsha Thomson (for the Honourable Theo Theophanous) moved, by leave, That the Bill be now read a third time and that the Bill do pass.

Question — put and resolved in the affirmative.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**7 MITCHAM-FRANKSTON PROJECT (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Business having been interrupted at 2.02 p.m. pursuant to Sessional Order 8 —*

**8 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03.

**CONSUMER AFFAIRS INSPECTORS** — The Honourable Marsha Thomson having given answers to a question and a supplementary question without notice relating to the use of Consumer Affairs Inspectors on public holidays—

The Honourable Bill Forwood moved, That the Minister's answers be taken into consideration on the next day of meeting.

Question — put and resolved in the affirmative.

**QUESTIONS** — Questions without notice continued and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

**9 MITCHAM-FRANKSTON PROJECT (AMENDMENT) BILL** — Debate continued on the question, That the Bill be now read a second time.

On the motion of the Honourable Wendy Lovell, the debate was adjourned until the next day of meeting.

*Business having been interrupted at 4.39 p.m. by the President pursuant to Sessional Order 14 —*

- 10 SENTENCING (FURTHER AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to promote the recognition of victims in court processes, to amend the Sentencing Act 1991, the Children and Young Persons Act 1989, the Evidence Act 1958 and the Magistrates' Court Act 1989 and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 11 PARLIAMENTARY ADMINISTRATION BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to provide a framework for good governance in the administration of the Parliament of Victoria, to repeal the Parliamentary Officers Act 1975, to amend the Constitution Act 1975, the Long Service Leave Act 1992, the Parliamentary Committees Act 2003, the Public Administration Act 2004, the Terrorism (Community Protection) Act 2003 and certain other Acts and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Justin Madden (for Mr John Lenders), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 12 JUSTICE LEGISLATION (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Legal Aid Act 1978 to facilitate the provision of alternative dispute resolution programs by VLA, to amend the Summer Time Act 1972 and the Supreme Court Act 1986 to change standard time in Victoria from Greenwich Mean Time to Co-ordinated Universal Time, to amend the Victorian Law Reform Commission Act 2000 and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 13 LAND (REVOCAION OF RESERVATIONS) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to revoke the permanent reservation and the related Crown grant over part of land at Richmond, to revoke the permanent reservation over certain land at Sandhurst and to re-reserve that land temporarily and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 14 ADJOURNMENT** — The Honourable Justin Madden moved, That the Council, at its rising, adjourn until Tuesday, 3 May 2005.

Question — put and resolved in the affirmative.

The Honourable Justin Madden moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 5.23 p.m., adjourned until Tuesday, 3 May 2005.

W.R. TUNNECLIFFE  
Clerk of the Legislative Council



## LEGISLATIVE COUNCIL

### MINUTES OF THE PROCEEDINGS Nos. 106, 107 and 108

#### No. 106 — Tuesday, 3 May 2005

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor, informing the Council that he had, on 27 April 2005, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:  
*Classification (Publications, Films and Computer Games) (Enforcement) (Amendment) Act*  
*Geothermal Energy Resources Act*  
*National Electricity (Victoria) Act*  
*Outworkers (Improved Protection) (Amendment) Act*  
*Statute Law Revision Act.*
- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.
- 4 **MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.
- 5 **PAPERS** —  
**CHILDREN'S COURT OF VICTORIA** — Ms Candy Broad (for the Honourable Justin Madden) presented by command of the Governor, the Report of the Children's Court of Victoria for the year 2003-04.  
Ordered to lie on the Table.

\* \* \* \* \*

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

**ELECTRONIC DEMOCRACY** — The Honourable Lidia Argondizzo presented the Final Report from the Scrutiny of Acts and Regulations Committee on Victorian Electronic Democracy (including Appendices), together with Minutes of Evidence.

Ordered to lie on the Table and the Report to be printed.

The Honourable Lidia Argondizzo moved, That the Council take note of the Report.

Debate ensued.

Question — put and resolved in the affirmative.

\* \* \* \* \*

**ALERT DIGEST** — The Honourable Lidia Argondizzo presented Alert Digest No. 5 of 2005 from the Scrutiny of Acts and Regulations Committee (including Appendices).

Ordered to lie on the Table and to be printed.

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

- Adult Multicultural Education Services — Report, 2004.
- Bendigo Regional Institute of TAFE — Report, 2004.
- Box Hill Institute of TAFE — Report, 2004.
- Central Gippsland Institute of TAFE — Report, 2004.
- Centre for Adult Education — Report, 2004.
- Chisholm Institute of TAFE — Report, 2004.
- Driver Education Centre of Australia Ltd — Report, 2004.
- East Gippsland Institute of TAFE — Report, 2004.
- Gordon Institute of TAFE — Report, 2004.
- Goulburn Ovens Institute of TAFE — Report, 2004.
- Holmesglen Institute of TAFE — Report, 2004.
- Kangan Batman Institute of TAFE — Report, 2004 (two papers).
- Northern Melbourne Institute of TAFE — Report, 2004.
- Parliamentary Committees Act 2003 — Minister's response to recommendations in the Scrutiny of Acts and Regulations Committee report on the Review of Redundant and Unclear Legislation concerning the *Maintenance Act 1965*, *Marriage Act 1958* and the *Perpetuities and Accumulations Act 1968*.
- Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:
  - Ballarat Planning Scheme — Amendment C64.
  - Banyule Planning Scheme — Amendment C48.
  - Bayside Planning Scheme — Amendment C47.
  - Brimbank Planning Scheme — Amendment C32.
  - Colac Otway Planning Scheme — Amendment C33.
  - Corangamite Planning Scheme — Amendment C11.
  - Glenelg Planning Scheme — Amendment C19.
  - Horsham Planning Scheme — Amendment C21.
  - Maribyrnong Planning Scheme — Amendment C11.
  - Melbourne Planning Scheme — Amendment C88.
  - Moonee Valley Planning Scheme — Amendments C19 and C53 Part 2.
- Psychologists Registration Board of Victoria — Minister's report of receipt of 2004 report.
- South West Institute of TAFE — Report, 2004.
- Sunraysia Institute of TAFE — Report, 2004.
- Surveillance Devices Act 1999 — Reports, 2004, from the Chief Commissioner of Police, Chief Executive Officer of the Australian Crime Commission, the Director of Police Integrity, the Secretary of the Department of Sustainability and Environment and the Secretary of the Department of Primary Industries, pursuant to section 37 of the Act (five papers).
- William Angliss Institute of TAFE — Report, 2004.
- Wodonga Institute of TAFE — Report, 2004.

\* \* \* \*

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

- Water Efficiency Labelling and Standards Act 2005 — Remaining provisions — 29 April 2005 (*Gazette No. 17, 28 April 2005*).

**6 GOVERNMENT BUSINESS PROGRAM** — Ms Candy Broad moved, That, pursuant to Sessional Order 20, the Orders of the Day, Government Business, relating to the following Bills be considered and completed by 4.30 p.m. on Thursday, 5 May 2005:

- Mitcham-Frankston Project (Amendment) Bill
- Charities (Amendment) Bill
- Health (Compulsory Testing) Bill.

Debate ensued.

Question — put and resolved in the affirmative.

- 7 STANDING ORDERS COMMITTEE** — Ms Candy Broad moved, by leave, That the Honourables Andrea Coote and Graeme Stoney be discharged from the Standing Orders Committee and that the Honourables Philip Davis and Bill Forwood be appointed to that Committee.

Question — put and resolved in the affirmative.

- 8 SENTENCING (FURTHER AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Ms Candy Broad (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Andrea Coote (for the Honourable C.A. Strong), the debate was adjourned until the next day of meeting.

- 9 PARLIAMENTARY ADMINISTRATION BILL** — The Order of the Day having been read for the second reading of this Bill, Ms Candy Broad (for Mr John Lenders) moved, That, pursuant to Sessional Order 34, the second reading speech (except for the statement under section 85 (5) of the *Constitution Act 1975*) be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

Ms Candy Broad made a statement pursuant to section 85 (5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

On the motion of the Honourable Bill Forwood, the debate was adjourned until the next day of meeting.

- 10 JUSTICE LEGISLATION (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Ms Candy Broad (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Andrea Coote (for the Honourable C.A. Strong), the debate was adjourned until the next day of meeting.

- 11 LAND (REVOCATION OF RESERVATIONS) BILL** — The Order of the Day having been read for the second reading of this Bill, Ms Candy Broad (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Andrea Coote (for the Honourable David Davis), the debate was adjourned until the next day of meeting.

- 12 MITCHAM-FRANKSTON PROJECT (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put.

The Council divided.



## AYES, 26

The Hon. Lidia Argondizzo  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza (*Teller*)  
 The Hon. Damian Drum  
 The Hon. John Eren  
 The Hon. Peter Hall  
 The Hon. Geoff Hilton  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith (*Teller*)  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

And so it was resolved in the affirmative.

Bill read a second time.

Ms Candy Broad moved, by leave, That the Bill be now read a third time.

Question — That the Bill be now read a third time, by leave, and that the Bill do pass — put.

The Council divided.

## AYES, 26

The Hon. Lidia Argondizzo  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. Damian Drum  
 The Hon. John Eren  
 The Hon. Peter Hall  
 The Hon. Geoff Hilton (*Teller*)  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten (*Teller*)  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell

## NOES, 15

The Hon. Bruce Atkinson (*Teller*)  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. Philip Davis  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong (*Teller*)  
 The Hon. John Vogels

## NOES, 16

The Hon. Bruce Atkinson  
 The Hon. Ron Bowden (*Teller*)  
 The Hon. Andrew Brideson (*Teller*)  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

The Hon. Sang Nguyen  
Mr Noel Pullen  
Ms Glenyys Romanes  
Mr Johan Scheffer  
Mr Robert Smith  
Mr Adem Somyurek  
The Hon. Theo Theophanous  
The Hon. Marsha Thomson  
Mr Matt Viney

And so it was resolved in the affirmative.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 13 CHARITIES (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 14 HEALTH (COMPULSORY TESTING) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 15 ADJOURNMENT** — The Honourable Theo Theophanous moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 9.24 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*

## **No. 107 — Wednesday, 4 May 2005**

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

2 **PETITIONS** —

**KYNETON BOWLING CLUB** — Ms Dianne Hadden presented a Petition bearing 29 signatures from certain citizens of Victoria requesting that the Minister for Planning act in accordance with law and return the land leased by the Kyneton Bowling Club Inc. to its reserved purpose and revoke the appointment of the Shire of Macedon Ranges as the Committee of Management of that land under the *Crown Land (Reserves) Act 1978*.

Ordered to lie on the Table.

**HATTAH/NOWINGI TOXIC WASTE FACILITY** — The Honourable Damian Drum presented a Petition bearing 34 signatures from certain citizens of Victoria requesting that the Legislative Council abandon the proposal to place a toxic waste facility in the Mildura region.

Ordered to lie on the Table.

### 3 PAPERS —

**BUDGET PAPERS, 2005-06** — Mr John Lenders moved, by leave, That there be laid before this House a copy of the following 2005-06 Budget Papers:

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

Question — put and resolved in the affirmative.

The said papers were thereupon presented by Mr John Lenders and ordered to lie on the Table.

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

Question — put and resolved in the affirmative.

\* \* \* \* \*

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

Auditor-General — Report on Results of special reviews and other investigations, May 2005.

Prevention of Cruelty to Animals Act 1986 — Code of Practice for the Welfare of Rodeo and Rodeo School Livestock in Victoria (Revision 1).

**4 MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

**5 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 34 inclusive, be postponed until later this day.

**6 PUBLIC HOUSING** — The Honourable Wendy Lovell moved, That this House expresses its grave concern at the Victorian Government's failure to provide adequate public housing for low income Victorians and draws specific attention to —

- (1) the Government's failure to adequately invest in additional public housing stock;
- (2) the Government's failure to adequately invest in the maintenance of existing housing stock that has caused many homes to remain vacant for extended periods of time; and
- (3) the alarming increase in public housing waiting lists in rural and regional Victoria, where waiting lists have blown out from 4887 families in June 2000 to 7115 families in December 2004, and early waiting lists have blown out from 214 families in June 2000 to 1190 families in December 2004;

and calls on the Government to reverse the trend of waiting list increases and declining investment in public housing, by adequately investing in public housing stock to assist low income Victorian families.

Debate ensued.

Question — put.

The Council divided.

## AYES, 20

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva (*Teller*)  
 The Hon. David Davis (*Teller*)  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

## NOES, 22

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 The Hon. Geoff Hilton  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos (*Teller*)  
 The Hon. Robert Mitchell (*Teller*)  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

And so it passed in the negative.

**7 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

**8 LAND (REVOCATION OF RESERVATIONS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

The Honourable David Davis moved, as an amendment, That all the words after “That” be omitted with the view of inserting in their place “this Bill be withdrawn and redrafted to — (1) retain the provisions relating to the revocation of land at Sandhurst; and (2) take into account results of a comprehensive, independent and public investigation into alternative proposals which would avoid the alienation of public parkland in relation to the proposed road widening at Richmond”.

Debate ensued.

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

The Council divided.

## AYES, 22

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 The Hon. Geoff Hilton  
 Mr Gavin Jennings  
 Mr John Lenders

## NOES, 19

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis

The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen (*Teller*)  
 Mr Noel Pullen (*Teller*)  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell (*Teller*)  
 The Hon. Andrew Olexander (*Teller*)  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative — Amendment negatived.

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

The Council divided.

AYES, 25

The Hon. Lidia Argondizzo  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 The Hon. Peter Hall  
 The Hon. Geoff Hilton  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer (*Teller*)  
 Mr Robert Smith  
 Mr Adem Somyurek (*Teller*)  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

NOES, 16

The Hon. Bruce Atkinson  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips (*Teller*)  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels (*Teller*)

And so it was resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 9 COURTS LEGISLATION (JUDICIAL CONDUCT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill to amend the *Constitution Act 1975 to make fresh provision with respect to the grounds for the removal from office of judicial office holders, provide for the appointment of an investigating committee and give an entitlement to re-appointment to a judicial office*

*to the holder of an abolished judicial office, to amend the Supreme Court Act 1986, the County Court Act 1958, the Magistrates' Court Act 1989 and the Victorian Civil and Administrative Tribunal Act 1998 and for other purposes and desiring the agreement of the Council.*

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 10 LEGAL PROFESSION (CONSEQUENTIAL AMENDMENTS) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Legal Profession Act 2004 and to amend other Acts as a consequence of the passage of the Legal Profession Act 2004 and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 11 SENTENCING (FURTHER AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 12 ADJOURNMENT** — Ms Candy Broad moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 6.11 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 108 — Thursday, 5 May 2005

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

**2 PETITIONS** —

**HATTAH/NOWINGI TOXIC WASTE FACILITY** — The Honourable Barry Bishop presented a Petition bearing 38 signatures from certain citizens of Victoria requesting that the Legislative Council abandon the proposal to place a toxic waste facility in the Mildura region.

Ordered to lie on the Table.

\* \* \* \* \*

**WESTERN PORT HIGHWAY TRAFFIC LIGHTS** — The Honourable Ron Bowden presented a Petition bearing 27 signatures from certain citizens of Victoria requesting that the Victorian Government prevent the installation of traffic lights along the Western Port Highway at Lyndhurst (Dandenong/Hastings Road).

Ordered to lie on the Table.

- 3 MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

**4 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Honourable Members pursuant to Sessional Order 17.

**5 PARLIAMENTARY COMMITTEES APPOINTMENTS** — Mr John Lenders moved, That —

- (1) The Honourable Geoff Hilton be a member of the Law Reform Committee; and
- (2) Mr Adem Somyurek be a member of the Public Accounts and Estimates Committee.

The Honourable Philip Davis moved, That the debate be now adjourned.

Question — put.

The Council divided.

AYES, 19

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. Peter Hall (*Teller*)  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels (*Teller*)

NOES, 21

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham (*Teller*)  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 The Hon. Geoff Hilton  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney (*Teller*)

And so it passed in the negative.

Debate ensued on the question for the appointment of certain members to certain Parliamentary Committees.

*Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders —*

**6 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

**7 PARLIAMENTARY COMMITTEES APPOINTMENTS** — Debate continued on the question for the appointment of certain members to certain Parliamentary Committees.

Question — That —

- (1) The Honourable Geoff Hilton be a member of the Law Reform Committee; and
- (2) Mr Adem Somyurek be a member of the Public Accounts and Estimates Committee — put.

The Council divided.

## AYES, 20

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines (*Teller*)  
 The Hon. Kaye Darveniza  
 The Hon. Geoff Hilton  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten (*Teller*)  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

## NOES, 18

The Hon. Bruce Atkinson (*Teller*)  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop (*Teller*)  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. Peter Hall  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative.

- 8 COURTS LEGISLATION (JUDICIAL CONDUCT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Marsha Thomson (for the Honourable Justin Madden moved), That the Bill be now read a second time.

On the motion of the Honourable Andrea Coote (for the Honourable C.A. Strong), the debate was adjourned until the next day of meeting.

- 9 LEGAL PROFESSION (CONSEQUENTIAL AMENDMENTS) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Justin Madden) moved, That the Bill be now read a second time.

On the motion of the Honourable C.A. Strong, the debate was adjourned until the next day of meeting.

- 10 ADJOURNMENT** — Mr John Lenders moved, That the Council, at its rising, adjourn until Tuesday, 17 May 2005.

Question — put and resolved in the affirmative.

Mr John Lenders moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 4.53 p.m., adjourned until Tuesday, 17 May 2005.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*





## LEGISLATIVE COUNCIL

### MINUTES OF THE PROCEEDINGS Nos. 109, 110 and 111

#### No. 109 — Tuesday, 17 May 2005

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Lieutenant-Governor, as the Governor's deputy, informing the Council that she had, on 10 May 2005, given the Royal Assent to the undermentioned Acts presented to her by the Clerk of the Parliaments:  
*Charities (Amendment) Act*  
*Health (Compulsory Testing) Act*  
*Land (Revocation of Reservations) Act*  
*Mitcham-Frankston Project (Amendment) Act*  
*Sentencing (Further Amendment) Act.*
- 3 **CHILDREN AND YOUNG PERSONS (MISCELLANEOUS AMENDMENTS) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Children and Young Persons Act 1989, the Children and Young Persons (Age Jurisdiction) Act 2004, the Children and Young Persons (Koori Court) Act 2004, the Bail Act 1977, the Road Safety Act 1986, the Melbourne City Link Act 1995 and the Mitcham-Frankston Project Act 2004 and for other purposes and desiring the agreement of the Council.*  
On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 4 **LONG SERVICE LEAVE (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Long Service Leave Act 1992 to make the law relating to long service leave more consistent with modern working practices and for other purposes and desiring the agreement of the Council.*  
On the motion of Mr Gavin Jennings, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 5 **MAGISTRATES' COURT (JUDICIAL REGISTRARS AND COURT RULES) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Magistrates' Court Act 1989 so as to provide for the appointment of, and the powers exercisable by, judicial registrars in the Magistrates' Court and for the making of rules of court in relation to criminal proceedings in the Magistrates' Court and for other purposes and desiring the agreement of the Council.*  
On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 6 **APPOINTMENT OF OFFICERS** — The President announced to the Council that she had appointed Dr Stephen Carl Redenbach as Assistant Clerk – Procedure and

Usher of the Black Rod and Mr Andrew Young as Assistant Clerk – Committees with effect from 23 May 2005.

**7 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

**8 MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

**9 PETITION — PETERBOROUGH SEWERAGE CONNECTION** — The Honourable John Vogels presented a Petition bearing 120 signatures from certain citizens of Victoria praying for immediate intervention and action by the State Government to ensure that Peterborough is included in the \$30 million allocated for protecting the environment and is awarded no less than what is being offered to other small town sewerage projects throughout Victoria.

Ordered to lie on the Table.

**10 PAPERS** —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** —

**REGULATIONS ANNUAL REVIEW** — The Honourable Lidia Argondizzo presented the Annual Review 2004, from the Scrutiny of Acts and Regulations Committee on Regulations 2004, (including Appendices).

Ordered to lie on the Table and the Report to be printed.

\* \* \* \* \*

**ALERT DIGEST** — The Honourable Lidia Argondizzo presented Alert Digest No. 6 of 2005 from the Scrutiny of Acts and Regulations Committee, (including Appendices).

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — BUDGET ESTIMATES, 2004-05** — Pursuant to the *Parliamentary Committees Act 2003*, the Clerk presented a copy of the Government's response to recommendations in the Public Accounts and Estimates Committee's Report on the 2004-05 Budget Estimates.

\* \* \* \* \*

**OUTER SUBURBAN/INTERFACE SERVICES AND DEVELOPMENT COMMITTEE — SUSTAINABLE URBAN DESIGN FOR NEW COMMUNITIES IN OUTER SUBURBAN AREAS** — Pursuant to the *Parliamentary Committees Act 2003*, the Clerk presented a copy of the Government's response to recommendations in the Outer Suburban/Interface Services and Development Committee's Report on Sustainable Urban Design for new Communities in Outer Suburban Areas.

\* \* \* \* \*

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

Commonwealth Games Arrangements Act 2001 — Commonwealth Games Venue and Project Orders, pursuant to section 18 of the Act.

Northern Victoria Fresh Tomato Industry Development Committee — Minister's report of receipt of the 2003-04 report.

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

Banyule Planning Scheme — Amendment C35.

Bass Coast Planning Scheme — Amendment C28.

Benalla Planning Scheme — Amendment C12.

Casey Planning Scheme — Amendment C58.

- Planning and Environment Act 1987 — *continued*  
 Hepburn Planning Scheme — Amendment C19.  
 Hume Planning Scheme — Amendment C58.  
 Kingston Planning Scheme — Amendment C49.  
 Latrobe Planning Scheme — Amendment C28.  
 Maroondah Planning Scheme — Amendment C43.  
 Mount Alexander Planning Scheme — Amendment C28.  
 Moyne Planning Scheme — Amendment C8.  
 Shepparton — Greater Shepparton Planning Scheme — Amendments C34 and C60.  
 South Gippsland Planning Scheme — Amendment C20.  
 Stonnington Planning Scheme — Amendment C18.  
 Yarra Ranges Planning Scheme — Amendments C38 and C50.
- Statutory Rules under the following Acts of Parliament —  
 Casino Control Act 1991 — No. 21.  
 Fair Trading Act 1999 — No. 23.  
 Parliamentary Committees Act 2003 — No. 25.  
 Parliamentary Salaries and Superannuation Act 1968 — Interpretation of Legislation Act 1984 — No. 24.  
 Racing Act 1958 — No 20.  
 Subordinate Legislation Act 1994 — No. 26.  
 Transport Act 1983 — No. 19.
- Subordinate Legislation Act 1994 —  
 Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 26.  
 Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 19, 20, 24 and 25.
- Victorian Environmental Assessment Council Act 2001 — Minister's request for the Victorian Environmental Assessment Council to investigate the Riverine Red Gum Forests, pursuant to section 16(1) of the Act.

\* \* \* \*

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

- Architects (Amendment) Act 2004 — 14 June 2005 (*Gazette No. G18, 5 May 2005*).
- Building (Amendment) Act 2004 — Remaining provisions — 14 June 2005 — (*Gazette No. G18, 5 May 2005*).
- Retirement Villages (Amendment) Act 2005 — Sections 1 to 5, 6(1), 9, 11, 13, 15 and 17 to 24 — 23 May 2005 (*Gazette No. 19, 12 May 2005*).

**11 JUSTICE LEGISLATION (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put.

The Council divided.

AYES, 27

The Hon. Lidia Argondizzo  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza

NOES, 16

The Hon. Bruce Atkinson  
 The Hon. Ron Bowden (*Teller*)  
 The Hon. Andrew Brideson (*Teller*)  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis

The Hon. Damian Drum  
 The Hon. John Eren (*Teller*)  
 The Hon. Peter Hall  
 The Hon. Geoff Hilton (*Teller*)  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 12 PARLIAMENTARY ADMINISTRATION BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

House in Committee.

The Acting President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted.

Ordered — That the Bill be read a third time on the next day of meeting.

- 13 COURTS LEGISLATION (JUDICIAL CONDUCT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Business having been interrupted at 10.00 p.m. by the President pursuant to Sessional Order 14, the debate stood adjourned in the name of Ms Jenny Mikakos.*

- 14 ELECTORAL LEGISLATION (FURTHER AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Electoral Act 2002, the Constitution Act 1975, the Constitution (Parliamentary Reform) Act 2003 and the Local Government Act 1989 and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

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

Debate ensued.

And then the Council, at 10.28 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 110 — Wednesday, 18 May 2005

1 The President took the Chair and read the Prayer.

2 **PETITIONS** —

**KYNETON BOWLING CLUB** — Ms Dianne Hadden presented a Petition bearing 125 signatures from certain citizens of Victoria requesting that the Minister for Planning act in accordance with law and return the land leased by the Kyneton Bowling Club Inc. to its reserved purpose and revoke the appointment of the Shire of Macedon Ranges as the Committee of Management of that land under the *Crown Land (Reserves) Act 1978*.

Ordered to lie on the Table.

\* \* \* \* \*

**HATTAH/NOWINGI TOXIC WASTE FACILITY** — The Honourables Wendy Lovell, Philip Davis and David Koch each presented a Petition bearing 10, 9, and 7, signatures, respectively, from certain citizens of Victoria requesting that the Legislative Council abandon the proposal to place a toxic waste facility in the Mildura region.

Ordered to lie on the Table.

3 **PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk:

Ombudsman — Review of Complaint Handling in Victorian Universities, May 2005.

4 **MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

5 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 33 inclusive, be postponed until later this day.

6 **PUBLIC LAND USE AND MANAGEMENT** — The Honourable Peter Hall moved, That this House condemns the State Government for its adoption of public land use and management practices that threaten aspects of Australian heritage and impact negatively on the environmental values of public land, and in particular, calls on the Government to —

- (1) immediately renew the 65 Alpine National Park grazing licences;
- (2) guarantee the continuation of grazing and selective timber harvesting in the Barmah Forest by ruling out the possibility of this Forest becoming a National Park; and
- (3) abandon plans for a toxic waste dump at Hattah/Nowingi in Victoria's Mallee region.

Debate ensued.

Question — put.

The Council divided.

AYES, 20

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter (*Teller*)  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva (*Teller*)  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

NOES, 23

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren (*Teller*)  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos (*Teller*)  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

And so it passed in the negative.

**7 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03.

**PALLIATIVE CARE** — Mr Gavin Jennings having given an answer to a question without notice relating to palliative care —

The Honourable Damian Drum moved, That the Minister's answer be taken into consideration on the next day of meeting.

Question — put and resolved in the affirmative.

**QUESTIONS** — Answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

**8 ELECTORAL LEGISLATION (FURTHER AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable C.A. Strong, the debate was adjourned until the next day of meeting.

**9 CHILDREN AND YOUNG PERSONS (MISCELLANEOUS AMENDMENTS) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable C.A. Strong, the debate was adjourned until the next day of meeting.

- 10 LONG SERVICE LEAVE (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for Mr Gavin Jennings) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable C.A. Strong, the debate was adjourned until the next day of meeting.

- 11 MAGISTRATES' COURT (JUDICIAL REGISTRARS AND COURT RULES) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable C.A. Strong, the debate was adjourned until the next day of meeting.

- 12 PARLIAMENTARY ADMINISTRATION BILL** — The Order of the Day having been read for the third reading of this Bill, Mr John Lenders moved, That the Bill be now read a third time.

Question — put and resolved in the affirmative.

Bill read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 13 COURTS LEGISLATION (JUDICIAL CONDUCT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

Bill read a second time.

Ordered — That the Bill be read a third time later this day.

- 14 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 7, be postponed until later this day.

- 15 BUDGET PAPERS, 2005-06** — The Order of the Day having been read for the consideration of the Budget Papers, 2005-06, Mr John Lenders moved, That the Council take note of the Budget Papers, 2005-06.

Debate ensued.

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

- 16 COURTS LEGISLATION (JUDICIAL CONDUCT) BILL** — The Order of the Day having been read for the third reading of this Bill, Mr John Lenders moved, That the Bill be now read a third time.

Question — put and resolved in the affirmative.

Bill 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 Council and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 17 LEGAL PROFESSION (CONSEQUENTIAL AMENDMENTS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 18 HIGHER EDUCATION ACTS (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend various Acts establishing Victorian universities to make further provision for their governance and operation and for other purposes* and desiring the agreement of the Council.

On the motion of Mr John Lenders (for the Honourable Theo Theophanous), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 19 COMMONWEALTH GAMES ARRANGEMENTS (MISCELLANEOUS AMENDMENTS) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Commonwealth Games Arrangements Act 2001 to provide for miscellaneous matters, including the management and regulation of areas being used for the Commonwealth Games and associated events, to exempt Commonwealth Games venues, facilities and other areas from various laws to facilitate the efficient delivery of the Games, to make various other amendments necessary for the effective conduct of the Commonwealth Games and associated events or the effective operation of that Act and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 20 BUDGET PAPERS, 2005-06** — The Order of the Day was read for the resumption of the debate on the question, That the Council take note of the Budget Papers, 2005-06.

Debate resumed.

*Business having been interrupted at 10.01 p.m. by the Deputy President pursuant to Sessional Order 14—*

- 21 ADJOURNMENT** — The Deputy President proposed the question, That the House do now adjourn.

Debate ensued.

And then the Council, at 10.29 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
Clerk of the Legislative Council

## No. 111 — Thursday, 19 May 2005

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



**2 PETITIONS —**

**RELIGIOUS EDUCATION** — The Honourable Wendy Lovell presented a Petition bearing 37 signatures from certain citizens of Victoria requesting that the Legislative Council take steps to ensure that there is no change to legislation which would diminish the status of religious education in Victorian schools and, on the contrary, requires the Government to provide additional funding for chaplaincy services in Victorian state schools.

Ordered to lie on the Table.

\* \* \* \* \*

**WESTERN PORT HIGHWAY TRAFFIC LIGHTS** — The Honourable Ron Bowden presented a Petition bearing 13 signatures from certain citizens of Victoria requesting that the Victorian Government prevent the installation of traffic lights along the Western Port Highway at Lyndhurst (Dandenong/Hastings Road).

Ordered to lie on the Table.

\* \* \* \* \*

**HARNESS RACING AT GUNBOWER** — The Honourable Damian Drum presented a Petition bearing 148 signatures from certain citizens of Victoria requesting that the Minister for Racing withdraw his support for the V3 scheme and do his utmost to reinstate harness racing at Gunbower.

Ordered to lie on the Table.

**3 PAPERS —**

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — CORPORATE GOVERNANCE IN THE PUBLIC SECTOR** — Ms Glenyys Romanes presented a Report from the Public Accounts and Estimates Committee on Corporate Governance in the Victorian Public Sector (including a Minority Report, Extracts from the Proceedings of the Committee and Appendices), together with Minutes of Evidence.

Ordered to lie on the Table and the Report to be printed.

Ms Glenyys Romanes moved, That the Council take note of the Report.

Debate ensued.

Question — put and resolved in the affirmative.

\* \* \* \* \*

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

Dunmunkle Health Services — Report, 2003-04.

Health Purchasing Victoria — Report, 2003-04.

Lake Mountain Alpine Resort Management Board — Report, 2003-04.

Lorne Community Hospital — Report, 2003-04.

Manangatang and District Hospital — Report, 2003-04.

Nathalia District Hospital — Report, 2003-04.

Omeo District Hospital — Report, 2003-04.

Otway Health and Community Services — Report, 2003-04.

South Gippsland Hospital — Report, 2003-04.

Statutory Rules under the following Acts of Parliament:

Retirement Villages Act 1986 — No. 29.

Sale of Land Act 1962 — No. 28.

Supreme Court Act 1986 — No. 22.

Wrongs Act 1958 — No. 27.

Subordinate Legislation Act 1994 — Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 22.

Tweddle Child and Family Health Service — Report, 2003-04.

- 4 STANDING ORDERS COMMITTEE** — Mr John Lenders moved, by leave, That the Honourable Lidia Argondizzo be discharged from the Standing Orders Committee and that Mr Matt Viney be appointed to that Committee.

Question — put and resolved in the affirmative.

- 5 MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

- 6 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Honourable Members pursuant to Sessional Order 17.

- 7 HIGHER EDUCATION ACTS (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Ms Candy Broad (for the Honourable Theo Theophanous) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Andrew Brideson, the debate was adjourned until the next day of meeting.

- 8 COMMONWEALTH GAMES ARRANGEMENTS (MISCELLANEOUS AMENDMENTS) BILL** — The Order of the Day having been read for the second reading of this Bill, Ms Candy Broad (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Andrea Coote (for the Honourable Gordon Rich-Phillips), the debate was adjourned until the next day of meeting.

- 9 CHILDREN AND YOUNG PERSONS (MISCELLANEOUS AMENDMENTS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

The Honourable C.A. Strong moved, as an amendment, That all the words after "That" be omitted with the view of inserting in their place "this House refuses to read this Bill a second time until the Government consults with key stakeholders including the judiciary, Victoria Police, victims of crime groups and the Sentencing Advisory Council as to the impact of limiting judicial discretion in imposing compensation orders under Part 4 of the *Sentencing Act 1991*".

Debate ensued.

*Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders —*

- 10 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

- 11 CHILDREN AND YOUNG PERSONS (MISCELLANEOUS AMENDMENTS) BILL** — Debate continued on the question, That the Bill be now read a second time and on the reasoned amendment, That all the words after "That" be omitted with the view of inserting in their place "this House refuses to read this Bill a second time until the Government consults with key stakeholders including the judiciary, Victoria Police, victims of crime groups and the Sentencing Advisory Council as to the impact of

limiting judicial discretion in imposing compensation orders under Part 4 of the *Sentencing Act 1991*".

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

AYES, 22

The Hon. Lidia Argondizzo  
Ms Candy Broad  
The Hon. Helen Buckingham (*Teller*)  
Ms Elaine Carbines  
The Hon. Kaye Darveniza  
The Hon. John Eren  
The Hon. Geoff Hilton  
Mr Gavin Jennings  
Mr John Lenders  
The Hon. John McQuilten  
The Hon. Justin Madden  
Ms Jenny Mikakos  
The Hon. Robert Mitchell (*Teller*)  
The Hon. Sang Nguyen  
Mr Noel Pullen  
Ms Glenyys Romanes  
Mr Johan Scheffer  
Mr Robert Smith  
Mr Adem Somyurek  
The Hon. Theo Theophanous  
The Hon. Marsha Thomson  
Mr Matt Viney

NOES, 20

The Hon. Bruce Atkinson  
The Hon. W.R. Baxter  
The Hon. Barry Bishop  
The Hon. Ron Bowden  
The Hon. Andrew Brideson  
The Hon. Andrea Coote  
The Hon. Richard Dalla-Riva  
The Hon. David Davis (*Teller*)  
The Hon. Philip Davis  
The Hon. Damian Drum  
The Hon. Bill Forwood (*Teller*)  
Ms Dianne Hadden  
The Hon. Peter Hall  
The Hon. David Koch  
The Hon. Wendy Lovell  
The Hon. Andrew Olexander  
The Hon. Gordon Rich-Phillips  
The Hon. Graeme Stoney  
The Hon. C.A. Strong  
The Hon. John Vogels

And so it was resolved in the affirmative — Amendment negated.

Question — That the Bill be now read a second time — put and resolved in the affirmative.

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

House in Committee.

The President resumed the Chair; and the Chair of Committees reported that the Committee had made progress in the Bill, and asked leave to sit again.

Resolved — That the Council will, later this day, again resolve itself into the said Committee.

## 12 MAGISTRATES' COURT (JUDICIAL REGISTRARS AND COURT RULES) BILL —

The Order of the Day was read for the resumption of the debate on the question,  
That the Bill be now read a second time.

Debate resumed.

The Honourable C.A. Strong moved, as an amendment, That all the words after "That" be omitted with the view of inserting in their place "this House refuses to read this Bill a second time until the Government consults with key stakeholders as to the need for judicial registrars, how the independence of judicial registrars could be best protected, and how to properly prescribe the powers of judicial registrars".

Debate ensued.

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

## AYES, 21

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 The Hon. Geoff Hilton  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen (*Teller*)  
 Mr Noel Pullen (*Teller*)  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

## NOES, 19

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. David Koch (*Teller*)  
 The Hon. Wendy Lovell (*Teller*)  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative — Amendment negated.

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

The Council divided.

## AYES, 24

The Hon. Lidia Argondizzo  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. Damian Drum  
 The Hon. John Eren  
 The Hon. Geoff Hilton  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek (*Teller*)  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney (*Teller*)

## NOES, 16

The Hon. Bruce Atkinson  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander (*Teller*)  
 The Hon. Gordon Rich-Phillips (*Teller*)  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**13 TRANSPORT LEGISLATION (FURTHER AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Rail Corporations Act 1996 and the Transport Act 1983 and for other purposes* and desiring the agreement of the Council.

On the motion of Ms Candy Broad, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**14 LOCAL GOVERNMENT (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Local Government Act 1989 with respect to the appointment of Chief Executive Officers by Councils and for other purposes* and desiring the agreement of the Council.

On the motion of Ms Candy Broad, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

*Business having been interrupted at 4.30 p.m. by the President pursuant to Sessional Order 14 —*

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

Debate ensued.

And then the Council, at 5.00 p.m., adjourned until Tuesday, 24 May 2005.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*



## LEGISLATIVE COUNCIL

### MINUTES OF THE PROCEEDINGS Nos. 112, 113 and 114

#### No. 112 — Tuesday, 24 May 2005

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor, informing the Council that he had, this day, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:  
*Courts Legislation (Judicial Conduct) Act*  
*Justice Legislation (Amendment) Act*  
*Legal Profession (Consequential Amendments) Act*  
*Magistrates' Court (Judicial Registrars and Court Rules) Act*  
*Parliamentary Administration Act.*
- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.
- 4 **MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.
- 5 **PAPERS** —  
**MINISTERIAL INTERVENTION IN PLANNING MATTERS** — Ms Candy Broad (for the Honourable Justin Madden) moved, by leave, That there be laid before this House a copy of a Statement on Ministerial Intervention in Planning Matters for the period May 2004 to April 2005.  
Question — put and resolved in the affirmative.  
The said Statement was thereupon presented by Ms Candy Broad (for the Honourable Justin Madden) and ordered to lie on the Table.

\* \* \* \* \*

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

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

- Baw Baw Planning Scheme — Amendment C24.
- Darebin Planning Scheme — Amendment C63.
- Kingston Planning Scheme — Amendments C51 and C53.
- Latrobe Planning Scheme — Amendment C36.
- Loddon Planning Scheme — Amendment C15.
- Mitchell Planning Scheme — Amendment C37.
- Moreland Planning Scheme — Amendment C33.
- Mornington Peninsula Planning Scheme — Amendments C42 Part 2 and C65 Part 2.

Subordinate Legislation Act 1994 — Minister's exemption certificates under section 9(6) in respect of Statutory Rule Nos. 23, 28 and 29.

\* \* \* \*

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

Gambling Regulation (Amendment) Act 2004 — Sections 4, 5, 8, 10, 11, 12(1), 12(2) and 12(4) — 20 May 2005 (*Gazette G20, 19 May 2005*).

Gambling Regulation (Further Amendment) Act 2004 — Sections 9, 10, 11, 12 and 41 — 20 May 2005 (*Gazette G20, 19 May 2005*).

Planning and Environment (General Amendment) Act 2004 — 23 May 2005 (*Gazette G20, 19 May 2005*).

**6 STANDING ORDERS COMMITTEE** — Ms Candy Broad moved, That —

- (1) the Standing Orders Committee be required to undertake a review of the Standing Orders and make recommendations for new and/or amended Standing Orders.
- (2) the Committee present its report on the review to the Council no later than the first sitting day in 2006.
- (3) the Committee have power to confer with the Standing Orders Committee of the Legislative Assembly regarding a review of the Joint Standing Orders and to report jointly thereon to the House.

Debate ensued.

Question — put and resolved in the affirmative.

**7 LOCAL GOVERNMENT (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Ms Candy Broad moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Graeme Stoney (for the Honourable John Vogels), the debate was adjourned until the next day of meeting.

**8 TRANSPORT LEGISLATION (FURTHER AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Ms Candy Broad moved, That, pursuant to Sessional Order 34, the second reading speech (except for the statement under section 85 (5) of the *Constitution Act 1975*) be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

Ms Candy Broad made a statement pursuant to section 85 (5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

On the motion of the Honourable Graeme Stoney (for the Honourable Ron Bowden), the debate was adjourned until the next day of meeting.

**9 LONG SERVICE LEAVE (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put.

The Council divided.

AYES, 21

The Hon. Lidia Argondizzo

NOES, 19

The Hon. Bruce Atkinson

The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza (*Teller*)  
 The Hon. John Eren (*Teller*)  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Marsha Thomson  
 Mr Matt Viney

The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong (*Teller*)  
 The Hon. John Vogels (*Teller*)

And so it was resolved in the affirmative.

Bill read a second time.

Mr Gavin Jennings moved, by leave, That the Bill be now read a third time.

Question — That the Bill be now read a third time, by leave, and that the Bill do pass — put.

The Council divided.

AYES, 21

The Hon. Lidia Argondizzo  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 The Hon. Geoff Hilton (*Teller*)  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten (*Teller*)  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Marsha Thomson  
 Mr Matt Viney

NOES, 19

The Hon. Bruce Atkinson (*Teller*)  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden (*Teller*)  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.



**10 ROAD SAFETY (FURTHER AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Road Safety Act 1986, the Road Management Act 2004, the Melbourne City Link Act 1995, the Road Safety (Drug Driving) Act 2003, the Police Regulation Act 1958 and certain other Acts and for other purposes* and desiring the agreement of the Council.

On the motion of Mr John Lenders (for Ms Candy Broad), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**11 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 4 to 7 inclusive, be postponed until later this day.

**12 BUDGET PAPERS, 2005-06** — The Order of the Day was read for the resumption of the debate on the question, That the Council take note of the Budget Papers, 2005-06.

Debate resumed.

*Business having been interrupted at 10.00 p.m. by the President pursuant to Sessional Order 14, the debate stood adjourned in the name of the Honourable Sang Nguyen.*

**13 GAMBLING REGULATION (PUBLIC LOTTERY LICENCES) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Gambling Regulation Act 2003 and for other purposes* and desiring the agreement of the Council.

On the motion of Mr John Lenders (for the Honourable Justin Madden), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

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

Debate ensued.

And then the Council, at 10.29 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
Clerk of the Legislative Council

## No. 113 — Wednesday, 25 May 2005

1 The President took the Chair and read the Prayer.

**2 CITY OF MELBOURNE (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the City of Melbourne Act 2001 with respect to the application of differential rates by Melbourne City Council and for other purposes* and desiring the agreement of the Council.

On the motion of Mr John Lenders (for Ms Candy Broad), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**3 PETITION — RELIGIOUS EDUCATION** — The Honourable Wendy Lovell presented a Petition bearing 46 signatures from certain citizens of Victoria requesting that the Legislative Council take steps to ensure that there is no change to legislation which would diminish the status of religious education in Victorian schools and, on the contrary, requires the Government to provide additional funding for chaplaincy services in Victorian state schools.

Ordered to lie on the Table.

**4 PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk:

Auditor-General — Report on Results of financial statement audits for agencies with other than 30 June 2004 balance dates, and other audits, May 2005.

**5 MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

**6 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 30 inclusive, be postponed until later this day.

**7 YOUNG PEOPLE WITH DISABILITIES** — The Honourable Andrea Coote moved, That this House condemns the State Government for its failure to address the issue of young people with disabilities, degenerative diseases, and acquired brain damage, who are inappropriately housed in residential aged care facilities in Victoria.

Debate ensued.

Question — put.

The Council divided.

AYES, 18

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop (*Teller*)  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson (*Teller*)  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

NOES, 21

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 The Hon. Geoff Hilton  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos (*Teller*)  
 The Hon. Robert Mitchell (*Teller*)  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Marsha Thomson  
 Mr Matt Viney

And so it passed in the negative.

**8 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

**9 ROAD SAFETY (FURTHER AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for Ms Candy Broad) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Andrea Coote (for the Honourable Ron Bowden), the debate was adjourned until the next day of meeting.

- 10 GAMBLING REGULATION (PUBLIC LOTTERY LICENCES) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

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

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

- 12 CHILDREN AND YOUNG PERSONS (MISCELLANEOUS AMENDMENTS) BILL** — The Order of the Day having been read for the further consideration of this Bill in Committee of the whole, the President left the Chair.

House in Committee.

The President resumed the Chair; and the Chair of Committees reported that the Committee had made progress in the Bill, and asked leave to sit again.

Resolved — That the Council will, later this day, again resolve itself into the said Committee.

- 13 TRANSPORT LEGISLATION (FURTHER AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

The Honourable Barry Bishop moved, as an amendment, That all the words after “That” be omitted with the view of inserting in their place “this House refuses to read this Bill a second time until the Government consults with all major stakeholders and industry groups about the merits of the establishment of an independent panel to arbitrate on access regime disputes, as an alternative to adjudication by the Essential Services Commission, as proposed in the Bill”.

Debate ensued.

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

The Council divided.

AYES, 22

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell (*Teller*)  
 The Hon. Sang Nguyen (*Teller*)  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer

NOES, 18

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop (*Teller*)  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. Philip Davis  
 The Hon. Damian Drum (*Teller*)  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong

Mr Robert Smith  
Mr Adem Somyurek  
The Hon. Theo Theophanous  
The Hon. Marsha Thomson  
Mr Matt Viney

The Hon. John Vogels

And so it was resolved in the affirmative — Amendment negated.

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

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill with amendments, the Report was adopted, and the Bill was read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with amendments, and desiring their concurrence.

**14 CHILDREN AND YOUNG PERSONS (MISCELLANEOUS AMENDMENTS) BILL —**

The Order of the Day having been read for the further consideration of this Bill in Committee of the whole, the President left the Chair.

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**15 BUDGET PAPERS, 2005-06 —** The Order of the Day was read for the resumption of the debate on the question, That the Council take note of the Budget Papers, 2005-06.

Debate resumed.

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

**16 SEX OFFENDERS REGISTRATION (AMENDMENT) BILL —** The Acting President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Sex Offenders Registration Act 2004, the Serious Sex Offenders Monitoring Act 2005, the Sentencing Act 1991 and the Births, Deaths and Marriages Registration Act 1996 and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Marsha Thomson (for the Honourable Theo Theophanous), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**17 ENERGY LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL —** The Acting President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Electricity Safety Act 1998 in relation to the level of safety to be provided under electricity safety management schemes submitted by network operators, to amend the Electricity Industry Act 2000 in relation to the methodology for determining amounts payable by generation companies for land use, to amend the Gas Industry Act 2001 to provide that a review of VENCORP may be undertaken before 2007 and to amend the Fuel Emergency Act 1977 in relation to proclamations declaring a state of emergency due to a fuel shortage and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Marsha Thomson (for the Honourable Theo Theophanous), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 18 EMERGENCY SERVICES SUPERANNUATION (AMENDMENT) BILL** — The Acting President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Emergency Services Superannuation Act 1986 and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Marsha Thomson (for Mr John Lenders), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 19 TRANSPORT LEGISLATION (FURTHER AMENDMENT) BILL** — The Acting President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the amendments made in this Bill by the Council.

- 20 ADJOURNMENT** — The Honourable Marsha Thomson moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 10.37 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 114 — Thursday, 26 May 2005

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

- 2 **PAPERS** —

**CHILD DEATHS** — Mr Gavin Jennings moved, by leave, That there be laid before this House a copy of the Annual Report of Inquiries into Child Deaths: Child Protection 2005.

Question — put and resolved in the affirmative.

The said Report was thereupon presented by Mr Gavin Jennings and ordered to lie on the Table.

\* \* \* \* \*

**ROAD SAFETY COMMITTEE — COUNTRY ROAD TOLL** — The Honourable Graeme Stoney presented a Report from the Road Safety Committee on the Country Road Toll (including a Minority Report and Appendices), together with Minutes of Evidence.

Ordered to lie on the Table and the Report to be printed.

The Honourable Graeme Stoney moved, That the Council take note of the Report.

Debate ensued.

Question — put and resolved in the affirmative.

\* \* \* \* \*

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

Crown Land (Reserves) Act 1978 — Minister's Order of 14 December 2004, giving approval for the granting of a lease at Yarra Bend Park (two papers).

Falls Creek Alpine Resort Management Board — Minister's report of failure to submit 2004-05 report to him within the prescribed period and the reasons therefor.

Mitcham-Frankston Project Act 2004 — Orders in Council of 17 May 2005 varying the Project Area and Extended Project Area (four papers).

Mount Baw Baw Alpine Resort Management Board — Minister's report of failure to submit 2004-05 report to him within the prescribed period and the reasons therefor.

Mount Buller and Mount Stirling Alpine Resort Management Board — Minister's report of failure to submit 2004-05 report to him within the prescribed period and the reasons therefor.

Mount Hotham Alpine Resort Management Board — Minister's report of failure to submit 2004-05 report to him within the prescribed period and the reasons therefor.

Statutory Rules under the following Acts of Parliament:

Administrative Appeals Tribunal Act 1984 — Planning and Environment Act 1987 — Subdivision Act 1988 — No. 30.

Alpine Resorts (Management) Act 1997 — No. 31.

Planning and Environment Act 1987 — No. 33.

Subdivision Act 1988 — No. 32.

Victorian Civil and Administrative Tribunal Act 1998 — No. 34.

Subordinate Legislation Act 1994 — Minister's exemption certificates under section 9(6) in respect of Statutory Rule Nos. 32 and 33.

Youth Parole Board and Youth Residential Board — Report, 2003-04.

**3 MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

**4 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Honourable Members pursuant to Sessional Order 17.

**5 ENERGY LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden (for the Honourable Theo Theophanous) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Justin Madden moved, That the Bill be now read a second time.

On the motion of the Honourable Graeme Stoney (for the Honourable Bill Forwood), the debate was adjourned until the next day of meeting.

**6 SEX OFFENDERS REGISTRATION (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden (for the Honourable Theo Theophanous) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Justin Madden moved, That the Bill be now read a second time.

On the motion of the Honourable Richard Dalla-Riva the debate was adjourned until the next day of meeting.

**7 EMERGENCY SERVICES SUPERANNUATION (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden (for Mr John Lenders) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Justin Madden moved, That the Bill be now read a second time.

On the motion of the Honourable David Davis (for the Honourable Richard Dalla-Riva), the debate was adjourned until the next day of meeting.

- 8 CITY OF MELBOURNE (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden (for Ms Candy Broad) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Justin Madden moved, That the Bill be now read a second time.

On the motion of the Honourable David Davis (for the Honourable John Vogels), the debate was adjourned until the next day of meeting.

- 9 ROAD SAFETY (FURTHER AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 10 GAMBLING REGULATION (PUBLIC LOTTERY LICENCES) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders —*

- 11 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

- 12 GAMBLING REGULATION (PUBLIC LOTTERY LICENCES) BILL** — Debate continued on the question, That this Bill be now read a second time.

Question — put and resolved in the affirmative.

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

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 13 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 7, be postponed until the next day of meeting.

- 14 ORDER OF THE COUNCIL RESCINDED** — The Honourable Marsha Thomson, moved, by leave, That the Order of the Council appointing the next day of meeting for the resumption of the debate on the motion to take note of the Budget Papers, 2005-06, be read and rescinded and that the resumption of the debate on the Budget Papers, 2005-06 be made an Order of the Day for later this day.

Question — put and resolved in the affirmative.

- 15 BUDGET PAPERS, 2005-06** — The Order of the Day was read for the resumption of the debate on the question, That the Council take note of the Budget Papers, 2005-06.

Debate resumed.

On the motion of the Honourable Andrea Coote (for the Honourable Graeme Stoney), the debate was adjourned until the next day of meeting.

*Business having been interrupted at 4.36 p.m. by the President pursuant to Sessional Order 14 —*

- 16 APPROPRIATION (2005/2006) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *for the appropriation of certain sums out of the Consolidated Fund for the ordinary annual services of the Government for the financial year 2005/2006 and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Marsha Thomson (for Mr John Lenders), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 17 APPROPRIATION (PARLIAMENT 2005/2006) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *for the appropriation of certain sums out of the Consolidated Fund for the Parliament in respect of the financial year 2005/2006 and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Marsha Thomson (for Mr John Lenders), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 18 ADJOURNMENT** — The Honourable Marsha Thomson moved, That the Council, at its rising, adjourn until Tuesday, 14 June 2005.

Question — put and resolved in the affirmative.

The Honourable Marsha Thomson moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 4.57 p.m., adjourned until Tuesday, 14 June 2005.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*





## LEGISLATIVE COUNCIL

### MINUTES OF THE PROCEEDINGS Nos. 115, 116, 117 and 118

#### No. 115 — Tuesday, 14 June 2005

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Lieutenant-Governor, as the Governor's deputy, informing the Council that she had, on 31 May 2005, given the Royal Assent to the undermentioned Acts presented to her by the Clerk of the Parliaments:

*Children and Young Persons (Miscellaneous Amendments) Act*

*Gambling Regulation (Public Lottery Licences) Act*

*Long Service Leave (Amendment) Act*

*Road Safety (Further Amendment) Act*

*Transport Legislation (Further Amendment) Act.*

- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.
- 4 **MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.
- 5 **PETITIONS** —

**MONASH PRIMARY SCHOOL CLOSURE** — The Honourable Andrew Brideson presented a Petition bearing 43 signatures from certain citizens of Victoria praying that a moratorium be placed on the closing of Monash Primary School until a full investigation can be made on what has been done in the past to save the school, what is needed, and if this can be achieved utilising existing and community resources.

Ordered to lie on the Table.

\* \* \* \* \*

**POLICE SCHOOLS INVOLVEMENT PROGRAM** — The Honourable Wendy Lovell presented a Petition bearing 10 signatures from certain citizens of Victoria requesting that the State Government reinstate the Police Schools Involvement Program to build a secure environment for the children of Victoria.

Ordered to lie on the Table.

- 6 **PAPERS** —  
**ENVIRONMENT AND NATURAL RESOURCES COMMITTEE — SUSTAINABLE COMMUNITIES** — The Honourable Andrea Coote presented a Report from the Environment and Natural Resources Committee on the Inquiry into Sustainable Communities, (including Appendices) together with Minutes of Evidence.

Ordered to lie on the Table and the Report to be printed.

The Honourable Andrea Coote moved, That the Council take note of the Report.

Debate ensued.

Question — put and resolved in the affirmative.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE —**

**DISCRIMINATION IN THE LAW** — The Honourable Lidia Argondizzo presented an Interim Report from the Scrutiny of Acts and Regulations Committee on Discrimination in the Law (including Appendices).

Ordered to lie on the Table and to be printed.

The Honourable Lidia Argondizzo moved, That the Council take note of the Report.

Debate ensued.

Question — put and resolved in the affirmative.

\* \* \* \* \*

**ALERT DIGEST** — The Honourable Lidia Argondizzo presented Alert Digest No. 7 of 2005 from the Scrutiny of Acts and Regulations Committee, (including Appendices).

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

**RURAL AND REGIONAL SERVICES AND DEVELOPMENT COMMITTEE —**

**COUNTRY FOOTBALL** — Pursuant to the *Parliamentary Committees Act 2003*, the Clerk presented a copy of the Government's response to recommendations in the Rural and Regional Services and Development Committee's Report on Country Football.

\* \* \* \* \*

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

Crown Land (Reserves) Act 1978 —

Minister's Order of 30 April 2005 giving approval for the granting of a lease at Yarra Bend Park (four papers).

Minister's Order of 4 May 2005, giving approval for the granting of a lease at Dimboola Recreation Reserve (five papers).

Minister's Order of 13 May 2005 giving approval for the granting of a lease at Geelong Telegraph Station (four papers).

Minister's Order of 19 May 2005 giving approval for the granting of a lease at Calembreen Park Reserve (five papers).

Minister's Order of 26 May 2005 giving approval for the granting of a lease at Albert Park (seven papers).

Forests (Dunstan Agreement) Act 1987 — Report of Termination of the Dunstan Agreement (two papers).

International Fibre Centre Ltd — Minister's report of receipt of the 2004 report.

Interpretation of Legislation Act 1984 — Notices pursuant to section 32(3)(a)(iii) in relation to Waste Management Policy (Siting, Design and Management of Landfills) and Waste Management Policy (Ships' Ballast Water) (three papers).

Land Acquisition and Compensation Act 1986 — Minister's certificate of 9 June 2005 pursuant to section 7(4).

Ombudsman — Own Motion Investigation into VicRoads Registration Practices, June 2005.

Parliamentary Committees Act 2003 — Government response to recommendations in Public Accounts and Estimates Committee's Review of the Auditor-General's Performance Audit Report on Services for People with an Intellectual Disability.

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

- Cardinia Planning Scheme — Amendments C46 Part 1 and C49.
- East Gippsland Planning Scheme — Amendment C22.
- Greater Bendigo Planning Scheme — Amendments C13 and C54.
- Latrobe Planning Scheme — Amendment C38.
- Maroondah Planning Scheme — Amendment C45.
- Monash Planning Scheme — Amendments C43 and C55.
- Mornington Peninsula Planning Scheme — Amendment C42 Part 1.
- Nillumbik Planning Scheme — Amendments C10 Part 1, C22 Part 2 and C34.
- Wyndham Planning Scheme — Amendment C56.

Statutory Rules under the following Acts of Parliament:

- Births, Deaths and Marriages Registration Act 1996 — No. 35.
- Casino Control Act 1991 — No. 38.
- Chattel Securities Act 1987 — No. 44.
- Conservation, Forests and Lands Act 1987 — No. 48.
- Country Fire Authority Act 1958 — No. 43.
- Drugs, Poisons and Controlled Substances Act 1981 — No. 39.
- Health Act 1958 — No. 41.
- Metropolitan Fire Brigades Act 1958 — No. 42.
- Road Safety Act 1986 — Nos. 45 and 46.
- Serious Sex Offenders Monitoring Act 2005 — No. 37.
- Subordinate Legislation Act 1994 — Nos. 36 and 40.
- Supreme Court Act 1986 — Corporations (Ancillary Provisions) Act 2001 — No. 47.

Subordinate Legislation Act 1994 —

- Ministers' exception certificates under section 8(4) in respect of Statutory Rule Nos. 34, 36, 40, 42, 43, 45 and 47.
- Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 37 to 39 and 41.

Victorian Environmental Assessment Council Act 2001 — Government response to the Victorian Environmental Assessment Council's Angahook-Otway Investigation Final Report.

\* \* \* \* \*

**PROCLAMATION** — A Proclamation of the Governor in Council fixing an operative date in respect of the following Act was laid upon the table by the Clerk:

Serious Sex Offenders Monitoring Act 2005 — 26 May 2005 (*Gazette No. G21, 26 May 2005*)

**7 GOVERNMENT BUSINESS PROGRAM** — Mr John Lenders moved, That, pursuant to Sessional Order 20, the Government Business motion to take note of the Budget Papers, 2005-06 and the Orders of the Day, Government Business, relating to the following Bills be considered and completed by 4.30 p.m. on Thursday, 16 June 2005:

- Sex Offenders Registration (Amendment) Bill
- Emergency Services Superannuation (Amendment) Bill
- City of Melbourne (Amendment) Bill
- Energy Legislation (Miscellaneous Amendments) Bill
- Appropriation (Parliament 2005/2006) Bill
- Appropriation (2005/2006) Bill.

Debate ensued.

Question — put and resolved in the affirmative.

- 8 APPROPRIATION (2005/2006) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Andrea Coote (for the Honourable Philip Davis), the debate was adjourned until the next day of meeting.

- 9 COGNATE DEBATE** — Mr John Lenders moved, by leave, That this House authorizes and requires the President to permit the second reading debate on the Appropriation (2005/2006) Bill to be taken concurrently with further debate on the motion to take note of the Budget Papers, 2005-06.

Question — put and resolved in the affirmative.

- 10 APPROPRIATION (PARLIAMENT 2005/2006) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Andrea Coote (for the Honourable Bill Forwood), the debate was adjourned until the next day of meeting.

- 11 SEX OFFENDERS REGISTRATION (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 12 EMERGENCY SERVICES SUPERANNUATION (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 13 CITY OF MELBOURNE (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 14 ENERGY LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put.

The Council divided.

AYES, 37

The Hon. Lidia Argondizzo  
The Hon. Bruce Atkinson  
The Hon. Andrew Brideson  
Ms Candy Broad  
The Hon. Helen Buckingham  
Ms Elaine Carbines  
The Hon. Andrea Coote  
The Hon. Richard Dalla-Riva  
The Hon. Kaye Darveniza  
The Hon. David Davis  
The Hon. Philip Davis  
The Hon. John Eren  
The Hon. Bill Forwood  
The Hon. Geoff Hilton  
Ms Carolyn Hirsh (*Teller*)  
Mr Gavin Jennings  
The Hon. David Koch  
Mr John Lenders  
The Hon. Wendy Lovell  
The Hon. John McQuilten  
The Hon. Justin Madden  
Ms Jenny Mikakos  
The Hon. Robert Mitchell  
The Hon. Sang Nguyen  
The Hon. Andrew Olexander  
Mr Noel Pullen (*Teller*)  
The Hon. Gordon Rich-Phillips  
Ms Glenyys Romanes  
Mr Johan Scheffer  
Mr Robert Smith  
Mr Adem Somyurek  
The Hon. Graeme Stoney  
The Hon. C.A. Strong  
The Hon. Theo Theophanous  
The Hon. Marsha Thomson  
Mr Matt Viney  
The Hon. John Vogels

NOES, 5

The Hon. W.R. Baxter  
The Hon. Barry Bishop  
The Hon. Damian Drum  
Ms Dianne Hadden (*Teller*)  
The Hon. Peter Hall (*Teller*)

And so it was resolved in the affirmative.

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

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted.

The Honourable Theo Theophanous moved, That the Bill be now read a third time.

Question — That the Bill be now read a third time, and that the Bill do pass — put.

The Council divided.

## AYES, 36

The Hon. Lidia Argondizzo  
 The Hon. Bruce Atkinson  
 The Hon. Andrew Brideson  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva (*Teller*)  
 The Hon. Kaye Darveniza  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. John Eren  
 The Hon. Bill Forwood  
 The Hon. Geoff Hilton  
 Mr Gavin Jennings  
 The Hon. David Koch  
 Mr John Lenders  
 The Hon. Wendy Lovell  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 The Hon. Andrew Olexander  
 Mr Noel Pullen  
 The Hon. Gordon Rich-Phillips  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek (*Teller*)  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney  
 The Hon. John Vogels

## NOES, 5

The Hon. W.R. Baxter (*Teller*)  
 The Hon. Barry Bishop (*Teller*)  
 The Hon. Damian Drum  
 Ms Dianne Hadden  
 The Hon. Peter Hall

And so it was resolved in the affirmative.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 15 ACCIDENT COMPENSATION (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Accident Compensation Act 1985, the Accident Compensation (WorkCover Insurance) Act 1993, the Occupational Health and Safety Act 2004 and the Transport Accident Act 1986 and for other purposes* and desiring the agreement of the Council.

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

*Business having been interrupted at 10.02 p.m. by the President pursuant to Sessional Order 14* —

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

Debate ensued.

And then the Council, at 10.46 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 116 — Wednesday, 15 June 2005

- 1 The President took the Chair and read the Prayer.
- 2 **PETITION — KYNETON BOWLING CLUB** — Ms Dianne Hadden presented a Petition bearing 280 signatures from certain citizens of Victoria requesting that the Minister for Planning act in accordance with law and return the land leased by the Kyneton Bowling Club Inc. to its reserved purpose and revoke the appointment of the Shire of Macedon Ranges as the Committee of Management of that land under the *Crown Land (Reserves) Act 1978*.  
Ordered to lie on the Table.
- 3 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:  
Auditor-General — Report on In good hands: Smart recruiting for a capable public sector, June 2005  
Auditor-General — Report on Our children are our future: Improving outcomes for children and young people in Out of Home Care, June 2005.  
Parliamentary Committees Act 2003 — Government response to recommendations of the Family and Community Development Committee's report on the Impact of the Victorian Community and Public Hospitals of the Diminishing Access to After Hours and Bulk Billing General Practitioners.
- 4 **MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.
- 5 **COMMONWEALTH GAMES BUDGET** — The Honourable Gordon Rich-Phillips moved, That this House affirms its support for the Commonwealth Games and calls on the Minister for Commonwealth Games to explain his misleading statements in relation to:
  - (1) the role of the Auditor-General and the Minister for Finance in delaying the Commonwealth Games financial statements until after the 2006 State election; and
  - (2) the Commonwealth Games global budget.

Debate ensued.

Question — put.

The Council divided.

AYES, 19

The Hon. Bruce Atkinson  
The Hon. W.R. Baxter  
The Hon. Barry Bishop  
The Hon. Andrew Brideson  
The Hon. Andrea Coote  
The Hon. Richard Dalla-Riva  
The Hon. David Davis  
The Hon. Philip Davis

NOES, 22

The Hon. Lidia Argondizzo  
Ms Candy Broad  
The Hon. Helen Buckingham  
Ms Elaine Carbines  
The Hon. Kaye Darveniza  
The Hon. John Eren  
The Hon. Geoff Hilton  
Ms Carolyn Hirsh

The Hon. Damian Drum	Mr Gavin Jennings
The Hon. Bill Forwood	Mr John Lenders
Ms Dianne Hadden	The Hon. John McQuilten ( <i>Teller</i> )
The Hon. Peter Hall	The Hon. Justin Madden
The Hon. David Koch ( <i>Teller</i> )	Ms Jenny Mikakos ( <i>Teller</i> )
The Hon. Wendy Lovell ( <i>Teller</i> )	The Hon. Robert Mitchell
The Hon. Andrew Olexander	The Hon. Sang Nguyen
The Hon. Gordon Rich-Phillips	Mr Noel Pullen
The Hon. Graeme Stoney	Ms Glenyys Romanes
The Hon. C.A. Strong	Mr Johan Scheffer
The Hon. John Vogels	Mr Robert Smith
	Mr Adem Somyurek
	The Hon. Theo Theophanous
	Mr Matt Viney

And so it passed in the negative.

**6 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03.

**WAUBRA WIND FARM** — The Honourable Theo Theophanous having given an answer to a question without notice relating to a planning permit for the Waubra wind farm —

Ms Dianne Hadden moved, That the Minister's answer be taken into consideration on the next day of meeting.

Question — put and resolved in the affirmative.

**QUESTIONS** — Answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

**7 ACCIDENT COMPENSATION (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders moved, That, pursuant to Sessional Order 34, the second reading speech (except for the statement under section 85 (5) of the *Constitution Act 1975*) be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

Mr John Lenders made a statement pursuant to section 85 (5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

On the motion of the Honourable Bill Forwood, the debate was adjourned until later this day.

**8 APPROPRIATION (PARLIAMENT 2005/2006) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**9 APPROPRIATION (2005/2006) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time [the motion to take note of the **Budget Papers 2005-06** having been authorized to be debated concurrently pursuant to an Order of the Council on 14 June 2005].

Debate resumed.



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

- 10 NATIONAL PARKS (ALPINE NATIONAL PARK GRAZING) BILL** — The Acting President announced the receipt of a Message from the Assembly presenting a Bill *to amend the National Parks Act 1975 in relation to cattle grazing in the Alpine National Park and for other purposes* and desiring the agreement of the Council.

Ms Candy Broad moved, That the Bill be now read a first time.

Question — put.

The Council divided.

AYES, 23

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer (*Teller*)  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney (*Teller*)

NOES, 19

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips (*Teller*)  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels (*Teller*)

And so it was resolved in the affirmative.

Bill read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 11 ACCIDENT COMPENSATION (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

House in Committee.

The President resumed the Chair; and the Acting Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**12 COURTS LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Magistrates' Court Act 1989, the Constitution Act 1975, the County Court Act 1958, the Judicial Remuneration Tribunal Act 1995, the Sentencing Act 1991 and certain other Acts and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**13 DANGEROUS GOODS AND EQUIPMENT (PUBLIC SAFETY) ACTS (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Dangerous Goods Act 1985 and the Equipment (Public Safety) Act 1994 and for other purposes* and desiring the agreement of the Council.

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

**14 APROPRIATION (2005/2006) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time [the motion to take note of the **Budget Papers 2005-06** having been authorized to be debated concurrently pursuant to an Order of the Council on 14 June 2005].

Debate resumed.

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

**15 ELECTORAL LEGISLATION (FURTHER AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time

Debate resumed.

*Business having been interrupted at 10.00 pm by the Deputy President pursuant to Sessional Order 14, the debate stood adjourned in the name of the Honourable Chris Strong.*

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

Debate ensued.

And then the Council, at 10.26 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
Clerk of the Legislative Council

## No. 117 — Thursday, 16 June 2005

1 The President took the Chair and read the Prayer.

**2 STATE TAXATION ACTS (GENERAL AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Business Franchise (Petroleum Products) Act 1979, the Debts Tax Act 1990, the Duties Act 2000, the First Home Owner Grant Act 2000, the Land Tax Act 1958, the Pay-roll Tax Act 1971, the Taxation Administration Act 1997 and the Taxation (Interest on Overpayments) Act 1986 and for other purposes* and desiring the agreement of the Council.

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

- 3 PETITIONS — HATTAH/NOWINGI TOXIC WASTE FACILITY** — The Honourables Philip Davis, David Koch, Wendy Lovell, Graeme Stoney and John Vogels each presented a Petition bearing 327, 327, 329, 300 and 325, signatures, respectively, from certain citizens of Victoria requesting that the Legislative Council abandon the proposal to place a toxic waste facility in the Mildura region.

Ordered to lie on the Table.

**4 PAPERS —**

**CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) ACT 1995**

— Mr John Lenders (for the Honourable Justin Madden) moved, by leave, That there be laid before this House a copy of the National Classification Code, 17 March 2005.

Question — put and resolved in the affirmative.

The said paper was thereupon presented by Mr John Lenders and ordered to lie on the Table.

\* \* \* \* \*

**PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk:

Members of Parliament (Register of Interests) Act 1978 — Summary of Variations notified between 1 October 2004 and 15 June 2005.

- 5 MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.
- 6 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Honourable Members pursuant to Sessional Order 17.
- 7 GOVERNMENT BUSINESS PROGRAM** — Mr John Lenders moved, That, pursuant to Sessional Order 21, the Resolution of the Council adopted on 14 June 2005 relating to the Government Business Program be amended to permit the Orders of the Day, Government Business, relating to the following Bills to be also considered and completed by 4.30 p.m. on Thursday, 16 June 2005:
- National Parks (Alpine National Park Grazing) Bill
  - Courts Legislation (Miscellaneous Amendments) Bill
  - Dangerous Goods and Equipment (Public Safety) Acts (Amendment) Bill
  - State Taxation Acts (General Amendment) Bill.

Debate ensued.

The Honourable Philip Davis moved, as an amendment, That “National Parks (Alpine National Park Grazing) Bill” be omitted.

Debate ensued.

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

The Council divided.

AYES, 23

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham (*Teller*)  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings

NOES, 19

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis (*Teller*)  
 The Hon. Philip Davis  
 The Hon. Damian Drum (*Teller*)

Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer (*Teller*)  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative — Amendment negatived.

Question — That, pursuant to Sessional Order 21, the Resolution of the Council adopted on 14 June 2005 relating to the Government Business Program be amended to permit the Orders of the Day, Government Business, relating to the following Bills to be also considered and completed by 4.30 p.m. on Thursday, 16 June 2005:

National Parks (Alpine National Park Grazing) Bill  
 Courts Legislation (Miscellaneous Amendments) Bill  
 Dangerous Goods and Equipment (Public Safety) Acts (Amendment) Bill  
 State Taxation Acts (General Amendment) Bill

— put and resolved in the affirmative.

- 8 NATIONAL PARKS (ALPINE NATIONAL PARK GRAZING) BILL** — The Order of the Day having been read for the second reading of this Bill, Ms Candy Broad moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Philip Davis, the debate was adjourned until later this day.

- 9 COURTS LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Justin Madden moved, That the Bill be now read a second time.

On the motion of the Honourable Chris Strong, the debate was adjourned until later this day.

- 10 DANGEROUS GOODS AND EQUIPMENT (PUBLIC SAFETY) ACTS (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Andrea Coote (for the Honourable Bill Forwood), the debate was adjourned until later this day.

- 11 NATIONAL PARKS (ALPINE NATIONAL PARK GRAZING) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders —*

- 12 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03.

**HATTAH-NOWINGI TOXIC WASTE FACILITY** — Mr John Lenders having given answers to a question without notice and supplementary question relating to a proposed toxic waste facility in Hattah-Nowingi —

The Honourable Barry Bishop moved, That the Minister's answers be taken into consideration on the next day of meeting.

Question — put and resolved in the affirmative.

**QUESTIONS** — Questions without notice continued and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

- 13 NATIONAL PARKS (ALPINE NATIONAL PARK GRAZING) BILL** — Debate continued on the question, That the Bill be now read a second time.

The Honourable Peter Hall moved, as an amendment, That all the words after “That” be omitted with the view of inserting in their place “this House refuses to read this Bill a second time until the Australian Heritage Council completes its assessment of whether to permanently include the Alpine National Park on the National Heritage List.”

Debate ensued.

*Business having been interrupted by the President pursuant to Sessional Order 14 —*

The Honourable Marsha Thomson moved, That pursuant to Sessional Order 27(a) the sitting be extended to complete the unfinished Government Business Program determined on 14 June 2005, as amended on 16 June 2005.

Question — put and resolved in the affirmative.

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Debate continued on the question, That the Bill be now read a second time and on the reasoned amendment moved by the Honourable Peter Hall, That all the words after “That” be omitted with the view of inserting in their place “this House refuses to read this Bill a second time until the Australian Heritage Council completes its assessment of whether to permanently include the Alpine National Park on the National Heritage List.”

On the motion of the Honourable Philip Davis, the debate was adjourned until the next day of meeting.

- 14 COURTS LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 15 APPROPRIATION (2005/2006) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time

[the motion to take note of the **Budget Papers 2005-06** having been authorized to be debated concurrently pursuant to an Order of the Council on 14 June 2005].

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**16 BUDGET PAPERS, 2005-06** — The concurrent debate having concluded —

Question — That the Council take note of the Budget Papers, 2005-06 — put and resolved in the affirmative.

**17 DANGEROUS GOODS AND EQUIPMENT (PUBLIC SAFETY) ACTS (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put.

The Council divided.

AYES, 26

The Hon. Lidia Argondizzo  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines (*Teller*)  
 The Hon. Kaye Darveniza  
 The Hon. Damian Drum  
 The Hon. John Eren  
 The Hon. Peter Hall  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell (*Teller*)  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

NOES, 13

The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Bill Forwood (*Teller*)  
 Ms Dianne Hadden  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander (*Teller*)  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**18 SITTING OF THE COUNCIL** — Mr John Lenders moved, That, notwithstanding any sitting of the Council on Friday, 17 June 2005 for the completion of the Government

Business Program, the Council, at its rising, adjourn until Tuesday, 19 July 2005 at 2.00 p.m.

Question — put and resolved in the affirmative.

- 19 HEALTH LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Cemeteries and Crematoria Act 2003, the Health Services Act 1988, the Mental Health Act 1986, various health practitioner regulation Acts and the Veterinary Practice Act 1997 and for other purposes* and desiring the agreement of the Council

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

*Business having been interrupted at 10.00 p.m. by the President pursuant to Sessional Order 27 —*

- 20 ADJOURNMENT** — The President proposed the question, That the House do now adjourn.

Debate ensued.

And then the Council, at 10.22 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 118 — Friday, 17 June 2005

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

- 2 STATE TAXATION ACTS (GENERAL AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

Debate ensued.

Question — put and resolved in the affirmative.

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

House in Committee.

The Acting President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 3 NATIONAL PARKS (ALPINE NATIONAL PARK GRAZING) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time, and on the reasoned amendment moved by the Honourable Peter Hall, That all the words after “That” be omitted with the view of inserting in their place “this House refuses to read this Bill a second time until the Australian Heritage Council completes its assessment of whether to permanently include the Alpine National Park on the National Heritage List.”.

Debate resumed.

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

The Council divided.

AYES, 22

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen (*Teller*)  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Marsha Thomson  
 Mr Matt Viney (*Teller*)

NOES, 18

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum (*Teller*)  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney (*Teller*)  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative — Amendment negatived.

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

The Council divided.

AYES, 22

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza (*Teller*)  
 The Hon. John Eren (*Teller*)  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Marsha Thomson  
 Mr Matt Viney

NOES, 18

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop (*Teller*)  
 The Hon. Andrew Brideson (*Teller*)  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative.



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

*Business having been interrupted by the Chair at 4.00 p.m. pursuant to Sessional Order 27(c) —*

The President resumed the Chair; and the Chair of Committees reported that the Committee had agreed to the Bill without amendment.

Question — That the report be now adopted, That the Bill be now read a third time and That the Bill do pass — put.

The Council divided.

AYES, 22

The Hon. Lidia Argondizzo  
Ms Candy Broad  
The Hon. Helen Buckingham  
Ms Elaine Carbines (*Teller*)  
The Hon. Kaye Darveniza  
The Hon. John Eren  
The Hon. Geoff Hilton (*Teller*)  
Ms Carolyn Hirsh  
Mr Gavin Jennings  
The Hon. John McQuilten  
The Hon. Justin Madden  
Ms Jenny Mikakos  
The Hon. Robert Mitchell  
The Hon. Sang Nguyen  
Mr Noel Pullen  
Ms Glenyys Romanes  
Mr Johan Scheffer  
Mr Robert Smith  
Mr Adem Somyurek  
The Hon. Theo Theophanous  
The Hon. Marsha Thomson  
Mr Matt Viney

NOES, 19

The Hon. Bruce Atkinson  
The Hon. W.R. Baxter  
The Hon. Barry Bishop  
The Hon. Ron Bowden  
The Hon. Andrew Brideson  
The Hon. Andrea Coote  
The Hon. Richard Dalla-Riva (*Teller*)  
The Hon. David Davis  
The Hon. Philip Davis  
The Hon. Damian Drum  
The Hon. Bill Forwood  
Ms Dianne Hadden  
The Hon. David Koch  
The Hon. Wendy Lovell  
The Hon. Andrew Olexander  
The Hon. Gordon Rich-Phillips  
The Hon. Graeme Stoney  
The Hon. C.A. Strong (*Teller*)  
The Hon. John Vogels

And so it was resolved in the affirmative.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

And then the Council, at 4.11 p.m., adjourned until Tuesday, 19 July 2005 at 2.00 p.m.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*



## LEGISLATIVE COUNCIL

### MINUTES OF THE PROCEEDINGS Nos. 119, 120 and 121

#### No. 119 — Tuesday, 19 July 2005

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council —

That he had, on 21 June 2005, given the Royal Assent to the undermentioned Acts presented to him by the Speaker of the Legislative Assembly:  
*Appropriation (2005/2006) Act*  
*Appropriation (Parliament 2005/2006) Act.*

That he had, on 21 June 2005, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:  
*Accident Compensation (Amendment) Act*  
*City of Melbourne (Amendment) Act*  
*Courts Legislation (Miscellaneous Amendments) Act*  
*Dangerous Goods and Equipment (Public Safety) Acts (Amendment) Act*  
*Emergency Services Superannuation (Amendment) Act*  
*Energy Legislation (Miscellaneous Amendments) Act*  
*Sex Offenders Registration (Amendment) Act.*

That he had, on 28 June 2005, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:  
*National Parks (Alpine National Park Grazing) Act*  
*State Taxation Acts (General Amendment) Act.*
- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.
- 4 **MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.
- 5 **PETITION — POLICE SCHOOLS INVOLVEMENT PROGRAM** — The Honourable Wendy Lovell presented a Petition bearing 152 signatures from certain citizens of Victoria requesting that the State Government reinstate the Police Schools Involvement Program to build a secure environment for the children of Victoria.  
Ordered to lie on the Table.
- 6 **PAPERS** —  
**CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) ACT 1995** — Mr John Lenders (for the Honourable Justin Madden) moved, by leave, That there be laid before this House a copy of the Revised National Classification Code, 2005.  
Question — put and resolved in the affirmative.

The said paper was thereupon presented by Mr John Lenders and ordered to lie on the Table.

\* \* \* \* \*

**ECONOMIC DEVELOPMENT COMMITTEE** — The Honourable Bruce Atkinson presented the Final Report from the Economic Development Committee on Labour Hire Employment in Victoria, (including Appendices), together with Minutes of Evidence.

Ordered to lie on the Table and the Report to be printed.

The Honourable Bruce Atkinson moved, That the Council take note of the Report.

Question — put and resolved in the affirmative.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — The Honourable Lidia Argondizzo presented Alert Digest No. 8 of 2005 from the Scrutiny of Acts and Regulations Committee, (including Appendices).

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

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

Asset Confiscation Operations — Activities Summary and Report to the Attorney-General, 2003-04.

Auditor-General — Annual Plan, 2005-06.

Auditor-General — Report on Managing stormwater flooding risks in Melbourne, July 2005.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3)(iii) in relation to Statutory Rule No. 24/2005.

National Parks Act 1975 — Advice of National Parks Advisory Council to Minister on several proposed excisions from existing parks.

Office of Police Integrity — Review of the Victoria Police Witness Protection Program, July 2005.

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

Ballarat Planning Scheme — Amendment C83.

Baw Baw Planning Scheme — Amendment C10 (Part 2)(i).

Bayside Planning Scheme — Amendment C41.

Central Goldfields Planning Scheme — Amendment C7.

Colac Otway Planning Scheme — Amendment C44.

East Gippsland Planning Scheme — Amendments C31 and C43.

Glen Eira Planning Scheme — Amendments C38, C41 and C43.

Glenelg Planning Scheme — Amendments C21 and C22.

Greater Geelong Planning Scheme — Amendment C112.

Hepburn Planning Scheme — Amendments C29 and C32.

Horsham Planning Scheme — Amendment C23.

Indigo Planning Scheme — Amendment C26.

Kingston Planning Scheme — Amendment C48.

Maroondah Planning Scheme — Amendment C30.

Moorabool Planning Scheme — Amendment C32.

Mornington Peninsula Planning Scheme — Amendments C64 and C73 Part 1.

Moyne Planning Scheme — Amendment C19.

Northern Grampians Planning Scheme — Amendment C12.

Stonnington Planning Scheme — Amendment C39.

Surf Coast Planning Scheme — Amendments C16, C23 and C24.

Planning and Environment Act — *continued*

- Swan Hill Planning Scheme — Amendments C12 and C18.
  - Warrnambool Planning Scheme — Amendment C41.
  - Whittlesea Planning Scheme — Amendments C50 and C66.
  - Yarra Planning Scheme — Amendments C66.
  - Yarra Ranges Planning Scheme — Amendment C44.
  - Yarriambiack Planning Scheme — Amendment C5.
- Statutory Rules under the following Acts of Parliament —
- Architects Act 1991 — No. 53.
  - Audit Act 1994 — No. 65.
  - Building Act 1993 — Nos. 51 and 57.
  - Cemeteries Act 1958 — No. 75.
  - Cemeteries and Crematoria Act 2003 — No. 76.
  - Commonwealth Games Arrangements Act 2001 — No. 84.
  - Crimes (Family Violence) Act 1987 — No. 54.
  - Electricity Safety Act 1998 — No. 74.
  - Gambling Regulation Act 2003 — Nos. 60 and 61.
  - Liquor Control Reform Act 1998 — No. 55.
  - Magistrates' Court Act 1989 — No. 59.
  - Major Crime (Investigative Powers) Act 2004 — No. 73.
  - Marine Act 1988 — No. 82.
  - Meat Industry Act 1993 — No. 49.
  - Occupational Health and Safety Act 2004 — No. 64.
  - Petroleum (Submerged Lands) Act 1982 — No. 80.
  - Pharmacy Practice Act 2004 — No. 50.
  - Police Regulation Act 1958 — No. 72.
  - Prevention of Cruelty to Animals Act 1986 — No. 70.
  - Private Agents Act 1966 — No. 78.
  - Private Security Act 2004 — No. 77.
  - Public Administration Act 2004 — No. 52.
  - Road Management Act 2004 — Nos. 62 and 63.
  - Road Safety Act 1986 — Transport Act 1983 — No. 68.
  - State Owned Enterprises Act 1992 — No. 85.
  - Subordinate Legislation Act 1994 — No. 58.
  - Surveillance Devices Act 1999 — No. 83.
  - Surveying Act 2004 — No. 56.
  - Terrorism (Community Protection) Act 2003 — No. 79.
  - Transport Act 1983 — Nos. 66, 67, 69 and 81.
  - Whistleblowers Protection Act 2001 — No. 71.
- Subordinate Legislation Act 1994 —
- Ministers' exception certificate under section 8(4) in respect of Statutory Rule Nos. 57, 59 and 82.
  - Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 48, 50 to 55, 71 to 73, 75, and 81 to 83.

\* \* \* \* \*

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

- Children and Young Persons (Miscellaneous Amendments) Act 2005 — Section 45 — 30 June 2005 (*S120, 28 June 2005*).
- Emergency Services Telecommunications Authority Act 2004 — Whole Act other than Section 45 — 1 July 2005 (*Gazette No. G23, 9 June 2005*).
- Gambling Regulation (Further Amendment) Act 2004 — Section 39(6); Sections 4(3), 4(4), 16, 17, 18, 19, 20, 25, 32, 37(2), 37(4), 37(6), 39(1), 39(2), 39(3), 39(4), 39(5) and the remaining provisions of Part 3 — 25 June 2005 (*Gazette No. G25, 23 June 2005*).

Melbourne (Flinders Street Land) Act 2003 — 29 June 2005 (S120, 28 June 2005).

National Electricity (Victoria) Act 2005 — 1 July 2005 (S120, 28 June 2005).

Sustainable Forests (Timber) Act 2004 — Section 100(2) comes in to operation on 31 August 2005 (Gazette No. G28, 14 July 2005).

- 7 SUSPENSION OF SESSIONAL ORDERS** — Mr John Lenders moved, by leave, That Sessional Orders 5 and 17(c) be suspended to the extent necessary to enable General Business to take precedence of all other business for 3 hours following Members' Statements on Wednesday, 20 July 2005 and for 60 minutes to be allocated for Statements on reports and papers on Thursday, 21 July 2005.

Question — put and resolved in the affirmative.

- 8 HEALTH LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Marsha Thomson (for Mr Gavin Jennings) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Marsha Thomson moved, That the Bill be now read a second time.

On the motion of the Honourable Andrea Coote (for the Honourable David Davis), the debate was adjourned until the next day of meeting.

- 9 ELECTORAL LEGISLATION (FURTHER AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put.

The Council divided.

AYES, 35

The Hon. Lidia Argondizzo  
 The Hon. Bruce Atkinson  
 The Hon. Ron Bowden (*Teller*)  
 The Hon. Andrew Brideson  
 Ms Candy Broad  
 The Hon. Helen Buckingham (*Teller*)  
 Ms Elaine Carbines  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. Kaye Darveniza  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. John Eren  
 The Hon. Bill Forwood  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen

NOES, 4

The Hon. W.R. Baxter (*Teller*)  
 The Hon. Damian Drum  
 Ms Dianne Hadden (*Teller*)  
 The Hon. Peter Hall

The Hon. Andrew Olexander  
Mr Noel Pullen  
The Hon. Gordon Rich-Phillips  
Ms Glenyys Romanes  
Mr Johan Scheffer  
Mr Adem Somyurek  
The Hon. Graeme Stoney  
The Hon. Theo Theophanous  
The Hon. Marsha Thomson  
Mr Matt Viney  
The Hon. John Vogels

And so it was resolved in the affirmative.

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

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 10 ENERGY SAFE VICTORIA BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to establish Energy Safe Victoria, to amend the Gas Safety Act 1997 and the Electricity Safety Act 1998 and other Acts and for other purposes* and desiring the agreement of the Council.

On the motion of Mr John Lenders (for the Honourable Theo Theophanous), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 11 ADJOURNMENT** — Mr John Lenders moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 6.42 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*

## **No. 120 — Wednesday, 20 July 2005**

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

- 2 PETITION — WESTERN PORT HIGHWAY TRAFFIC LIGHTS** — The Honourable Ron Bowden presented a Petition bearing 16 signatures from certain citizens of Victoria requesting that the Victorian Government prevent the installation of traffic lights along the Western Port Highway at Lyndhurst (Dandenong/Hastings Road).

Ordered to lie on the Table.

- 3 PAPERS** —

**SUPREME COURT JUDGES** — The Honourable Justin Madden presented, by command of the Governor, the Report of the Supreme Court Judges for the years 2002-04.

Ordered to lie on the Table.

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

Auditor-General — Report on East Gippsland Shire Council: Proposed sale of Lakes Entrance property, July 2005.

Auditor-General — Report on Managing intellectual property in government agencies, July 2005.

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

Banyule Planning Scheme — Amendment C47.

Cardinia Planning Scheme — Amendments C62 and C71.

Darebin Planning Scheme — Amendment C58 Part 2.

Gannawarra Planning Scheme — Amendment C11.

Glenelg Planning Scheme — Amendment C20.

Greater Dandenong Planning Scheme — Amendments C31 Part 3 and C58.

Greater Geelong Planning Scheme — Amendment C9.

Hepburn Planning Scheme — Amendment C26.

Kingston Planning Scheme — Amendment C32.

Mornington Peninsula Planning Scheme — Amendment C66.

Pyrenees Planning Scheme — Amendment C13.

Yarra Planning Scheme — Amendment C91.

A Statutory Rule under the Fisheries Act 1995 — No. 86.

**5 MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

**6 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 14 inclusive, be postponed until later this day.

**7 ACCIDENT COMPENSATION (FURTHER AMENDMENT) BILL** — On the motion of the Honourable Bill Forwood, leave was given to bring in a Bill *to amend the Accident Compensation Act 1985 and for other purposes*, and the Bill was read a first time and ordered to be printed and, by leave, to be read a second time forthwith.

The Honourable Bill Forwood moved, by leave, That the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Bill Forwood moved, That the Bill be now read a second time.

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

**8 VICTORIAN RACING INDUSTRY** — The Honourable David Koch moved, That this House condemns the State Government for failing to effectively capitalise on the potential of the Victorian Racing industry, particularly in the areas of tourism and rural economic growth.

Debate ensued.

Question — put.

The Council divided.

AYES, 18

The Hon. Bruce Atkinson

The Hon. W.R. Baxter

The Hon. Ron Bowden

The Hon. Andrew Brideson

The Hon. Andrea Coote

The Hon. Richard Dalla-Riva

The Hon. David Davis (*Teller*)

NOES, 21

The Hon. Lidia Argondizzo

Ms Candy Broad

The Hon. Helen Buckingham

Ms Elaine Carbines

The Hon. Kaye Darveniza (*Teller*)

The Hon. John Eren (*Teller*)

The Hon. Geoff Hilton

The Hon. Philip Davis	Ms Carolyn Hirsh
The Hon. Damian Drum	Mr Gavin Jennings
The Hon. Bill Forwood ( <i>Teller</i> )	Mr John Lenders
Ms Dianne Hadden	The Hon. John McQuilten
The Hon. Peter Hall	Ms Jenny Mikakos
The Hon. David Koch	The Hon. Robert Mitchell
The Hon. Wendy Lovell	The Hon. Sang Nguyen
The Hon. Andrew Olexander	Mr Noel Pullen
The Hon. Gordon Rich-Phillips	Ms Glenyys Romanes
The Hon. Graeme Stoney	Mr Johan Scheffer
The Hon. John Vogels	Mr Adem Somyurek
	The Hon. Theo Theophanous
	The Hon. Marsha Thomson
	Mr Matt Viney

And so it passed in the negative.

**9 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

**10 SUSPENSION OF STANDING AND SESSIONAL ORDERS** — Mr John Lenders moved, That Standing and Sessional Orders be suspended to the extent necessary to enable the Notice of Motion, General Business, standing in the name of Mr Matt Viney relating to the Minister for Commonwealth Games to be moved and debated during the transaction of Government Business, and that such motion be called on at any time during a change in business.

Question — put and resolved in the affirmative.

**11 ENERGY SAFE VICTORIA BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Theo Theophanous moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Theo Theophanous moved, That the Bill be now read a second time.

On the motion of the Honourable Bill Forwood, the debate was adjourned until the next day of meeting.

**12 HIGHER EDUCATION ACTS (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**13 COMMONWEALTH GAMES ARRANGEMENTS (MISCELLANEOUS AMENDMENTS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

House in Committee.



The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 14 NATIONAL PARKS (POINT NEPEAN) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the National Parks Act 1975 to make provision in relation to certain land at Point Nepean and on the Mornington Peninsula and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Justin Madden (for Ms Candy Broad), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 15 LOCAL GOVERNMENT (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 16 ADJOURNMENT** — Mr Gavin Jennings moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 9.08 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
Clerk of the Legislative Council

## No. 121 — Thursday, 21 July 2005

- 1 The President took the Chair and read the Prayer.
- 2 **PAPER — CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) ACT 1995** — The Honourable Justin Madden moved, by leave, That there be laid before this House a copy of the Guidelines for the Classification of Films and Computer Games; and Guidelines for the Classification of Publications, 2005.  
Question — put and resolved in the affirmative.  
The said paper was thereupon presented by the Honourable Justin Madden and ordered to lie on the Table.
- 3 **SITTING OF THE COUNCIL** — Mr John Lenders moved, That the Council, at its rising, adjourn until Tuesday, 9 August 2005.  
Question — put and resolved in the affirmative.
- 4 **MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.
- 5 **STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Honourable Members pursuant to Sessional Order 17.

- 6 NATIONAL PARKS (POINT NEPEAN) BILL** — The Order of the Day having been read for the second reading of this Bill, Ms Candy Broad moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.  
Question — put and resolved in the affirmative.  
Ms Candy Broad moved, That the Bill be now read a second time.  
On the motion of the Honourable Bill Forwood (for the Honourable Philip Davis), the debate was adjourned until the next day of meeting.
- 7 ENERGY SAFE VICTORIA BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.  
Debate resumed.  
Question — put and resolved in the affirmative.  
Bill read a second time and, by leave, read a third time and passed.  
Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 8 HEALTH LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.  
Debate resumed.  
*Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders —*
- 9 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.
- 10 HEALTH LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Debate continued on the question, That the Bill be now read a second time.  
Question — put and resolved in the affirmative.  
Bill read a second time and committed to a Committee of the whole.  
House in Committee.  
*Business having been interrupted at 4.30 p.m. pursuant to Sessional Order 14 —*  
Mr Gavin Jennings moved, That the sitting be continued.  
Question — put and resolved in the affirmative.
- 
- Further consideration of the Bill continued in Committee of the whole.  
The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted and the Bill was read a third time and passed.  
Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 11 PLANNING AND ENVIRONMENT (WILLIAMSTOWN SHIPYARD) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Planning and Environment Act 1987 in relation to the Williamstown Shipyard Site and for other purposes* and desiring the agreement of the Council.  
On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 12 TOBACCO (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Tobacco Act 1987 to ban smoking in enclosed workplaces and other areas, to increase controls on tobacco advertising and the supply of tobacco to young people and generally to increase*

*controls on tobacco, to amend the Transport Act 1983 to ban smoking in covered public transport property, to make consequential amendments to other Acts and for other purposes and desiring the agreement of the Council.*

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

**13 OWNER DRIVERS AND FORESTRY CONTRACTORS BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to regulate the relationship between persons who contract to transport goods in a vehicle, or harvest forest products using motorised equipment, supplied by them and persons who hire them, to amend the Victorian Civil and Administrative Tribunal Act 1998 and for other purposes and desiring the agreement of the Council.*

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

**14 ADJOURNMENT** — Mr Gavin Jennings moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 5.48 p.m., adjourned until Tuesday, 9 August 2005.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*



## LEGISLATIVE COUNCIL

### MINUTES OF THE PROCEEDINGS Nos. 122, 123 and 124

#### No. 122 — Tuesday, 9 August 2005

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council —

That he had, on 27 July 2005, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:

*Commonwealth Games Arrangements (Miscellaneous Amendments) Act*  
*Electoral Legislation (Further Amendment) Act*  
*Energy Safe Victoria Act*  
*Higher Education Acts (Amendment) Act*  
*Local Government (Amendment) Act.*

That he had, on 2 August 2005, given the Royal Assent to the undermentioned Act presented to him by the Clerk of the Parliaments:

*Health Legislation (Miscellaneous Amendments) Act.*

- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.
- 4 **MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.
- 5 **PAPERS** —

**FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE — DEVELOPMENT OF BODY IMAGE AMONG YOUNG PEOPLE** — Mr Robert Smith presented a Report from the Family and Community Development Committee on Issues Relating to the Development of Body Image Among Young People and Associated Effects on their Health and Wellbeing, together with Minutes of Evidence.

Ordered to lie on the Table and the Report to be printed.

Mr Robert Smith moved, That the Council take note of the Report.

Debate ensued.

Question — put and resolved in the affirmative.

\* \* \* \* \*

**RURAL AND REGIONAL SERVICES AND DEVELOPMENT COMMITTEE — FATALITY AND INJURY ON FARMS** — The Honourable Robert Mitchell presented a Report from the Rural and Regional Services and Development Committee on the Cause of Fatality and Injury on Victorian Farms, (including Appendices, a Minority Report and Extracts from the Proceedings of the Committee), together with Minutes of Evidence.

Ordered to lie on the Table and the Report to be printed.

The Honourable Robert Mitchell moved, That the Council take note of the Report.  
Debate ensued.

Question — put and resolved in the affirmative.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — The Honourable Andrew Brideson presented Alert Digest No. 9 of 2005 from the Scrutiny of Acts and Regulations Committee, (including Appendices).

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

**GOVERNMENT RESPONSE TO PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE REPORT ON REVIEW OF THE AUDITOR-GENERAL'S REPORT ON THE VICTORIAN RURAL AMBULANCE SERVICES** — Pursuant to the *Parliamentary Committees Act 2003*, the Clerk presented a Government response to recommendations in the Public Accounts and Estimates Committee Report on the Review of the Auditor-General's Report on the Victorian Rural Ambulance Services: Fulfilling a vital community need.

\* \* \* \* \*

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

Anti-Cancer Council of Victoria —

Minister's report of failure to submit 2004 report within the prescribed period.  
Report, 2004.

Commonwealth Games Arrangements Act 2001 — Commonwealth Games Designated Access Area Orders, pursuant to section 19 of the Act.

Municipal Association of Victoria Insurance — Report, 2003-04.

Murray Valley Citrus Marketing Board — Report, 2003-04 (*in lieu of that tabled on 3 November 2004*).

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

Ballarat Planning Scheme — Amendment C73 Part 2.

Boroondara Planning Scheme — Amendment C46.

Frankston Planning Scheme — Amendment C25.

Greater Bendigo Planning Scheme — Amendments C21, C62 and C74.

Greater Dandenong Planning Scheme — Amendment C69.

Latrobe Planning Scheme — Amendment C41.

Macedon Ranges Planning Scheme — Amendment C50.

Maroondah Planning Scheme — Amendment C39.

Mildura Planning Scheme — Amendments C28 and C34.

Mount Alexander Planning Scheme — Amendments C26 and C31.

Stonnington Planning Scheme — Amendment C43.

Towong Planning Scheme — Amendments C09 Part 1 and C10.

Whittlesea Planning Scheme — Amendment C59.

Wyndham Planning Scheme — Amendments C52, C72 and C73.

Statutory Rules under the following Acts of Parliament:

Dangerous Goods Act 1985 — No. 96.

Electricity Safety Act 1998 — No. 92.

Fair Trading Act 1999 — No. 90.

Health Act 1958 — No. 93.

Petroleum Products (Terminal Gate Pricing) Act 2000 — No. 91.

Safe Drinking Water Act 2003 — No. 88.

Sex Offenders Registration Act 2004 — No. 94.

Subordinate Legislation Act 1994 — Nos. 87 and 89.

Supreme Court Act 1986 — No. 95.

Subordinate Legislation Act 1994 —

Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 89.

Minister's exemption certificates under section 9(6) in respect of Statutory Rule Nos. 90, 91 and 94.

\* \* \* \* \*

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

Dangerous Goods Legislation (Amendment) Act 2004 — section 7 — 1 October 2005 (*Gazette No. G31, 4 August 2005*).

Gambling Regulation (Amendment) Act 2004 — remaining provisions of the Act — 21 July 2005 (*Gazette No. G29, 21 July 2005*).

Sex Offenders Registration (Amendment) Act 2005 — remaining provisions of the Act (except section 17) — 1 August 2005 (*Gazette No. G30, 28 July 2005*).

- 6 PLANNING AND ENVIRONMENT (WILLIAMSTOWN SHIPYARD) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Justin Madden moved, That the Bill be now read a second time.

On the motion of the Honourable Andrea Coote (for the Honourable David Davis), the debate was adjourned until the next day of meeting.

- 7 TOBACCO (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr Gavin Jennings moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Andrea Coote (for the Honourable David Davis), the debate was adjourned until the next day of meeting.

- 8 OWNER DRIVERS AND FORESTRY CONTRACTORS BILL** — The Order of the Day having been read for the second reading of this Bill, Mr Gavin Jennings moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Andrea Coote (for the Honourable C.A. Strong), the debate was adjourned until the next day of meeting.

- 9 NATIONAL PARKS (POINT NEPEAN) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 10 COMMONWEALTH GAMES BUDGETARY ARRANGEMENTS** — Mr Matt Viney moved, That this House affirms its support for the Commonwealth Games and endorses the action taken by the Minister for the Commonwealth Games in adopting budgetary arrangements for the Games which ensure complete financial transparency and accountability.

Debate ensued.

Question — put.

The Council divided.

AYES, 20

Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. John Eren  
 The Hon. Geoff Hilton (*Teller*)  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten (*Teller*)  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Marsha Thomson  
 Mr Matt Viney

NOES, 19

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. Peter Hall  
 The Hon. David Koch (*Teller*)  
 The Hon. Wendy Lovell (*Teller*)  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative.

**11 ADJOURNMENT** — Mr John Lenders moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 6.43 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 123 — Wednesday, 10 August 2005

1 The President took the Chair and read the Prayer.

**2 ACCIDENT COMPENSATION AND TRANSPORT ACCIDENT ACTS (OMBUDSMAN) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Accident Compensation Act 1985 and the Transport Accident Act 1986 and for other purposes* and desiring the agreement of the Council.

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

**3 PETITIONS** —

**RELIGIOUS EDUCATION** — The Honourable David Koch presented a Petition bearing 50 signatures from certain citizens of Victoria requesting that the Legislative Council take steps to ensure that there is no change to legislation which would diminish the status of religious education in Victorian schools and, on the contrary,

requires the Government to provide additional funding for chaplaincy services in Victorian state schools.

Ordered to lie on the Table.

\* \* \* \* \*

**HATTAH/NOWINGI TOXIC WASTE FACILITY** — Ms Dianne Hadden presented a Petition bearing 72 signatures from certain citizens of Victoria requesting that the Legislative Council abandon the proposal to place a toxic waste facility in the Mildura region.

Ordered to lie on the Table.

- 4 MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.
- 5 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion and Orders of the Day, General Business, Nos. 1 to 5 inclusive, be postponed until later this day.
- 6 ACCIDENT COMPENSATION (FURTHER AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put.

The Council divided.

AYES, 20

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander (*Teller*)  
 The Hon. Gordon Rich-Phillips (*Teller*)  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

NOES, 20

Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. John Eren  
 The Hon. Geoff Hilton  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos (*Teller*)  
 The Hon. Robert Mitchell (*Teller*)  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

The Tellers having declared the numbers for the "Ayes" and for the "Noes" to be respectively 20, the President said —

*The result of the division is Ayes 20, Noes 20. Standing Order 11.12 states that in the event of the numbers being equal the President will be required to give a casting vote. I cast my vote with the Noes. The Noes therefore have it.*

- 7 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.



- 8 PLANNING AND ENVIRONMENT (WILLIAMSTOWN SHIPYARD) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 9 TOBACCO (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 10 ADJOURNMENT** — Mr John Lenders moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 7.04 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
Clerk of the Legislative Council

## No. 124 — Thursday, 11 August 2005

- 1 The President took the Chair and read the Prayer.
- 2 CASINO CONTROL (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Casino Control Act 1991 and the Casino (Management Agreement) Act 1993 and for other purposes* and desiring the agreement of the Council.
- On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 3 PETITION — HATTAH/NOWINGI TOXIC WASTE FACILITY** — The Honourable Damian Drum presented a Petition bearing 30 signatures from certain citizens of Victoria requesting that the Legislative Council abandon the proposal to place a toxic waste facility in the Mildura region.
- Ordered to lie on the Table.
- 4 PAPER — GLEN EIRA CITY COUNCIL GOVERNANCE** — Ms Candy Broad moved, by leave, That there be laid before this House a copy of the Report of the Inspector of Municipal Administration, relating to an investigation into governance at Glen Eira City Council, July 2005.
- Question — put and resolved in the affirmative.

The said paper was thereupon presented by Ms Candy Broad and ordered to lie on the Table.

\* \* \* \* \*

**5 PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk:

Subordinate Legislation Act 1994 — Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 95.

**6 MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

**7 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Honourable Members pursuant to Sessional Order 17.

**8 ACCIDENT COMPENSATION AND TRANSPORT ACCIDENT ACTS (OMBUDSMAN) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden (for Mr John Lenders) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Justin Madden moved, That the Bill be now read a second time.

On the motion of the Honourable Graeme Stoney (for the Honourable Bill Forwood), the debate was adjourned until the next day of meeting.

**9 OWNER DRIVERS AND FORESTRY CONTRACTORS BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders —*

**10 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

**11 OWNER DRIVERS AND FORESTRY CONTRACTORS BILL** — Debate continued on the question, That the Bill be now read a second time.

Question — put.

The Council divided.

AYES, 22

Ms Candy Broad  
The Hon. Helen Buckingham  
Ms Elaine Carbines  
The Hon. Kaye Darveniza  
The Hon. John Eren  
The Hon. Geoff Hilton  
Ms Carolyn Hirsh  
Mr Gavin Jennings  
Mr John Lenders  
The Hon. John McQuilten  
The Hon. Justin Madden  
Ms Jenny Mikakos  
The Hon. Robert Mitchell  
The Hon. Sang Nguyen (*Teller*)  
Mr Noel Pullen (*Teller*)  
Ms Glenyys Romanes

NOES, 20

The Hon. Bruce Atkinson (*Teller*)  
The Hon. W.R. Baxter  
The Hon. Barry Bishop  
The Hon. Ron Bowden  
The Hon. Andrew Brideson  
The Hon. Andrea Coote  
The Hon. Richard Dalla-Riva  
The Hon. David Davis  
The Hon. Philip Davis  
The Hon. Damian Drum (*Teller*)  
The Hon. Bill Forwood  
Ms Dianne Hadden  
The Hon. Peter Hall  
The Hon. David Koch  
The Hon. Wendy Lovell  
The Hon. Andrew Olexander

Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative.

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

House in Committee.

The President resumed the Chair; and the Chair of Committees reported that the Committee had made progress in the Bill, and asked leave to sit again.

Ordered — That the Council will, on the next day of meeting, again resolve itself into the said Committee.

*Business having been interrupted at 4.30 p.m. by the President pursuant to Sessional Order 14—*

- 12 PRIMARY INDUSTRIES ACTS (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Prevention of Cruelty to Animals Act 1986, the Domestic (Feral and Nuisance) Animals Act 1994 and the Fisheries Act 1995 and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Theo Theophanous, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 13 ENVIRONMENT AND WATER LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to make miscellaneous amendments to the Sustainable Forests (Timber) Act 2004, the Safety on Public Land Act 2004, the Victorian Conservation Trust Act 1972, the Water Act 1989 and the Melbourne and Metropolitan Board of Works Act 1958 and for other purposes* and desiring the agreement of the Council.

On the motion of Mr Gavin Jennings (for Ms Candy Broad) the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 14 VICTORIA STATE EMERGENCY SERVICE BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to establish the Victoria State Emergency Service Authority, to re-enact with amendments the Victoria State Emergency Service Act 1987, to amend the Country Fire Authority Act 1958 and the Metropolitan Fire Brigades Act 1958, to make consequential amendments to certain other Acts and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Theo Theophanous, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 15 WORKING WITH CHILDREN BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to assist in protecting children from sexual or physical harm by ensuring that people who work with, or care for, them have their suitability to do so checked by a government body, to amend the Sentencing Act 1991, the Sex Offenders Registration Act 2004, the Victorian Civil and Administrative Tribunal Act 1998 and the Victorian Institute of Teaching Act 2001 and for other purposes* and desiring the agreement of the Council.

On the motion of Mr Gavin Jennings (for the Honourable Justin Madden), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

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

Debate ensued.

And then the Council, at 5.00 p.m., adjourned until Tuesday, 16 August 2005.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*



## LEGISLATIVE COUNCIL

### MINUTES OF THE PROCEEDINGS Nos. 125, 126 and 127

#### No. 125 — Tuesday, 16 August 2005

- 1 The President took the Chair and read the Prayer.
  - 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, this day, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:  
*National Parks (Point Nepean) Act*  
*Planning and Environment (Williamstown Shipyard) Act*  
*Tobacco (Amendment) Act.*
  - 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.
  - 4 **MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.
  - 5 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:  
Local Government Act 1989 — Order in Council of 9 August 2005 suspending the Councillors of Glen Eira City Council and appointing an administrator for the Council.  
Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:  
Ballarat Planning Scheme — Amendment C80.  
Casey Planning Scheme — Amendment C8.  
Greater Dandenong Planning Scheme — Amendment C68.  
Melbourne Planning Scheme — Amendment C102.  
Stonnington Planning Scheme — Amendment C23.  
Wodonga Planning Scheme — Amendment C44.  
A Statutory Rule under the Teaching Service Act 1981 — No. 97.  
\* \* \* \* \*
- PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Clerk:  
Energy Safe Victoria Act 2005 — except section 59 — 10 August 2005 (*Gazette No. S147, 9 August 2005*).  
Higher Education Acts (Amendment) Act 2005 — sections 1, 2, 111, 112, 113, 121, 128 and 129 — 9 August 2005 (*Gazette No. S148, 9 August 2005*).
- 6 **CASINO CONTROL (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Justin Madden moved, That the Bill be now read a second time.

On the motion of the Honourable Andrea Coote (for the Honourable David Koch), the debate was adjourned until the next day of meeting.

- 7 PRIMARY INDUSTRIES ACTS (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Theo Theophanous) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Andrea Coote (for the Honourable Philip Davis), the debate was adjourned until the next day of meeting.

- 8 ENVIRONMENT AND WATER LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for Ms Candy Broad) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Graeme Stoney, the debate was adjourned until the next day of meeting.

- 9 VICTORIA STATE EMERGENCY SERVICE BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Theo Theophanous) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Andrea Coote (for the Honourable Richard Dalla-Riva), the debate was adjourned until the next day of meeting.

- 10 WORKING WITH CHILDREN BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Justin Madden moved, That the Bill be now read a second time.

On the motion of the Honourable C.A. Strong, the debate was adjourned until the next day of meeting.

- 11 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 6, be postponed until later this day.

- 12 OWNER DRIVERS AND FORESTRY CONTRACTORS BILL** — The Order of the Day having been read for the further consideration of this Bill in Committee of the whole, the President left the Chair.

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted.

Mr Gavin Jennings moved, That the Bill be now read a third time.

Question — That the Bill be now read a third time and that the Bill do pass — put.

The Council divided.

## AYES, 21

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek (*Teller*)  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney (*Teller*)

## NOES, 19

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop (*Teller*)  
 The Hon. Ron Bowden (*Teller*)  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**13 ACCIDENT COMPENSATION AND TRANSPORT ACCIDENT ACTS (OMBUDSMAN) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**14 HOUSE CONTRACTS GUARANTEE (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the House Contracts Guarantee Act 1987 to establish the Housing Guarantee Claims Fund, to confer responsibility on the Victorian Managed Insurance Authority for the administration of that Fund and the Domestic Building (HH) Indemnity Fund and claims on those Funds, to provide for the transfer of the property, rights and liabilities of Housing Guarantee Fund Limited to the State, to amend the Victorian Managed Insurance Authority Act 1996 and other Acts and for other purposes* and desiring the agreement of the Council.

On the motion of Mr John Lenders (for the Honourable Marsha Thomson), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 15 ADJOURNMENT** — Mr John Lenders moved, That the House do now adjourn.  
 Debate ensued.  
 Question — put and resolved in the affirmative.  
 And then the Council, at 6.30 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 126 — Wednesday, 17 August 2005

- 1 The President took the Chair and read the Prayer.
- 2 **MELBOURNE COLLEGE OF DIVINITY (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Melbourne College of Divinity Act 1910 to make further provision for the governance and operation of the College and for other purposes* and desiring the agreement of the Council.  
 On the motion of the Honourable Theo Theophanous, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 3 **PETITIONS** —  
**POLICE SCHOOLS INVOLVEMENT PROGRAM** — The Honourable Wendy Lovell presented a Petition bearing 131 signatures from certain citizens of Victoria requesting that the State Government reinstate the Police Schools Involvement Program to build a secure environment for the children of Victoria.  
 Ordered to lie on the Table.
- \* \* \* \* \*
- VAGRANCY ACT 1966** — The Honourable Peter Hall presented a Petition bearing 5 signatures from certain citizens of Victoria praying that — (1) section 13 of the *Vagrancy Act 1966*, which currently outlaws witchcraft, sorcery, enchantment and fortune-telling, be retained; (2) the Legislative Council determine whether or not the repeal of section 13 of the *Vagrancy Act 1966*, as proposed in the *Vagrancy (Repeal) and Summary Offences (Amendment) Bill*, will have an adverse impact on Victorians; and (3) in the event that section 13 of the *Vagrancy Act 1966* is repealed, a report or statement be tabled in Parliament on the impact of such legislation.  
 Ordered to lie on the Table.
- 4 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:  
 Melbourne City Link Act 1995 —  
     City Link and Extension Projects Integration and Facilitation Agreement Twelfth Amending Deed, 28 July 2005, pursuant to section 15B(5) of the Act.  
     Exhibition Street Extension Eighth Amending Deed, 28 July 2005, pursuant to section 15D(6) of the Act.  
     Melbourne City Link Twentieth Amending Deed, 28 July 2005, pursuant to section 15(2) of the Act.  
 A Statutory Rule under the City of Melbourne Act 2001 — Local Government Act 1989 — No. 98.
- 5 **MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.



- 6 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 17 inclusive, be postponed until later this day.
- 7 CRIMES (CONTAMINATION OF GOODS OFFENCES) BILL** — On the motion of the Honourable Peter Hall, leave was given to bring in a Bill *to amend the Crimes Act 1958 and for other purposes*, and the Bill was read a first time and ordered to be printed and, by leave, to be read a second time forthwith.
- The Honourable Peter Hall moved, by leave, That the second reading speech be incorporated into Hansard.
- Question — put and resolved in the affirmative.
- The Honourable Peter Hall moved, That the Bill be now read a second time.
- On the motion of Mr John Lenders, the debate was adjourned until the next day of meeting.
- 8 COUNTRY TAXI SERVICES** — The Honourable Barry Bishop moved, That this House acknowledges the current crisis being experienced by country taxi services and calls on the Government to immediately implement measures that will ensure these vital services can continue to meet the needs of rural and regional communities.
- Debate ensued.
- The Honourable W.R. Baxter moved, as an amendment, That the word “crisis” be omitted with the view of inserting in its place “problems”.
- Debate ensued.
- Question — That the word proposed to be omitted stand part of the question — put and negatived.
- Question — That the word proposed to be inserted be so inserted — put and resolved in the affirmative.
- Question — That this House acknowledges the current problems being experienced by country taxi services and calls on the Government to immediately implement measures that will ensure these vital services can continue to meet the needs of rural and regional communities — put and resolved in the affirmative.
- 9 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03.
- MELBOURNE CRICKET GROUND REDEVELOPMENT BUDGET** — The Honourable Justin Madden having given an answer to a question and a supplementary question without notice relating to the Melbourne Cricket Ground redevelopment budget —
- The Honourable Bruce Atkinson moved, That the Minister's answers be taken into consideration on the next day of meeting.
- Question — put and resolved in the affirmative.
- QUESTIONS** — Questions without notice continued and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.
- 10 HOUSE CONTRACTS GUARANTEE (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Marsha Thomson) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.
- Question — put and resolved in the affirmative.
- Mr John Lenders moved, That the Bill be now read a second time.
- On the motion of the Honourable Wendy Lovell, the debate was adjourned until the next day of meeting.

- 11 CASINO CONTROL (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 12 PRIMARY INDUSTRIES ACTS (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 13 ENVIRONMENT AND WATER LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

The Honourable Graeme Stoney moved, as an amendment, That all the words after “That” be omitted with the view of inserting in their place “this Bill be withdrawn and redrafted to — (a) retain the provisions relating to the *Sustainable Forests (Timber) Act 2004*, the *Safety on Public Land Act 2005* and the *Victorian Conservation Trust Act 1972*; and (b) take into account the outcome of public consultation with key stakeholders on the effects of the proposed amendments to the *Water Act 1989* and the *Melbourne and Metropolitan Board of Works Act 1958*”.

Debate ensued.

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

The Council divided.

AYES, 22

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. John Eren  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos (*Teller*)  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek (*Teller*)

NOES, 19

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden (*Teller*)  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. Peter Hall (*Teller*)  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

And so it was resolved in the affirmative — Amendment negated.

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

The Council divided.

AYES, 22

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham (*Teller*)  
 Ms Elaine Carbines (*Teller*)  
 The Hon. John Eren  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

NOES, 19

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson (*Teller*)  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva (*Teller*)  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative.

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

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted.

Ms Candy Broad moved, That the Bill be now read a third time.

Question — That the Bill be now read a third time and that the Bill do pass — put.

The Council divided.

AYES, 22

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. John Eren (*Teller*)  
 The Hon. Geoff Hilton (*Teller*)  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos

NOES, 19

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis (*Teller*)  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood (*Teller*)  
 Ms Dianne Hadden

The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 14 RACING AND GAMING ACTS (POLICE POWERS) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Racing Act 1958 to enable the Chief Commissioner of Police to issue exclusion orders with respect to race-courses, to amend the Casino Control Act 1991 to expand the scope of exclusion orders issued by the Chief Commissioner of Police under that Act and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 15 ADJOURNMENT** — The President proposed the question, That the House do now adjourn.

Debate ensued.

And then the Council, at 10.11 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
 Clerk of the Legislative Council

## No. 127 — Thursday, 18 August 2005

- 1 The President took the Chair and read the Prayer.
- 2 **SITTING OF THE COUNCIL** — Mr John Lenders moved, That the Council, at its rising, adjourn until Tuesday, 6 September 2005.  
 Question — put and resolved in the affirmative.
- 3 **MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.
- 4 **STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Honourable Members pursuant to Sessional Order 17.
- 5 **MELBOURNE COLLEGE OF DIVINITY (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Theo Theophanous moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.  
 Question — put and resolved in the affirmative.  
 The Honourable Theo Theophanous moved, That the Bill be now read a second time.  
 On the motion of the Honourable Andrew Brideson, the debate was adjourned until the next day of meeting.

- 6 RACING AND GAMING ACTS (POLICE POWERS) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Theo Theophanous (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Theo Theophanous moved, That the Bill be now read a second time.

On the motion of the Honourable Andrea Coote (for the Honourable David Koch), the debate was adjourned until the next day of meeting.

- 7 VICTORIA STATE EMERGENCY SERVICE BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

The Honourable Peter Hall moved, as an amendment, That all the words after “That” be omitted with the view of inserting in their place “this House refuses to read this Bill a second time until the Government has fully investigated the Western Australian property-based funding model for fire services, and those findings are subjected to public scrutiny”.

Debate ensued.

*Business having been interrupted at 2.05 p.m. pursuant to Sessional Orders —*

- 8 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

- 9 VICTORIA STATE EMERGENCY SERVICE BILL** — Debate continued on the question, That the Bill be now read a second time and on the reasoned amendment, That all the words after “That” be omitted with the view of inserting in their place “this House refuses to read this Bill a second time until the Government has fully investigated the Western Australian property-based funding model for fire services, and those findings are subjected to public scrutiny”.

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

The Council divided.

AYES, 36

The Hon. Lidia Argondizzo  
 The Hon. Bruce Atkinson  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. Kaye Darveniza (*Teller*)  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. John Eren  
 The Hon. Bill Forwood  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 The Hon. David Koch (*Teller*)  
 Mr John Lenders

NOES, 5

The Hon. W.R. Baxter (*Teller*)  
 The Hon. Barry Bishop  
 The Hon. Damian Drum  
 Ms Dianne Hadden  
 The Hon. Peter Hall (*Teller*)

The Hon. Wendy Lovell  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 The Hon. Gordon Rich-Phillips  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney  
 The Hon. John Vogels

And so it was resolved in the affirmative — Amendment negatived.

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

The Council divided.

AYES, 36

The Hon. Lidia Argondizzo  
 The Hon. Bruce Atkinson  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. Kaye Darveniza  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. John Eren  
 The Hon. Bill Forwood  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 The Hon. David Koch  
 Mr John Lenders  
 The Hon. Wendy Lovell (*Teller*)  
 The Hon. John McQuilten (*Teller*)  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 The Hon. Gordon Rich-Phillips  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Graeme Stoney

NOES, 5

The Hon. W.R. Baxter  
 The Hon. Barry Bishop (*Teller*)  
 The Hon. Damian Drum (*Teller*)  
 Ms Dianne Hadden  
 The Hon. Peter Hall

The Hon. C.A. Strong  
The Hon. Theo Theophanous  
The Hon. Marsha Thomson  
Mr Matt Viney  
The Hon. John Vogels

And so it was resolved in the affirmative.

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

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 10 VAGRANCY (REPEAL) AND SUMMARY OFFENCES (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to repeal the Vagrancy Act 1966 and re-enact certain provisions of it in the Summary Offences Act 1966 and the Crimes Act 1958 and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Theo Theophanous (for the Honourable Justin Madden), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 11 FISHERIES (ABALONE) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Fisheries Act 1995 and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Theo Theophanous, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 12 RESIDENTIAL TENANCIES (FURTHER AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Residential Tenancies Act 1997 to clarify the residency rights of occupiers of shared rooms in rooming houses and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Theo Theophanous (for Ms Candy Broad), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 13 WORKING WITH CHILDREN BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Business having been interrupted at 4.30 p.m. by the President pursuant to Sessional Order 14 the debate stood adjourned in the name of the Honourable C.A. Strong.*

- 14 ADJOURNMENT** — The President proposed the question, That the House do now adjourn.

Debate ensued.

And then the Council, at 4.54 p.m., adjourned until Tuesday, 6 September 2005.

W.R. TUNNECLIFFE  
Clerk of the Legislative Council



## LEGISLATIVE COUNCIL

### MINUTES OF THE PROCEEDINGS Nos. 128, 129 and 130

#### No. 128 — Tuesday, 6 September 2005

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 24 August 2005, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:  
*Accident Compensation and Transport Accident Acts (Ombudsman) Act*  
*Casino Control (Amendment) Act*  
*Environment and Water Legislation (Miscellaneous Amendments) Act*  
*Owner Drivers and Forestry Contractors Act*  
*Primary Industries Acts (Amendment) Act*  
*Victoria State Emergency Service Act.*
- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.
- 4 **MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.
- 5 **PETITIONS** —  
**POLICE SCHOOLS INVOLVEMENT PROGRAM** — The Honourable Wendy Lovell presented a Petition bearing 14 signatures from certain citizens of Victoria requesting that the State Government reinstate the Police Schools Involvement Program to build a secure environment for the children of Victoria.

Ordered to lie on the Table.

\* \* \* \* \*

**PROPOSED DWELLING IN NUNAWADING** — The Honourable Bruce Atkinson presented a Petition bearing 23 signatures from certain citizens of Victoria praying that — (1) the Minister for Planning abandon plans for the proposed dwelling at 7 Tortice Avenue, Nunawading, purchased by the Department of Human Services for the relocation of Kew Cottages residents, which is inappropriate and out of character with the surrounding area; and (2) the Minister investigate other sites for the dwelling.

Ordered to lie on the Table.

- 6 **PAPERS** —  
**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — DISCRIMINATION IN THE LAW** — The Honourable Lidia Argondizzo presented the Final Report from the Scrutiny of Acts and Regulations Committee on Discrimination in the Law (including a Minority Report, Appendices and an Extract from the Proceedings of the Committee), together with Minutes of Evidence.



Ordered to lie on the Table and the Report to be printed.

The Honourable Lidia Argondizzo moved, That the Council take note of the Report.

Debate ensued.

Question — put and resolved in the affirmative.

\* \* \* \* \*

**ALERT DIGEST** — The Honourable Lidia Argondizzo presented Alert Digest No. 10 of 2005 from the Scrutiny of Acts and Regulations Committee (including Appendices).

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

**EDUCATION AND TRAINING COMMITTEE — SUITABILITY OF PRE-SERVICE TEACHER TRAINING** — Pursuant to the *Parliamentary Committees Act 2003*, the Clerk presented a copy of the Government's response to recommendations in the Education and Training Committee's Report on the Suitability of Pre-Service Teacher Training in Victoria.

\* \* \* \* \*

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

Commissioner for Environmental Sustainability — Framework for State of Environment Reporting, August 2005.

National Parks Act 1975 — Minister's notice of 28 June 2005 of consent for petroleum exploration within the Gippsland Lakes Coastal Park.

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

Bass Coast Planning Scheme — Amendments C36 and C42.

Darebin Planning Scheme — Amendment C59.

East Gippsland Planning Scheme — Amendment C45.

Glenelg Planning Scheme — Amendment C18.

Golden Plains Planning Scheme — Amendment C26.

Greater Dandenong Planning Scheme — Amendment C65.

Greater Shepparton Planning Scheme — Amendments C48, C56 and C59.

Hepburn Planning Scheme — Amendment C25.

Indigo Planning Scheme — Amendment C28.

Knox Planning Scheme — Amendment C44.

Loddon Planning Scheme — Amendment C14.

Manningham Planning Scheme — Amendment C37.

Moonee Valley Planning Scheme — Amendment C71.

Queenscliffe Planning Scheme — Amendment C16.

South Gippsland Planning Scheme — Amendment C33.

Stonnington Planning Scheme — Amendments C11 Part 2B and C41.

Surf Coast Planning Scheme — Amendment C25.

Victoria Planning Provisions — Amendment VC33.

Wellington Planning Scheme — Amendment C25.

Rural Finance Act 1988 — Treasurer's directives of 19 August 2005 and 1 September 2005 to the Rural Finance Corporation (three papers).

Statutory Rules under the following Acts of Parliament:

Children's Services Act 1996 — No. 100.

Corrections Act 1986 — No. 101.

Magistrates' Court Act 1989 — No. 99.

Terrorism (Community Protection) Act 2003 — Report, 2003-04, from the Chief Commissioner of Police, pursuant to section 13(3) of the Act.

**7 VAGRANCY (REPEAL) AND SUMMARY OFFENCES (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the

Honourable Justin Madden moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Justin Madden moved, That the Bill be now read a second time.

On the motion of the Honourable C.A. Strong, the debate was adjourned until the next day of meeting.

- 8 FISHERIES (ABALONE) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden (for the Honourable Theo Theophanous) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Justin Madden moved, That the Bill be now read a second time.

On the motion of the Honourable Andrea Coote (for the Honourable Philip Davis), the debate was adjourned until the next day of meeting.

- 9 RESIDENTIAL TENANCIES (FURTHER AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden (for Ms Candy Broad) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Justin Madden moved, That the Bill be now read a second time.

On the motion of the Honourable Andrea Coote (for the Honourable Wendy Lovell), the debate was adjourned until the next day of meeting.

- 10 WORKING WITH CHILDREN BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

The Honourable C.A. Strong moved, as an amendment, That all the words after “That” be omitted with the view of inserting in their place “this House refuses to read this Bill a second time until an independent Child Commissioner is appointed, whose responsibilities include proper consultation with key stakeholders, and to oversee the implementation of a simple and effective method of police checks for all applicants wishing to undertake child-related work, and who can oversee the implementation of child safe policies”.

Debate ensued.

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

The Council divided.

AYES, 21

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. John Eren  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell (*Teller*)  
 The Hon. Sang Nguyen (*Teller*)

NOES, 19

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 Ms Dianne Hadden  
 The Hon. Peter Hall  
 The Hon. David Koch

Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

The Hon. Wendy Lovell  
 The Hon. Andrew Olexander (*Teller*)  
 The Hon. Gordon Rich-Phillips (*Teller*)  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative — Amendment negated.

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

The Council divided.

AYES, 36

The Hon. Lidia Argondizzo  
 The Hon. Bruce Atkinson  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. John Eren  
 Ms Dianne Hadden  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 The Hon. David Koch  
 Mr John Lenders  
 The Hon. Wendy Lovell  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 The Hon. Andrew Olexander  
 Mr Noel Pullen (*Teller*)  
 The Hon. Gordon Rich-Phillips  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong (*Teller*)  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney  
 The Hon. John Vogels

NOES, 4

The Hon. W.R. Baxter (*Teller*)  
 The Hon. Barry Bishop  
 The Hon. Damian Drum (*Teller*)  
 The Hon. Peter Hall

And so it was resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 11 RACING AND GAMING ACTS (POLICE POWERS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

The Honourable David Koch announced that he proposed to move amendments in Committee and requested that they be circulated, pursuant to Sessional Order 36. Accordingly, the amendments were circulated.

Question — put and resolved in the affirmative.

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

House in Committee.

*Business having been interrupted at 10.00 p.m. by the President pursuant to Sessional Order 14 —*

- 12 LOCAL GOVERNMENT (FURTHER AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to dismiss the Glen Eira City Council and provide for a general election for that Council, to amend the Local Government Act 1989 and for other purposes* and desiring the agreement of the Council.

On the motion of Ms Candy Broad, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 13 ADJOURNMENT** — The President proposed the question, That the House do now adjourn.

Debate ensued.

And then the Council, at 10.24 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*

## **No. 129 — Wednesday, 7 September 2005**

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

- 2 LAND (MISCELLANEOUS MATTERS) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to provide for the revocation of a number of reservations in respect of various parcels of land, to provide for the revocation of Crown grants in relation to some of those parcels of land and the re-reservation of part of one of those parcels of land, to amend the Ballarat (Sovereign Hill) Land Act 1970 to provide for additional land to be included in the reserved land to which that Act applies and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 3 PETITIONS** —

**HATTAH/NOWINGI TOXIC WASTE FACILITY** — The Honourable Damian Drum presented a Petition bearing 272 signatures from certain citizens of Victoria requesting that the Legislative Council abandon the proposal to place a toxic waste facility in the Mildura region.

Ordered to lie on the Table.

\* \* \* \* \*

**COSGRAVE RESERVOIR PIPELINE** — Ms Dianne Hadden presented a Petition bearing 143 signatures from certain citizens of Victoria requesting that the Minister for Environment and Water stop the building of a pipeline connecting Creswick's Cosgrave Reservoir to Ballarat's White Swan Reservoir and that no further action be taken until an environmental impact study has been undertaken and the Creswick community fully consulted.

Ordered to lie on the Table.

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

Statutory Rules under the following Acts of Parliament:

Fisheries Act 1995 — No. 103.

Forests Act 1958 — No. 102.

Intellectually Disabled Persons' Services Act 1986 — No. 105.

Magistrates' Court Act 1989 — No. 104.

- 5 MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

- 6 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 18 inclusive, be postponed until later this day.

- 7 SERIOUS OFFENDERS MONITORING BILL** — On the motion of the Honourable Richard Dalla-Riva, leave was given to bring in a Bill *to repeal the Serious Sex Offenders Monitoring Act 2005 and to amend the Sentencing Act 1991 and the Bail Act 1977 to provide for continuing supervision of an offender convicted of serious crimes*, and the Bill was read a first time and ordered to be printed and, by leave, to be read a second time forthwith.

The Honourable Richard Dalla-Riva moved, by leave, That the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Richard Dalla-Riva moved, That the Bill be now read a second time.

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

- 8 SMALL BUSINESS CONFIDENCE** — The Honourable Bruce Atkinson moved, That this House notes the alarming fall in small business confidence in Victoria and condemns the Minister for Small Business and the State Government for their failure to implement policies that support small business growth and investment.

Debate ensued.

Question — put.

The Council divided.

AYES, 19

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis

NOES, 23

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings

The Hon. Damian Drum  
 Ms Dianne Hadden  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong (*Teller*)  
 The Hon. John Vogels (*Teller*)

Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer (*Teller*)  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney (*Teller*)

And so it passed in the negative.

**9 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

**10 LOCAL GOVERNMENT (FURTHER AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Ms Candy Broad moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Andrea Coote (for the Honourable John Vogels) the debate was adjourned until the next day of meeting.

**11 RACING AND GAMING ACTS (POLICE POWERS) BILL** — The Order of the Day having been read for the further consideration of this Bill in Committee of the whole, the President left the Chair.

House in Committee.

The Acting President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**12 HOUSE CONTRACTS GUARANTEE (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**13 MELBOURNE COLLEGE OF DIVINITY (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

*And the Acting President having ruled the Bill to be a Private Bill* —

Mr. John Lenders moved, That the Bill be dealt with as a Public Bill.

Question — put and resolved in the affirmative.

Debate resumed.

Question — That the Bill be now read a second time — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 14 VAGRANCY (REPEAL) AND SUMMARY OFFENCES (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 15 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 6, be postponed until the next day of meeting.

- 16 RESIDENTIAL TENANCIES (FURTHER AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Business having been interrupted at 10.00 p.m. by the Deputy President pursuant to Sessional Order 14, the debate stood adjourned in the name of the Honourable Damian Drum.*

- 17 PIPELINES BILL** — The Deputy President announced the receipt of a Message from the Assembly presenting a Bill *to re-enact with amendments the laws relating to the construction and operation of pipelines in Victoria, to repeal the Pipelines Act 1967 and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Marsha Thomson (for the Honourable Theo Theophanous), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 18 RADIATION BILL** — The Deputy President announced the receipt of a Message from the Assembly presenting a Bill *to protect the health and safety of persons and the environment from the harmful effects of radiation, to make consequential amendments to the Health Act 1958, the Dangerous Goods Act 1985, the Environment Protection Act 1970, the Magistrates' Court Act 1989, the Nuclear Activities (Prohibitions) Act 1983, the Road Transport (Dangerous Goods) Act 1995 and for other purposes* and desiring the agreement of the Council.

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

- 19 ADJOURNMENT** — The Deputy President proposed the question, That the House do now adjourn.

Debate ensued.

And then the Council, at 10.28 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
Clerk of the Legislative Council

**No. 130 — Thursday, 8 September 2005**

1 The President took the Chair and read the Prayer.

2 **PETITIONS —**

**HATTAH/NOWINGI TOXIC WASTE FACILITY** — The Honourables Wendy Lovell and Barry Bishop each presented a Petition bearing 219 and 231 signatures, respectively, from certain citizens of Victoria requesting that the Legislative Council abandon the proposal to place a toxic waste facility in the Mildura region.

Ordered to lie on the Table.

\* \* \* \* \*

**COSGRAVE RESERVOIR PIPELINE** — Ms Dianne Hadden presented a Petition bearing 230 signatures from certain citizens of Victoria requesting that the Minister for Environment and Water stop the building of a pipeline connecting Creswick's Cosgrave Reservoir to Ballarat's White Swan Reservoir and that no further action be taken until an environmental impact study has been undertaken and the Creswick community fully consulted.

Ordered to lie on the Table.

3 **MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

4 **STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Honourable Members pursuant to Sessional Order 17.

5 **LAND (MISCELLANEOUS MATTERS) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Theo Theophanous (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Theo Theophanous moved, That the Bill be now read a second time.

On the motion of the Honourable Andrea Coote (for the Honourable David Davis), the debate was adjourned until the next day of meeting.

6 **PIPELINES BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Theo Theophanous moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Theo Theophanous moved, That the Bill be now read a second time.

On the motion of the Honourable Andrea Coote (for the Honourable Bill Forwood), the debate was adjourned until the next day of meeting.

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

8 **LOCAL GOVERNMENT (FURTHER AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Business having been interrupted at 2.05 p.m. pursuant to Sessional Orders —*

9 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03.



**VMIA CLINICAL RISK MANAGEMENT** — Mr John Lenders having given an answer to a supplementary question without notice relating to clinical risk management in public hospitals by the Victorian Managed Insurance Authority —

The Honourable David Davis moved, That the Minister's answer be taken into consideration on the next day of meeting.

Question — put and resolved in the affirmative.

**QUESTIONS** — Questions without notice continued and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

**10 LOCAL GOVERNMENT (FURTHER AMENDMENT) BILL** — Debate continued on the question, That the Bill be now read a second time.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**11 RADIATION BILL** — The Order of the Day having been read for the second reading of this Bill, Mr Gavin Jennings moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Graeme Stoney (for the Honourable David Davis), the debate was adjourned until the next day of meeting.

**12 NATIONAL PARKS (OTWAYS AND OTHER AMENDMENTS) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the National Parks Act 1975 to provide for the creation of the Great Otway National Park and for other related matters, to amend the Crown Land (Reserves) Act 1978, the Fisheries Act 1995, the Forests Act 1958, the Heritage Rivers Act 1992 and the Sustainable Forests (Timber) Act 2004 and for other purposes* and desiring the agreement of the Council.

On the motion of Ms Candy Broad, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**13 RESIDENTIAL TENANCIES (FURTHER AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Business having been interrupted at 4.30 p.m. by the President pursuant to Sessional Order 14, the debate stood adjourned in the name of the Honourable Andrew Olexander.*

**14 SUSTAINABILITY VICTORIA BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to establish Sustainability Victoria as the successor in law to the Sustainable Energy Authority Victoria and EcoRecycle Victoria, to amend the Environment Protection Act 1970, to repeal the Sustainable Energy Authority Victoria Act 1990 and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Marsha Thomson (for Ms Candy Broad), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

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

Debate ensued.

And then the Council, at 4.51 p.m., adjourned until Tuesday, 13 September 2005.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*



## LEGISLATIVE COUNCIL

### MINUTES OF THE PROCEEDINGS Nos. 131, 132 and 133

#### No. 131 — Tuesday, 13 September 2005

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, this day, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:
  - House Contracts Guarantee (Amendment) Act*
  - Local Government (Further Amendment) Act*
  - Melbourne College of Divinity (Amendment) Act*
  - Racing and Gaming Acts (Police Powers) Act*
  - Vagrancy (Repeal) and Summary Offences (Amendment) Act*
  - Working with Children Act.*
- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.
- 4 **MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.
- 5 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:
  - Commonwealth Games Arrangements Act 2001 — Commonwealth Games Venue and Project Orders, pursuant to section 18 of the Act (four papers).
  - Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3)(a)(iii) in relation to Statutory Rule No. 49.
  - Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:
    - Cardinia Planning Scheme — Amendment C33.
    - Colac Otway Planning Scheme — Amendment C13.
    - East Gippsland Planning Scheme — Amendment C33.
    - Golden Plains Planning Scheme — Amendment C19.
    - Greater Geelong Planning Scheme — Amendment C97.
    - Manningham Planning Scheme — Amendment C30.
    - Maribyrnong Planning Scheme — Amendments C38 and C41.
    - Monash Planning Scheme — Amendment C16.
    - Moonee Valley Planning Scheme — Amendment C64.
    - Port Phillip Planning Scheme — Amendment C48.
    - Whitehorse Planning Scheme — Amendments C59 and C61.
  - Project Development and Construction Management Act 1994 — Orders in Council of 30 August 2005 of nomination and application orders (three papers).
  - A Statutory Rule under the Victims of Crime Assistance Act 1996 — No. 106.
  - Subordinate Legislation Act 1994 — Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 106.

- 6 NATIONAL PARKS (OTWAYS AND OTHER AMENDMENTS) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for Ms Candy Broad) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Andrea Coote, the debate was adjourned until the next day of meeting.

- 7 SUSTAINABILITY VICTORIA BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for Ms Candy Broad) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Andrea Coote, the debate was adjourned until the next day of meeting.

- 8 RESIDENTIAL TENANCIES (FURTHER AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put.

The Council divided.

AYES, 21

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham (*Teller*)  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer (*Teller*)  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Marsha Thomson  
 Mr Matt Viney

NOES, 17

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong (*Teller*)  
 The Hon. John Vogels (*Teller*)

And so it was resolved in the affirmative.

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

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted.

The Honourable Marsha Thomson moved, That the Bill be now read a third time.  
 Question — That the Bill be now read a third time and that the Bill do pass — put.  
 The Council divided.

AYES, 21

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines (*Teller*)  
 The Hon. Kaye Darveniza (*Teller*)  
 The Hon. John Eren  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Marsha Thomson  
 Mr Matt Viney

NOES, 17

The Hon. Bruce Atkinson (*Teller*)  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden (*Teller*)  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**9 FISHERIES (ABALONE) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**10 LAND (MISCELLANEOUS MATTERS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**11 ROYAL VICTORIAN INSTITUTE FOR THE BLIND AND OTHER AGENCIES (MERGER) BILL** — The Acting President announced the receipt of a Message from the Assembly presenting a Bill *to provide that certain bequests, gifts, dispositions and trusts have effect as if made or declared to or in favour of Vision Australia Limited and for other purposes* and desiring the agreement of the Council.

On the motion of Mr John Lenders (for the Honourable Justin Madden), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 12 PIPELINES BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Business having been interrupted at 10.00 p.m. by the President pursuant to Sessional Order 14, the debate stood adjourned in the name of the Honourable Richard Dalla-Riva.*

- 13 ADJOURNMENT** — The President proposed the question, That the House do now adjourn.

Debate ensued.

And then the Council, at 10.22 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
Clerk of the Legislative Council

## No. 132 — Wednesday, 14 September 2005

- 1 The President took the Chair and read the Prayer.
- 2 **PETITION — NOWINGI TOXIC WASTE FACILITY** — The Honourable Barry Bishop presented a Petition bearing 24 signatures from certain citizens of Victoria requesting that the Victorian Government abandon its proposal to place a toxic waste facility in the Mildura area.  
Ordered to lie on the Table.
- 3 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:  
Auditor-General — Report on Franchising Melbourne's train and tram system, September 2005.  
Australian Catholic University — Report, 2004.  
Commonwealth Games Arrangements Act 2001 — Commonwealth Games Venue and Project Orders, pursuant to section 18 of the Act (four papers).
- 4 **MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.
- 5 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 18 inclusive, be postponed until later this day.
- 6 **FAIR TRADING (TELEPHONE MARKETING) BILL** — On the motion of the Honourable Peter Hall, leave was given to bring in a Bill *to amend the Fair Trading Act 1999 to further regulate telephone marketing*, and the Bill was read a first time and ordered to be printed and, by leave, to be read a second time forthwith.  
Accordingly, the Honourable Peter Hall moved, That the Bill be now read a second time.  
On the motion of Ms Jenny Mikakos, the debate was adjourned until Wednesday, 28 September 2005.
- 7 **BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, General Business, Nos. 1 to 4 inclusive, be postponed until later this day.

- 8 SERIOUS OFFENDERS MONITORING BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

The Honourable Bruce Atkinson announced that he proposed to move an amendment in Committee and requested that it be circulated, pursuant to Sessional Order 36.

Accordingly, the amendment was circulated.

Question — put.

The Council divided.

AYES, 18

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson (*Teller*)  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva (*Teller*)  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

NOES, 21

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren (*Teller*)  
 The Hon. Geoff Hilton (*Teller*)  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Marsha Thomson  
 Mr Matt Viney

And so it passed in the negative.

- 9 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

- 10 ROYAL VICTORIAN INSTITUTE FOR THE BLIND AND OTHER AGENCIES (MERGER) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable C.A. Strong the debate was adjourned until the next day of meeting.

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

- 12 RADIATION BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 13 PIPELINES BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 14 NATIONAL PARKS (OTWAYS AND OTHER AMENDMENTS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

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

- 15 MELBOURNE LANDS (YARRA RIVER NORTH BANK) (AMENDMENT) BILL** — The Deputy President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Melbourne Lands (Yarra River North Bank) Act 1997 to provide for additional land to be included in the site used for the Melbourne Aquarium and for other purposes* and desiring the agreement of the Council.

On the motion of Mr John Lenders (for the Honourable Justin Madden), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 16 RACING AND GAMBLING ACTS (AMENDMENT) BILL** — The Deputy President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Racing Act 1958 with respect to the Racing Victoria Centre land and appeals to the Racing Appeals Tribunal, to amend the Gambling Regulation Act 2003 with respect to the publication of race fields and the health benefit levy, to amend the Casino Control Act 1991 with respect to the health benefit levy, to amend the Gambling Regulation (Further Amendment) Act 2004, to repeal spent Acts and for other purposes* and desiring the agreement of the Council.

On the motion of Mr John Lenders (for the Honourable Justin Madden), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

*Business having been interrupted at 10.00 p.m. by the Deputy President pursuant to Sessional Order 14—*

- 17 ADJOURNMENT** — The Deputy President proposed the question, That the House do now adjourn.

Debate ensued.

And then the Council, at 10.26 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
Clerk of the Legislative Council



## No. 133 — Thursday, 15 September 2005

1 The President took the Chair and read the Prayer.

2 **PETITIONS —**

**COUNTRY TAXI SERVICES —** The Honourable Peter Hall presented a Petition bearing 18 signatures, from certain citizens of Victoria requesting that the Government immediately introduce measures that will lift the subsidised operation of country taxi services to the level given to Melbourne based taxis and to initiate reforms that will enhance the viability of country taxi services so that they can continue to meet the needs of country Victorians.

Ordered to lie on the Table.

\* \* \* \* \*

**HATTAH/NOWINGI TOXIC WASTE FACILITY —** The Honourables Damian Drum and Barry Bishop each presented a Petition bearing 211 and 278 signatures, respectively, from certain citizens of Victoria requesting that the Legislative Council abandon the proposal to place a toxic waste facility in the Mildura region.

Ordered to lie on the Table.

\* \* \* \* \*

**ALBERT PARK PRECINCT PARKING FEES —** The Honourable Bruce Atkinson presented a Petition bearing 1842 signatures, from certain citizens of Victoria requesting that approval for the introduction of the parking strategy within the Albert Park precinct be deferred until an independent study is conducted as to the impact these fees will have on the sports and other users of the Park.

Ordered to lie on the Table.

3 **PAPERS —**

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — AUDITOR-GENERAL'S REPORT ON PARLIAMENTARY CONTROL AND MANAGEMENT OF APPROPRIATIONS —** The Honourable Bill Forwood presented a Report from the Public Accounts and Estimates Committee on the Review of the Auditor-General's Report on Parliamentary Control and Management of Appropriations (including an Appendix).

Ordered to lie on the Table and to be printed.

The Honourable Bill Forwood moved, That the Council take note of the Report.

Debate ensued.

Question — put and resolved in the affirmative.

\* \* \* \* \*

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

Office of Police Integrity — Investigation into the publication of *One Down, One Missing*, September 2005.

Victorian Law Reform Commission — Interim Report on Family Violence Police Holding Powers.

4 **SITTING OF THE COUNCIL —** Mr John Lenders moved, That the Council, at its rising, adjourn until Tuesday, 4 October 2005.

Question — put and resolved in the affirmative.

5 **MEMBERS' STATEMENTS —** Statements were made by Honourable Members pursuant to Sessional Order 11.

- 6 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Honourable Members pursuant to Sessional Order 17.
- 7 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 1, be postponed until later this day.
- 8 MELBOURNE LANDS (YARRA RIVER NORTH BANK) (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Ms Candy Broad (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.  
Question — put and resolved in the affirmative.  
Ms Candy Broad moved, That the Bill be now read a second time.  
On the motion of the Honourable Andrea Coote (for the Honourable David Davis), the debate was adjourned until the next day of meeting.
- 9 NATIONAL PARKS (OTWAYS AND OTHER AMENDMENTS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.  
Debate resumed.  
Mr Robert Smith moved, That the debate be adjourned until later this day.  
Debate ensued.  
Question — put and resolved in the affirmative.
- 10 SUSTAINABILITY VICTORIA BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.  
Debate resumed.  
*Business having been interrupted at 2.05 p.m. pursuant to Sessional Orders —*
- 11 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.
- 12 SUSTAINABILITY VICTORIA BILL** — Debate continued on the question, That the Bill be now read a second time.  
Question — put and resolved in the affirmative.  
Bill read a second time and, by leave, read a third time and passed.  
Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 13 RACING AND GAMBLING ACTS (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Marsha Thomson (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.  
Question — put and resolved in the affirmative.  
The Honourable Marsha Thomson moved, That the Bill be now read a second time.  
On the motion of the Honourable David Koch, the debate was adjourned until the next day of meeting.
- 14 NATIONAL PARKS (OTWAYS AND OTHER AMENDMENTS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.  
Debate resumed.  
Question — put.  
The Council divided.

## AYES, 36

The Hon. Lidia Argondizzo  
 The Hon. Bruce Atkinson  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines (*Teller*)  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. Kaye Darveniza  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. John Eren  
 The Hon. Bill Forwood  
 The Hon. Geoff Hilton (*Teller*)  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 The Hon. David Koch  
 Mr John Lenders  
 The Hon. Wendy Lovell  
 The Hon. John McQuilten  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 The Hon. Andrew Olexander  
 Mr Noel Pullen  
 The Hon. Gordon Rich-Phillips  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. Marsha Thomson  
 Mr Matt Viney  
 The Hon. John Vogels

And so it was resolved in the affirmative.

The Honourable Marsha Thomson moved, by leave, That the Bill be now read a third time.

Question — That the Bill be now read a third time and that the Bill do pass — put.

The Council divided.

## AYES, 36

The Hon. Lidia Argondizzo  
 The Hon. Bruce Atkinson  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Andrea Coote

## NOES, 4

The Hon. W.R. Baxter (*Teller*)  
 The Hon. Barry Bishop  
 The Hon. Damian Drum  
 The Hon. Peter Hall (*Teller*)

## NOES, 4

The Hon. W.R. Baxter  
 The Hon. Barry Bishop (*Teller*)  
 The Hon. Damian Drum (*Teller*)  
 The Hon. Peter Hall

The Hon. Richard Dalla-Riva  
 The Hon. Kaye Darveniza  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. John Eren  
 The Hon. Bill Forwood  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 The Hon. David Koch  
 Mr John Lenders  
 The Hon. Wendy Lovell  
 The Hon. John McQuilten  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 The Hon. Andrew Olexander  
 Mr Noel Pullen  
 The Hon. Gordon Rich-Phillips  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek (*Teller*)  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. Marsha Thomson  
 Mr Matt Viney (*Teller*)  
 The Hon. John Vogels

And so it was resolved in the affirmative.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**15 ROYAL VICTORIAN INSTITUTE FOR THE BLIND AND OTHER AGENCIES (MERGER) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

*And the President having ruled the Bill to be a Private Bill* —

Mr. John Lenders moved, That the Bill be dealt with as a Public Bill.

Question — put and resolved in the affirmative.

Debate resumed.

Question — That the Bill be now read a second time — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**16 SENTENCING AND MENTAL HEALTH ACTS (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Sentencing Act 1991, the Mental Health Act 1986, the Corrections Act 1986 and the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997, to make consequential amendments to other Acts and for other purposes* and desiring the agreement of the Council.

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

**17 SPORTS ANTI-DOPING BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to re-enact with amendments the law relating to anti-doping in sport, to confer functions on the Australian Sports Drug Agency, to repeal the Sports Drug Testing Act 1995 and for other purposes* and desiring the agreement of the Council.

On the motion of Mr Gavin Jennings (for the Honourable Justin Madden), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

*Business having been interrupted at 4.30 p.m. by the President pursuant to Sessional Order 14 —*

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

Debate ensued.

And then the Council, at 5.09 p.m., adjourned until Tuesday, 4 October 2005.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*



## LEGISLATIVE COUNCIL

### MINUTES OF THE PROCEEDINGS Nos. 134, 135 and 136

#### No. 134 — Tuesday, 4 October 2005

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Lieutenant-Governor informing the Council that she had, on 20 September 2005, given the Royal Assent to the undermentioned Acts presented to her by the Clerk of the Parliaments:  
*Fisheries (Abalone) Act*  
*Land (Miscellaneous Matters) Act*  
*National Parks (Otways and Other Amendments) Act*  
*Pipelines Act*  
*Radiation Act*  
*Residential Tenancies (Further Amendment) Act*  
*Royal Victorian Institute for the Blind and other Agencies (Merger) Act*  
*Sustainability Victoria Act.*
- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.
- 4 **MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.
- 5 **PETITION — WESTERN PORT HIGHWAY TRAFFIC LIGHTS** — The Honourable Ron Bowden presented a Petition bearing 14 signatures from certain citizens of Victoria requesting that the Victorian Government prevent the installation of traffic lights along the Western Port Highway at Lyndhurst (Dandenong/Hastings Road).  
Ordered to lie on the Table.
- 6 **PAPERS** —  
**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — The Honourable Lidia Argondizzo presented Alert Digest No. 11 of 2005 from the Scrutiny of Acts and Regulations Committee, together with Appendices.  
Ordered to lie on the Table and to be printed.

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

Forensic Leave Panel — Report, 2004.

Freedom of Information Act 1982 — Statement of reasons under section 68AB(2) of the Act.

Parliamentary Committees Act 2003 — Government response to recommendations in Public Accounts and Estimates Committee's Report on 2003-04 Budget Outcomes.

Parliamentary Contributory Superannuation Fund — Actuarial Investigation as at 30 June 2005.

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

- Ballarat Planning Scheme — Amendment C76.
- Glen Eira Planning Scheme — Amendment C42.
- Greater Dandenong Planning Scheme — Amendment C64.
- Greater Shepparton Planning Scheme — Amendment C61.
- Hume Planning Scheme — Amendment C62.
- Melbourne Planning Scheme — Amendment C111.
- Moreland Planning Scheme — Amendment C29.
- Nillumbik Planning Scheme — Amendment C36.
- Southern Grampians Planning Scheme — Amendments C8 and C9.
- Stonnington Planning Scheme — Amendment C12 Part 2.
- Surf Coast Planning Scheme — Amendment C7 Part 2.
- Victoria Planning Provisions — Amendment VC34.
- Wyndham Planning Scheme — Amendment C69.

Retail Leases Act 2003 — Minister's determination of 15 September 2005 relating to premises not constituting retail premises, pursuant to section 5(3) of the Act.

Rural Finance Act 1988 — Treasurer's directive of 18 September 2005 to the Rural Finance Corporation.

Statutory Rules under the following Acts of Parliament:

- County Court Act 1958 — No. 107.
- Drugs, Poisons and Controlled Substances Act 1981 — No. 117.
- Estate Agents Act 1980 — No. 108.
- Health Act 1958 — Nos. 114 to 116.
- Health Services Act 1988 — Nos. 112 and 113.
- Mental Health Act 1986 — No. 111.
- Residential Tenancies Act 1997 — No. 109.
- Tobacco Act 1987 — No. 118.
- Victorian Institute of Teaching Act 2001 — No. 110.

Subordinate Legislation Act 1994 —

- Ministers' exception certificates under section 8(4) in respect of Statutory Rule Nos. 107 and 111 to 117.
- Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 93, 108, 109 and 118.

Surveyor-General — Report on the Administration of the *Survey Co-Ordination Act 1958* for 2004-05.

\* \* \* \* \*

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

Primary Industries Legislation (Further Miscellaneous Amendments) Act 2004 — section 49 — 29 September 2005 (*Gazette No. G39, 29 September 2005*).

Sustainability Victoria Act 2005 — remaining provisions — 1 October 2005 (*Gazette No. G39, 29 September 2005*).

**7 RIGHT OF REPLY — CR JENNY MULHOLLAND** — Pursuant to Standing Order 19.03, the President presented a Right of Reply from Cr Jenny Mulholland, Deputy Mayor, Banyule City Council to statements made in the Council by the Honourable Bill Forwood on 11 and 16 August 2005.

Ordered to lie on the Table and to be printed.

The Honourable Bill Forwood moved, That the right of reply be taken into consideration on the next day of meeting.

Question — put and resolved in the affirmative.

- 8 STANDING ORDERS COMMITTEE** — The Honourable Theo Theophanous moved, by leave, That the Standing Orders Committee have leave to sit during the sittings of the Council.  
Question — put and resolved in the affirmative.
- 9 SENTENCING AND MENTAL HEALTH ACTS (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Theo Theophanous (for Mr Gavin Jennings) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.  
Question — put and resolved in the affirmative.  
The Honourable Theo Theophanous moved, That the Bill be now read a second time.  
On the motion of the Honourable David Davis, the debate was adjourned until the next day of meeting.
- 9 SPORTS ANTI-DOPING BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Theo Theophanous (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.  
Question — put and resolved in the affirmative.  
The Honourable Theo Theophanous moved, That the Bill be now read a second time.  
On the motion of the Honourable Graeme Stoney (for the Honourable Bruce Atkinson), the debate was adjourned until the next day of meeting.
- 10 RACING AND GAMBLING ACTS (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.  
Debate resumed.  
Question — put and resolved in the affirmative.  
Bill read a second time and, by leave, read a third time and passed.  
Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 11 MELBOURNE LANDS (YARRA RIVER NORTH BANK) (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.  
Debate resumed.  
Question — put and resolved in the affirmative.  
Bill read a second time and, by leave, read a third time and passed.  
Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 12 ADJOURNMENT** — The Honourable Marsha Thomson moved, That the House do now adjourn.  
Debate ensued.  
Question — put and resolved in the affirmative.  
And then the Council, at 6.30 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*



## No. 135 — Wednesday, 5 October 2005

- 1 The President took the Chair and read the Prayer.
- 2 **CRIMES (CONTAMINATION OF GOODS) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Crimes Act 1958 to specify recklessness as a fault element of contamination of goods offences and for other purposes* and desiring the agreement of the Council.  
On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 3 **PROPERTY (CO-OWNERSHIP) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Property Law Act 1958 to provide for the transfer of jurisdiction of disputes relating to the co-ownership of land and goods from the Supreme Court and the County Court to VCAT and provide for the remedies available for determining those disputes, to consequentially amend the Victorian Civil and Administrative Tribunal Act 1998 and the Transfer of Land Act 1958 and for other purposes* and desiring the agreement of the Council.  
On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 4 **PETITION — COSGRAVE RESERVOIR PIPELINE** — Ms Dianne Hadden presented a Petition bearing 297 signatures from certain citizens of Victoria requesting that the Minister for Environment and Water stop the building of a pipeline connecting Creswick's Cosgrave Reservoir to Ballarat's White Swan Reservoir and that no further action be taken until an environmental impact study has been undertaken and the Creswick community fully consulted.  
Ordered to lie on the Table.
- 5 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:
  - Auditor-General —
    - Report on Community planning services in Glenelg Shire Council: 1998-2005, October 2005.
    - Report on Health procurement in Victoria, October 2005.
    - Report on Results of special reviews and other investigations, October 2005.
  - PrimeSafe — Minister's report of receipt of 2004-05 report.
  - Statutory Rules under the following Acts of Parliament:
    - Prevention of Cruelty to Animals Act 1986 — No. 121.
    - Road Safety Act 1986 — Nos. 119 and 120.
    - Subordinate Legislation Act 1994 — Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 119 to 121.
  - Victorian Law Reform Commission — Final Report on Workplace Privacy.
- 6 **MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.
- 7 **PUBLIC HOSPITALS PERFORMANCE REPORTING** — The Honourable David Davis moved, That this House condemns the Premier for seriously weakening the quality of reporting by his Government of critical hospital performance statistics and for reducing by half the frequency of this reporting and in particular expresses its concern at —
  - (1) the Government's decision to hide embarrassing ambulance diversion data that shows a massive blow out in the frequency of ambulance bypass since the Government was elected;

- (2) the Government's outrageous decision to remove certain key hospital waiting list data from its now infrequent hospital report;
- (3) the Government's stubborn refusal to report to the Parliament, its committees or the Victorian people on which hospitals have faced bed closures since it was elected through a comprehensive public accounting of how many beds are available statewide and at which hospitals;
- (4) the failure to report properly on critical care services, including the elimination of detailed individual hospital data on intensive care bed and coronary care bed numbers and availability from the half yearly report;
- (5) the sudden removal of the Victorian Critical Care Bedstate website from public access on 28 October 2004 and the consequent removal from the public domain of increasingly embarrassing data pointing to the alarming lack of availability of Victorian intensive care and critical care beds;
- (6) the exclusion of the key regional hospitals, West Gippsland Healthcare Group and Northeast Health Wangaratta completely from the elective surgery reports in the half yearly report; and
- (7) the total deletion of embarrassing data about the Government's high rate of elective surgery cancellation from the new half yearly report;

and calls on the Government to provide honest, open and transparent data to Victorians about the performance of Victorian public hospitals including the reinstatement of data recently deleted from regular hospital reports and the reinstatement of full quarterly reporting to the community on the performance of Victorian hospitals.

Debate ensued.

Question — put.

The Council divided.

AYES, 20

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood (*Teller*)  
 Ms Dianne Hadden  
 The Hon. Peter Hall  
 The Hon. David Koch (*Teller*)  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

NOES, 22

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 The Hon. Geoff Hilton  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten (*Teller*)  
 The Hon. Justin Madden  
 Ms Jenny Mikakos (*Teller*)  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

And so it passed in the negative.

**8 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

**9 SENTENCING AND MENTAL HEALTH ACTS (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**10 ADJOURNMENT** — Mr Gavin Jennings moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 4.38 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
Clerk of the Legislative Council

## No. 136 — Thursday, 6 October 2005

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

**2 DEFAMATION BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to enact in Victoria provisions to promote uniform laws of defamation in Australia, to amend the Wrongs Act 1958 and the Limitation of Actions Act 1958, to make consequential amendments to certain Acts and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**3 PETITION — ALBERT PARK PRECINCT PARKING FEES** — The Honourable Bruce Atkinson presented a Petition bearing 46 signatures from certain citizens of Victoria requesting that approval for the introduction of the parking strategy within the Albert Park precinct be deferred until an independent study is conducted as to the impact these fees will have on the sports and other users of the Park.

Ordered to lie on the Table.

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

Budget Sector — Financial Report, 2004-05, incorporating the Quarterly Financial Report No.4 for the period ended 30 June 2005.

Crown Land (Reserves) Act 1978 — Minister's order of 11 September 2005 giving approval for the granting of a lease at Dromana Foreshore Reserve (three papers).

Electoral Boundaries Commission — Report on the 2005 Redivision of Legislative Council Electoral Boundaries for Victoria, with maps.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3) in relation to the Fair Trading (Safety Standard) (Children's Toys) (Amendment) Regulations 2005.

Victorian Broiler Industry Negotiation Committee — Minister's report of receipt of the 2004-05 report.

- 5 SITTING OF THE COUNCIL** — Mr John Lenders moved, That the Council, at its rising, adjourn until Tuesday, 18 October 2005.

Question — put and resolved in the affirmative.

- 6 MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

- 7 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Honourable Members pursuant to Sessional Order 17.

- 8 CRIMES (CONTAMINATION OF GOODS) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Justin Madden moved, That the Bill be now read a second time.

On the motion of the Honourable Graeme Stoney, the debate was adjourned until later this day.

- 9 PROPERTY (CO-OWNERSHIP) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden moved, That, pursuant to Sessional Order 34, the second reading speech (except for the statement under section 85 (5) of the *Constitution Act 1975*) be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Justin Madden moved, That the Bill be now read a second time.

The Honourable Justin Madden made a statement pursuant to section 85 (5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

On the motion of the Honourable Graeme Stoney (for the Honourable C.A. Strong), the debate was adjourned until the next day of meeting.

- 10 SPORTS ANTI-DOPING BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 11 CRIMES (CONTAMINATION OF GOODS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Business having been interrupted at 2.03 p.m. pursuant to Sessional Orders —*

- 12 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

- 13 CRIMES (CONTAMINATION OF GOODS) BILL** — Debate continued on the question, That the Bill be now read a second time.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**14 ADJOURNMENT** — Ms Candy Broad moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 4.00 p.m., adjourned until Tuesday, 18 October 2005.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*



## LEGISLATIVE COUNCIL

### MINUTES OF THE PROCEEDINGS Nos. 137, 138 and 139

#### No. 137 — Tuesday, 18 October 2005

- 1 The President took the Chair and read the Prayer.
- 2 **THE LATE HONOURABLE BRUCE ANTHONY CHAMBERLAIN, AM** — Mr John Lenders moved, That this House expresses its sincere sorrow at the death, on 1 October 2005, of the Honourable Bruce Anthony Chamberlain, AM, and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a Member of the Legislative Assembly for the electoral district of Dundas from 1973 to 1976, Member of the Legislative Council for the Western Province from 1976 to 2002 and as President of the Legislative Council from 1992 to 2003.

And other Honourable Members and the President having addressed the House —

The question was put and, Honourable Members signifying their assent by rising in their places, unanimously resolved in the affirmative.

- 3 **THE LATE HONOURABLE ALAN RAYMOND WOOD** — Mr John Lenders moved, That this House expresses its sincere sorrow at the death, on 3 October 2005, of the Honourable Alan Raymond Wood, and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a Member of the Legislative Assembly for the electoral district of Swan Hill from 1973 to 1983 and as Minister of Immigration and Ethnic Affairs from 1979 to 1981, Assistant Minister of State Development, Decentralisation and Tourism from February 1980 to December 1980, Minister of Public Works from 1980 to 1982, and Minister of Property and Services from 1980 to 1982.

And other Honourable Members and the President having addressed the House —

The question was put and, Honourable Members signifying their assent by rising in their places, unanimously resolved in the affirmative.

- 4 **ADJOURNMENT** — Mr John Lenders moved, That as a further mark of respect to the memories of the late Honourables Bruce Anthony Chamberlain, AM and Alan Raymond Wood, the House adjourn until tomorrow at 9.30 a.m.

Question — put and resolved in the affirmative.

And then the Council, at 5.19 p.m., adjourned until tomorrow at 9.30 a.m.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 138 — Wednesday, 19 October 2005

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 11 October 2005, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:
- Crimes (Contamination of Goods) Act*  
*Melbourne Lands (Yarra River North Bank) (Amendment) Act*  
*Sentencing and Mental Health Acts (Amendment) Act*  
*Sports Anti-doping Act.*

- 3 **PRIMARY INDUSTRIES ACTS (FURTHER AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Domestic (Feral and Nuisance) Animals Act 1994 and the Prevention of Cruelty to Animals Act 1986 and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Theo Theophanous, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 4 **TREASURY LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Financial Management Act 1994 and the State Owned Enterprises Act 1992 and for other purposes* and desiring the agreement of the Council.

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

- 5 **TREASURY LEGISLATION (REPEAL) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to repeal various redundant Acts, to repeal redundant provisions from the Gas Industry (Residual Provisions) Act 1994 and to make consequential amendments to that Act and other Acts and for other purposes* and desiring the agreement of the Council.

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

- 6 **LAND TAX BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to re-enact and modernise the law relating to land tax, to repeal the Land Tax Act 1958, to amend the Taxation Administration Act 1997 and other Acts and for other purposes* and desiring the agreement of the Council.

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

- 7 **PETITIONS** —

**COUNTRY TAXI SERVICES** — The Honourable Peter Hall presented a Petition bearing 111 signatures from certain citizens of Victoria requesting that the Government immediately introduce measures that will lift the subsidised operation of country taxi services to the level given to Melbourne based taxis and to initiate reforms that will enhance the viability of country taxi services so that they can continue to meet the needs of country Victorians.

Ordered to lie on the Table.

\* \* \* \* \*

**KYNETON BOWLING CLUB** — Ms Dianne Hadden presented a Petition bearing 58 signatures from certain citizens of Victoria requesting that the Minister for Planning act in accordance with law and return the land leased by the Kyneton Bowling Club

Inc. to its reserved purpose and revoke the appointment of the Shire of Macedon Ranges as the Committee of Management of that land under the *Crown Land (Reserves) Act 1978*.

Ordered to lie on the Table.

## 8 PAPERS —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — The Honourable Lidia Argondizzo presented Alert Digest No. 12 of 2005 from the Scrutiny of Acts and Regulations Committee, (including Appendices).

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

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

Dairy Food Safety Victoria — Minister's report of receipt of 2004-05 report.

Falls Creek Alpine Resort Management Board — Report for the year ended 31 October 2004.

Fisheries Act 1995 — Report on the Disbursement of Recreational Fishing Licence Revenue from the Recreational Fishing Licence Trust Account, 2004-05.

Fisheries Co-Management Council — Report, 2004-05.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3)(a)(iii) in relation to Statutory Rule No. 92.

Melbourne Cricket Ground Trust — Minister's report of failure to submit report for 2004-05 to the Minister within the prescribed period and the reasons therefor.

Melbourne Market Authority — Report, 2004-05.

Members of Parliament (Register of Interests) Act 1978 — Summary of Returns, June 2005 and Summary of Variations notified between 16 June and 30 September 2005.

Mount Baw Baw Alpine Resort Management Board — Report for the year ended 31 October 2004.

Mount Buller Alpine Resort Management Board — Mount Stirling Alpine Resort Management Board — Reports for the year ended 31 October 2004 (3 papers).

Mount Hotham Alpine Resort Management Board — Report for the year ended 31 October 2004.

Murray Valley Wine Grape Industry Development Committee — Minister's report of receipt of 2004-05 report.

National Parks Advisory Council — Report, 2004-05.

Parliamentary Committees Act 2003 —

Government response to recommendations in the Drugs and Crime Prevention Committee's report on the Inquiry into Violence Associated With Motor Vehicle Use.

Government response to recommendations in the Road Safety Committee's report on the Inquiry into Crashes Involving Roadside Objects.

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

Bass Coast Planning Scheme — Amendment C23.

Cardinia Planning Scheme — Amendment C65.

Wellington Planning Scheme — Amendment C27.

Whitehorse Planning Scheme — Amendment C52 Part 2.

Statutory Rules under the following Acts of Parliament:

Agricultural and Veterinary Chemicals (Control of Use) Act 1992 — No. 122.

Firearms Act 1996 — No. 124.

Fisheries Act 1995 — No. 123.

Mental Health Act 1986 — No. 127.

Public Transport Competition Act 1995 — No. 128.



Statutory Rules — *continued*

Road Safety Act 1986 — Nos. 126 and 129.

Supreme Court Act 1986 — No. 125.

## Subordinate Legislation Act 1994 —

Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 125.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 123, 124 and 129.

Terrorism (Community Protection) Act 2003 — Report 2004-05, from the Chief Commissioner of Police, pursuant to section 13(3) of the Act.

Veterinary Practitioners Registration Board of Victoria — Minister's report of receipt of 2004-05 report.

Victorian Strawberry Industry Development Committee — Minister's report of receipt of 2004-05 report.

\* \* \* \* \*

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

Melbourne College of Divinity (Amendment) Act 2005 — 20 October 2005  
(*Gazette No. G41, 13 October 2005*).

**9 MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

**10 GOVERNMENT ACCOUNTABILITY** — The Honourable Richard Dalla-Riva moved, by leave, That this House condemns the Government for —

- (1) failing in its election commitment to be open, honest and transparent; and
- (2) its blatant misuse of millions of Victorian taxpayers' dollars.

Debate ensued.

Question — put.

The Council divided.

AYES, 18

The Hon. Bruce Atkinson  
The Hon. W.R. Baxter  
The Hon. Barry Bishop  
The Hon. Ron Bowden  
The Hon. Andrew Brideson  
The Hon. Andrea Coote  
The Hon. Richard Dalla-Riva  
The Hon. David Davis  
The Hon. Philip Davis  
The Hon. Damian Drum  
The Hon. Bill Forwood  
Ms Dianne Hadden  
The Hon. Peter Hall  
The Hon. David Koch  
The Hon. Wendy Lovell (*Teller*)  
The Hon. Gordon Rich-Phillips (*Teller*)  
The Hon. C.A. Strong  
The Hon. John Vogels

NOES, 22

The Hon. Lidia Argondizzo  
Ms Candy Broad  
The Hon. Helen Buckingham  
Ms Elaine Carbines  
The Hon. Kaye Darveniza  
The Hon. John Eren  
The Hon. Geoff Hilton  
Ms Carolyn Hirsh  
Mr Gavin Jennings  
Mr John Lenders  
The Hon. John McQuilten  
The Hon. Justin Madden  
Ms Jenny Mikakos  
The Hon. Sang Nguyen (*Teller*)  
Mr Noel Pullen (*Teller*)  
Ms Glenyys Romanes  
Mr Johan Scheffer  
Mr Robert Smith  
Mr Adem Somyurek  
The Hon. Theo Theophanous  
The Hon. Marsha Thomson  
Mr Matt Viney

And so it passed in the negative.

**11 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

**12 EASTLINK PROJECT** — Mr John Lenders moved, That this House rejects the Leader of the Opposition's half-toll plan for the EastLink project as unworkable and a policy that would result in government services being cut across the State.

Debate ensued.

Question — put.

The Council divided.

AYES, 26

The Hon. Lidia Argondizzo  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. Damian Drum  
 The Hon. John Eren  
 The Hon. Peter Hall  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell (*Teller*)  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer (*Teller*)  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

NOES, 15

The Hon. Bruce Atkinson  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong (*Teller*)  
 The Hon. John Vogels (*Teller*)

And so it was resolved in the affirmative.

**13 VETERANS BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to establish the Victorian Veterans Council and the Victorian Veterans Fund, to re-enact with amendments the law relating to patriotic funds, to repeal the Patriotic Funds Act 1958, the Defence Reserves Re-Employment Act 1995 and the Discharged Servicemen's Preference Act 1943 and to amend certain Acts and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Marsha Thomson, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**14 PRISONERS (INTERSTATE TRANSFER) (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend*

*the Prisoners (Interstate Transfer) Act 1983 and the Corrections Act 1986 and for other purposes and desiring the agreement of the Council.*

On the motion of the Honourable Theo Theophanous, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 15 FIREARMS (FURTHER AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Firearms Act 1996 to make further provision in relation to firearms collectors, handguns, paintball gaming and other matters, and to amend the Control of Weapons Act 1990 and the Magistrates' Court Act 1989 and for other purposes and desiring the agreement of the Council.*

On the motion of the Honourable Theo Theophanous, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 16 DEFAMATION BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Justin Madden moved, That the Bill be now read a second time.

On the motion of the Honourable C.A. Strong, the debate was adjourned until later this day.

- 17 PRIMARY INDUSTRIES ACTS (FURTHER AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Theo Theophanous moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Theo Theophanous moved, That the Bill be now read a second time.

On the motion of the Honourable Philip Davis, the debate was adjourned until the next day of meeting.

- 18 TREASURY LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Graeme Stoney (for the Honourable Bill Forwood), the debate was adjourned until the next day of meeting.

- 19 TREASURY LEGISLATION (REPEAL) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Bill Forwood, the debate was adjourned until the next day of meeting.

- 20 PROPERTY (CO-OWNERSHIP) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 21 DEFAMATION BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Business having been interrupted at 9.58 p.m. by the Acting President pursuant to Sessional Order 14, the debate stood adjourned in the name of the Honourable W.R. Baxter.*

- 22 MOTOR CAR TRADERS AND FAIR TRADING ACTS (AMENDMENT) BILL** — The Acting President announced the receipt of a Message from the Assembly presenting a Bill to amend the Motor Car Traders Act 1986 and the Fair Trading Act 1999 and for other purposes and desiring the agreement of the Council.

On the motion of Ms Candy Broad (for the Honourable Marsha Thomson), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

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

Debate ensued.

And then the Council, at 10.47 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 139 — Thursday, 20 October 2005

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

- 2 **PETITIONS** —

**BAXTER-TOORADIN, HAWKINS AND FULTONS ROAD INTERSECTION** — The Honourable Ron Bowden presented a Petition bearing 37 signatures from certain citizens of Victoria requesting that the Victorian Government urgently upgrade the Baxter-Tooradin, Hawkins and Fultons Road intersection in the suburb of Baxter so that Hawkins Road and Fultons Road are aligned and that the railway crossing along Baxter-Tooradin Road is widened to safely accommodate pedestrian traffic.

Ordered to lie on the Table.

\* \* \* \* \*

**WESTERN PORT HIGHWAY TRAFFIC LIGHTS** — The Honourable Ron Bowden presented a Petition bearing 11 signatures from certain citizens of Victoria requesting that the Victorian Government prevent the installation of traffic lights along the Western Port Highway at Lyndhurst (Dandenong/Hastings Road).

Ordered to lie on the Table.

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

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

Planning and Environment Act 1987 — *continued*

Ballarat Planning Scheme — Amendment C75.

Brimbank Planning Scheme — Amendment C78.

Campaspe Planning Scheme — Amendment C33.

Glen Eira Planning Scheme — Amendment C46.

Mildura Planning Scheme — Amendment C31.

Public Record Office Victoria — Report, 2004-05.

Subordinate Legislation Act 1994 — Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 126.

**4 MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

**5 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Honourable Members pursuant to Sessional Order 17.

**6 VETERANS BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Marsha Thomson moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Marsha Thomson moved, That the Bill be now read a second time.

On the motion of the Honourable Andrea Coote (for the Honourable Philip Davis), the debate was adjourned until the next day of meeting.

**7 LAND TAX BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Marsha Thomson (for Mr John Lenders) moved, That, pursuant to Sessional Order 34, the second reading speech (except for the statement under section 85 (5) of the *Constitution Act 1975*) be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Marsha Thomson moved, That the Bill be now read a second time.

The Honourable Marsha Thomson made a statement pursuant to section 85 (5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

On the motion of the Honourable Bill Forwood, the debate was adjourned until the next day of meeting.

**8 PRISONERS (INTERSTATE TRANSFER) (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Marsha Thomson (for the Honourable Theo Theophanous) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Marsha Thomson moved, That the Bill be now read a second time.

On the motion of the Honourable Graeme Stoney (for the Honourable Richard Dalla-Riva), the debate was adjourned until the next day of meeting.

**9 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 4, be postponed until later this day.

**10 MOTOR CAR TRADERS AND FAIR TRADING ACTS (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Marsha Thomson moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Marsha Thomson moved, That the Bill be now read a second time.

On the motion of the Honourable Graeme Stoney (for the Honourable Bruce Atkinson), the debate was adjourned until the next day of meeting.

**11 DEFAMATION BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put.

The Council divided.

AYES, 23

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza (*Teller*)  
 The Hon. John Eren (*Teller*)  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

NOES, 19

The Hon. Bruce Atkinson (*Teller*)  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels (*Teller*)

And so it was resolved in the affirmative.

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

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill with amendments, the Report was adopted.

The Honourable Justin Madden moved, That the Bill be now read a third time.

Question — That the Bill be now read a third time and that the Bill do pass — put.

The Council divided.

AYES, 23

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 The Hon. Geoff Hilton (*Teller*)  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders

NOES, 19

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden (*Teller*)  
 The Hon. Andrew Brideson (*Teller*)  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum

The Hon. John McQuilten (*Teller*)  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative.

Ordered — That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with amendments, and desiring their concurrence.

**12 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

**13 MINERAL RESOURCES DEVELOPMENT (BROWN COAL ROYALTIES) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Mineral Resources Development Act 1990 to make provision with respect to royalties for lignite and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Theo Theophanous, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**14 MINES (ALUMINIUM AGREEMENT) (BROWN COAL ROYALTIES) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Mines (Aluminium Agreement) Act 1961 to make provision with respect to royalties for lignite and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Theo Theophanous, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**15 FIREARMS (FURTHER AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Theo Theophanous moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Theo Theophanous moved, That the Bill be now read a second time.

On the motion of the Honourable Graeme Stoney (for the Honourable Richard Dalla-Riva), the debate was adjourned until the next day of meeting.

**16 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 7, be postponed until later this day.

**17 TREASURY LEGISLATION (REPEAL) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**18 TREASURY LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

Mr John Lenders moved, That the Bill be now committed.

Question — put and resolved in the affirmative.

The Honourable Bill Forwood moved, That upon the Treasury Legislation (Miscellaneous Amendments) Bill being committed to a Committee of the whole, that it be an instruction to the Committee that they have power to divide the Bill into two Bills as follows:

(a) A Financial Management (Further Amendment) Bill being the Treasury Legislation (Miscellaneous Amendments) Bill with the following changes:

(i) Long title as follows:

"A Bill to further amend the **Financial Management Act 1994** and for other purposes.";

(ii) Short title as follows:

**"Financial Management (Further Amendment) Act 2005"**;

(iii) Heading to part 1 of the Bill omitted;

(iv) Clause 1 as follows:

**"1. Purpose**

The purpose of this Act is to amend the **Financial Management Act 1994**—

(a) to enable financial reports to be tabled with the budget;

(b) to provide requirements for the transmission by the Minister of certain documents to Parliament when neither House of the Parliament is sitting."

(v) Clause 2;

(vi) Heading to part 2 of the Bill omitted;

(vii) Clause 3;

(viii) Part 3 of the Bill omitted;

(b) A State Owned Enterprises (Amendment) Bill being the Treasury Legislation (Miscellaneous Amendments) Bill with the following changes:

(i) Long title as follows:

"A Bill to amend the **State Owned Enterprises Act 1992** and for other purposes.";

(ii) Short title as follows:

**"State Owned Enterprises (VicForests) Act 2005"**;

(iii) Heading to part 1 of the Bill omitted;

(iv) Clause 1 as follows:

**"1. Purpose**

The purpose of this Act is to amend the **State Owned Enterprises Act 1992** to authorise certain activities for the purposes of Part IV of the Trade Practices Act 1974 of the Commonwealth and of the Competition Code."



- (v) Clause 2;
  - (vi) Part 2 of the Bill omitted;
  - (vii) Heading to part 3 of the Bill omitted;
  - (viii) Clause 4 renumbered 3;
  - (ix) Clause 5 renumbered 4;
- (c) That each Bill be printed and considered separately by the House.

Debate ensued.

Question — put.

The Council divided.

AYES, 19

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva (*Teller*)  
 The Hon. David Davis (*Teller*)  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

NOES, 21

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos (*Teller*)  
 The Hon. Robert Mitchell (*Teller*)  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Marsha Thomson  
 Mr Matt Viney

And so it passed in the negative.

*Business having been interrupted at 4.37 p.m. by the President pursuant to Sessional Order 14 —*

Mr John Lenders moved, That the sitting be continued.

Question — put and resolved in the affirmative.

House in Committee.

The President resumed the Chair; and the Acting Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**19 RACING AND GAMBLING ACTS (AMENDMENT) BILL** — The Honourable Justin Madden having made a statement in relation to the delay of the Royal Assent to the Racing and Gambling Acts (Amendment) Bill —

The Honourable Bill Forwood moved, That the Minister's statement be taken into consideration on the next day of meeting.

Question — put and resolved in the affirmative.

**20 ADJOURNMENT** — Mr John Lenders moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 5.19 p.m., adjourned until Tuesday, 25 October 2005.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*



## LEGISLATIVE COUNCIL

### MINUTES OF THE PROCEEDINGS Nos. 140, 141 and 142

#### No. 140 — Tuesday, 25 October 2005

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, this day, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:  
*Property (Co-ownership) Act*  
*Treasury Legislation (Miscellaneous Amendments) Act*  
*Treasury Legislation (Repeal) Act.*

- 3 **CONGESTION LEVY BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to impose a levy on long stay parking spaces in the central business district and inner Melbourne to reduce traffic congestion, to amend the Taxation Administration Act 1997 and for other purposes* and desiring the agreement of the Council.

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

- 4 **URGENCY — MOTION UNDER STANDING ORDER 5.05** — The Honourable Philip Davis moved, That the Council take note of the unprecedented actions of the Premier in advising the Governor to withhold Royal Assent to the Racing and Gambling Acts (Amendment) Bill.

Debate ensued.

Question — put.

The Council divided.

AYES, 20

The Hon. Bruce Atkinson  
The Hon. W.R. Baxter  
The Hon. Barry Bishop  
The Hon. Ron Bowden  
The Hon. Andrew Brideson  
The Hon. Andrea Coote  
The Hon. Richard Dalla-Riva  
The Hon. David Davis  
The Hon. Philip Davis  
The Hon. Damian Drum  
The Hon. Bill Forwood (*Teller*)  
Ms Dianne Hadden  
The Hon. Peter Hall  
The Hon. David Koch  
The Hon. Wendy Lovell

NOES, 21

The Hon. Lidia Argondizzo  
Ms Candy Broad  
The Hon. Helen Buckingham  
Ms Elaine Carbines  
The Hon. Kaye Darveniza  
The Hon. John Eren  
The Hon. Geoff Hilton  
Mr Gavin Jennings  
Mr John Lenders  
The Hon. John McQuilten  
The Hon. Justin Madden  
Ms Jenny Mikakos  
The Hon. Robert Mitchell  
The Hon. Sang Nguyen  
Mr Noel Pullen (*Teller*)

The Hon. Andrew Olexander (*Teller*)  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

Ms Glenyys Romanes  
 Mr Johan Scheffer (*Teller*)  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

And so it passed in the negative.

**5 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

**6 MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

**7 PETITIONS** —

**BAXTER-TOORADIN, HAWKINS AND FULTONS ROAD INTERSECTION** — The Honourable Ron Bowden presented a Petition bearing 58 signatures from certain citizens of Victoria requesting that the Victorian Government urgently upgrade the Baxter-Tooradin, Hawkins and Fultons Road intersection in the suburb of Baxter so that Hawkins Road and Fultons Road are aligned and that the railway crossing along Baxter-Tooradin Road is widened to safely accommodate pedestrian traffic.

Ordered to lie on the Table.

\* \* \* \* \*

**COUNTRY TAXI SERVICES** — The Honourable Peter Hall presented a Petition bearing 118 signatures from certain citizens of Victoria requesting that the Government immediately introduce measures that will lift the subsidised operation of country taxi services to the level given to Melbourne based taxis and to initiate reforms that will enhance the viability of country taxi services so that they can continue to meet the needs of country Victorians.

Ordered to lie on the Table.

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

Environment Protection Authority — Report, 2004-05.

Intellectual Disability Review Panel — Report, 2004-05.

National Parks Act 1975 — Report on working of the Act, 2004-05.

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

Casey Planning Scheme — Amendment C79.

Greater Bendigo Planning Scheme — Amendment C58.

Melbourne Planning Scheme — Amendment C112.

Port Phillip Planning Scheme — Amendment C41.

Small Business Commissioner's Office — Report, 2004-05.

Subordinate Legislation Act 1994 — Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 127.

Tattersall's — Financial statements, 2004-05 (including Club Keno Pty Ltd, Footy Consortium Pty Ltd, Tattersall's Gaming Pty Ltd and Tattersall's Sweeps Pty Ltd).

Treasury and Finance Department — Report, 2004-05.

VicFleet Pty Ltd — Minister's report of receipt of 2004-05 report.

Victorian Government Purchasing Board — Report, 2004-05.

Victorian Multicultural Commission — Report, 2004-05.

**PROCLAMATIONS** — Proclamations of the Lieutenant-Governor in Council fixing operative dates in respect of the following Acts were laid upon the table by the Clerk:  
Land (Miscellaneous Matters) Act 2005 — Part 2 — 21 October 2005 (*Gazette No. G42, 20 October 2005*).

Victoria State Emergency Service Act 2005 — Part 1 (other than sections 1 and 2) and Parts 2 to 5 — 1 November 2005 (*Gazette No. G42, 20 October 2005*).

**9 GOVERNMENT BUSINESS PROGRAM** — The Honourable Marsha Thomson moved, That, pursuant to Sessional Order 20, the Order of the Day, Government Business, relating to the following Bill be considered and completed by 4.30 p.m. on Thursday, 27 October 2005:

Congestion Levy Bill.

Debate ensued.

Question — put.

The Council divided.

AYES, 23

The Hon. Lidia Argondizzo  
Ms Candy Broad  
The Hon. Helen Buckingham  
Ms Elaine Carbines  
The Hon. Kaye Darveniza  
The Hon. John Eren  
The Hon. Geoff Hilton  
Ms Carolyn Hirsh  
Mr Gavin Jennings  
Mr John Lenders  
The Hon. John McQuilten  
The Hon. Justin Madden  
Ms Jenny Mikakos  
The Hon. Robert Mitchell  
The Hon. Sang Nguyen (*Teller*)  
Mr Noel Pullen  
Ms Glenyys Romanes  
Mr Johan Scheffer  
Mr Robert Smith  
Mr Adem Somyurek (*Teller*)  
The Hon. Theo Theophanous  
The Hon. Marsha Thomson  
Mr Matt Viney

NOES, 20

The Hon. Bruce Atkinson  
The Hon. W.R. Baxter  
The Hon. Barry Bishop  
The Hon. Ron Bowden  
The Hon. Andrew Brideson  
The Hon. Andrea Coote  
The Hon. Richard Dalla-Riva  
The Hon. David Davis  
The Hon. Philip Davis  
The Hon. Damian Drum  
The Hon. Bill Forwood  
Ms Dianne Hadden  
The Hon. Peter Hall  
The Hon. David Koch (*Teller*)  
The Hon. Wendy Lovell (*Teller*)  
The Hon. Andrew Olexander  
The Hon. Gordon Rich-Phillips  
The Hon. Graeme Stoney  
The Hon. C.A. Strong  
The Hon. John Vogels

And so it was resolved in the affirmative.

**10 JOINT SITTING — VICTORIAN HEALTH PROMOTION FOUNDATION** — The President announced the receipt of —

- (a) a letter from the Minister for Health requesting that arrangements be made for a Joint Sitting of the Council and the Assembly to elect three Members for appointment to the Victorian Health Promotion Foundation; and
- (b) a Message from the Assembly acquainting the Council that they had agreed to meet the Council for that purpose and proposing that the place and time of the Joint Sitting be the Assembly Chamber on Wednesday, 26 October 2005 at 6.15 p.m., and desiring the agreement of the Council.

Ordered — That the Assembly's Message be taken into consideration forthwith.

The Honourable Marsha Thomson moved, by leave, That this House meet the Legislative Assembly for the purpose of sitting and voting together to elect three Members for appointment to the Victorian Health Promotion Foundation and, as proposed by the Assembly, the place and time of such meeting be the Legislative Assembly Chamber on Wednesday, 26 October 2005 at 6.15 p.m.

Question — put and resolved in the affirmative.

Ordered — That a Message be sent to the Assembly acquainting them therewith.

- 11 GROUNDWATER (BORDER AGREEMENT) (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Groundwater (Border Agreement) Act 1985 to approve and give effect to the Border Groundwaters Agreement Amendment Agreement, to amend the Water Act 1989 and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Marsha Thomson (for Ms Candy Broad), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 12 MINERAL RESOURCES DEVELOPMENT (BROWN COAL ROYALTIES) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Marsha Thomson (for the Honourable Theo Theophanous) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Marsha Thomson moved, That the Bill be now read a second time.

On the motion of the Honourable Bill Forwood, the debate was adjourned until the next day of meeting.

- 13 MINES (ALUMINIUM AGREEMENT) (BROWN COAL ROYALTIES) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Marsha Thomson (for the Honourable Theo Theophanous) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Marsha Thomson moved, That the Bill be now read a second time.

On the motion of the Honourable Bill Forwood, the debate was adjourned until the next day of meeting.

- 14 PRIMARY INDUSTRIES ACTS (FURTHER AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

The Honourable Philip Davis moved, as an amendment, That all the words after “That” be omitted with the view of inserting in their place “this Bill be withdrawn and redrafted — (1) to retain the provisions relating to the *Prevention of Cruelty to Animals Act 1986*; and (2) following the Government undertaking consultation, to reflect the outcomes of such consultation with key stakeholders, including the Municipal Association of Victoria and individual local councils, regarding the financial impact of the legislation on local councils”.

Debate ensued.

The Honourable Barry Bishop announced that he proposed to move amendments in Committee and requested that they be circulated, pursuant to Sessional Order 36.

Accordingly, the amendments were circulated.

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

The Council divided.

AYES, 21

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham (*Teller*)  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 The Hon. Geoff Hilton  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney (*Teller*)

NOES, 19

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander (*Teller*)  
 The Hon. Gordon Rich-Phillips (*Teller*)  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative — Amendment negatived.

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

The Council divided.

AYES, 25

The Hon. Lidia Argondizzo  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 Ms Candy Broad  
 The Hon. Helen Buckingham (*Teller*)  
 Ms Elaine Carbines (*Teller*)  
 The Hon. Kaye Darveniza  
 The Hon. Damian Drum  
 The Hon. John Eren  
 The Hon. Peter Hall  
 The Hon. Geoff Hilton  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson

NOES, 15

The Hon. Bruce Atkinson  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong (*Teller*)  
 The Hon. John Vogels (*Teller*)

Mr Matt Viney

And so it was resolved in the affirmative.

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

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted.

The Honourable Theo Theophanous moved, That the Bill be now read a third time.

Question — That the Bill be now read a third time and that the Bill do pass — put.

The Council divided.

AYES, 25

The Hon. Lidia Argondizzo  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza (*Teller*)  
 The Hon. Damian Drum  
 The Hon. John Eren (*Teller*)  
 The Hon. Peter Hall  
 The Hon. Geoff Hilton  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

NOES, 15

The Hon. Bruce Atkinson (*Teller*)  
 The Hon. Ron Bowden (*Teller*)  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

*Business having been interrupted at 10.00 p.m. by the President pursuant to Sessional Order 14 —*

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

Debate ensued.

And then the Council, at 10.23 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*



**No. 141 — Wednesday, 26 October 2005**

- 1 The President took the Chair and read the Prayer.
- 2 **PETITION — COSGRAVE RESERVOIR PIPELINE** — Ms Dianne Hadden presented a Petition bearing 72 signatures from certain citizens of Victoria requesting that the Minister for Environment and Water stop the building of a pipeline connecting Creswick's Cosgrave Reservoir to Ballarat's White Swan Reservoir and that no further action be taken until an environmental impact study has been undertaken and the Creswick community fully consulted, and moved, That it do lie on the Table and be read by the Clerk.

Question — put and resolved in the affirmative.

The Clerk read the Petition.

Ordered to lie on the Table.

- 3 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:
  - Auditor-General — Report on Follow-up of selected performance audits tabled in 2002 and 2003, October 2005.
  - Crown Land (Reserves) Act 1978 — Minister's order of 25 October 2005 giving approval for the granting of a lease at Lorne Foreshore Reserve (three papers).
  - Rural Finance Corporation of Victoria — Report, 2004-05.
  - Treasury Corporation of Victoria — Report, 2004-05.
  - Victorian Commission for Gambling Regulation — Report, 2004-05.
  - Young Farmers' Finance Council — Report, 2004-05.
- 4 **MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.
- 5 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 14 inclusive, and Orders of the Day, General Business, Nos. 1 to 3 inclusive, be postponed until later this day.
- 6 **FAIR TRADING (TELEPHONE MARKETING) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put.

The Council divided.

AYES, 5

The Hon. W.R. Baxter (*Teller*)  
The Hon. Barry Bishop (*Teller*)  
The Hon. Damian Drum  
Ms Dianne Hadden  
The Hon. Peter Hall

NOES, 37

The Hon. Lidia Argondizzo  
The Hon. Bruce Atkinson  
The Hon. Ron Bowden  
The Hon. Andrew Brideson (*Teller*)  
Ms Candy Broad  
The Hon. Helen Buckingham  
Ms Elaine Carbines  
The Hon. Andrea Coote  
The Hon. Richard Dalla-Riva  
The Hon. Kaye Darveniza  
The Hon. David Davis  
The Hon. Philip Davis  
The Hon. John Eren  
The Hon. Bill Forwood

The Hon. Geoff Hilton (*Teller*)  
 Mr Gavin Jennings  
 The Hon. David Koch  
 Mr John Lenders  
 The Hon. Wendy Lovell  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 The Hon. Andrew Olexander  
 Mr Noel Pullen  
 The Hon. Gordon Rich-Phillips  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney  
 The Hon. John Vogels

And so it passed in the negative.

- 7 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.
- 8 CONGESTION LEVY BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders moved, That, pursuant to Sessional Order 34, the second reading speech (except for the statement under section 85 (5) of the *Constitution Act 1975*) be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

Mr John Lenders made a statement pursuant to section 85 (5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

The Honourable Bill Forwood moved, That the debate be adjourned until the next day of meeting.

Mr John Lenders moved, as an amendment, That all the words after “the” be omitted and “Bill be debated forthwith and that Ms Glenyys Romanes be called as the next speaker” be inserted in their place.

Debate ensued.

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

The Council divided.

AYES, 20

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote

NOES, 23

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren

The Hon. Richard Dalla-Riva ( <i>Teller</i> )	The Hon. Geoff Hilton
The Hon. David Davis	Ms Carolyn Hirsh
The Hon. Philip Davis	Mr Gavin Jennings
The Hon. Damian Drum ( <i>Teller</i> )	Mr John Lenders
The Hon. Bill Forwood	The Hon. John McQuilten ( <i>Teller</i> )
Ms Dianne Hadden	The Hon. Justin Madden
The Hon. Peter Hall	Ms Jenny Mikakos ( <i>Teller</i> )
The Hon. David Koch	The Hon. Robert Mitchell
The Hon. Wendy Lovell	The Hon. Sang Nguyen
The Hon. Andrew Olexander	Mr Noel Pullen
The Hon. Gordon Rich-Phillips	Ms Glenyys Romanes
The Hon. Graeme Stoney	Mr Johan Scheffer
The Hon. C.A. Strong	Mr Robert Smith
The Hon. John Vogels	Mr Adem Somyurek
	The Hon. Theo Theophanous
	The Hon. Marsha Thomson
	Mr Matt Viney

And so it passed in the negative.

Question — That the words proposed to be inserted be so inserted — put.

The Council divided.

AYES, 23

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell (*Teller*)  
 The Hon. Sang Nguyen (*Teller*)  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

NOES, 20

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis (*Teller*)  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. Peter Hall (*Teller*)  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative.

Question — That the Bill be debated forthwith and that Ms Glenyys Romanes be called as the next speaker — put.

The Council divided.

AYES, 23

The Hon. Lidia Argondizzo  
 Ms Candy Broad

NOES, 20

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter

The Hon. Helen Buckingham	The Hon. Barry Bishop
Ms Elaine Carbines	The Hon. Ron Bowden
The Hon. Kaye Darveniza	The Hon. Andrew Brideson
The Hon. John Eren	The Hon. Andrea Coote
The Hon. Geoff Hilton	The Hon. Richard Dalla-Riva
Ms Carolyn Hirsh	The Hon. David Davis
Mr Gavin Jennings	The Hon. Philip Davis
Mr John Lenders	The Hon. Damian Drum
The Hon. John McQuilten	The Hon. Bill Forwood ( <i>Teller</i> )
The Hon. Justin Madden	Ms Dianne Hadden
Ms Jenny Mikakos	The Hon. Peter Hall
The Hon. Robert Mitchell	The Hon. David Koch ( <i>Teller</i> )
The Hon. Sang Nguyen	The Hon. Wendy Lovell
Mr Noel Pullen ( <i>Teller</i> )	The Hon. Andrew Olexander
Ms Glenyys Romanes	The Hon. Gordon Rich-Phillips
Mr Johan Scheffer ( <i>Teller</i> )	The Hon. Graeme Stoney
Mr Robert Smith	The Hon. C.A. Strong
Mr Adem Somyurek	The Hon. John Vogels
The Hon. Theo Theophanous	
The Hon. Marsha Thomson	
Mr Matt Viney	

And so it was resolved in the affirmative.

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

The Honourable Bill Forwood announced that he proposed to move amendments in Committee and requested that they be circulated, pursuant to Sessional Order 36.

Accordingly, the amendments were circulated.

*Interruption —*

- 9 JOINT SITTING — VICTORIAN HEALTH PROMOTION FOUNDATION** — The President announced that the time had arrived for the House to meet the Assembly in the Assembly Chamber to elect three Members for appointment to the Victorian Health Promotion Foundation.

*Accordingly, the Council then proceeded to the Assembly Chamber, and having returned —*

The President reported that at the Joint Sitting, Mr Hugh Francis Delahunty, M.P., the Honourable Bill Forwood, M.L.C., and Ms Maxine Morand, M.P., were elected to the Victorian Health Promotion Foundation for a three year term commencing on 27 March 2006.

- 10 CONGESTION LEVY BILL** — Debate continued on the question, That the Bill be now read a second time.

*Business having been interrupted at 10.00 p.m. by the Deputy President pursuant to Sessional Order 14, the debate stood adjourned in the name of the Honourable Damian Drum.*

- 11 RETAIL LEASES (AMENDMENT) BILL** — The Deputy President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Retail Leases Act 2003, the Retail Tenancies Reform Act 1998, the Retail Tenancies Act 1986 and the Property Law Act 1958 and to repeal the Small Business Victoria (Repeal) Act 1996 and for other purposes* and desiring the agreement of the Council.

On the motion of Ms Candy Broad (for the Honourable Marsha Thomson), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**12 MAJOR EVENTS (CROWD MANAGEMENT) AND COMMONWEALTH GAMES ARRANGEMENTS ACTS (CROWD SAFETY AMENDMENT) BILL** — The Deputy President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Major Events (Crowd Management) Act 2003 to provide for increased powers for authorised officers, police and venue managers in relation to crowd safety and crowd behaviour, to broaden the application of the Act to other venues and events and to provide for additional enforcement powers, to amend the powers relating to bag searches in the Commonwealth Games Arrangements Act 2001 and for other purposes* and desiring the agreement of the Council.

On the motion of Ms Candy Broad (for the Honourable Justin Madden), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**13 CRIMES (HOMICIDE) BILL** — The Deputy President announced the receipt of a Message from the Assembly presenting a Bill *to amend the law in relation to homicide offences, to amend the Crimes Act 1958 and the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 and make consequential amendments to certain other Acts and for other purposes* and desiring the agreement of the Council.

On the motion of Ms Candy Broad (for the Honourable Justin Madden), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**14 DEFAMATION BILL** — The Deputy President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the amendments made in such Bill by the Council.

**15 ADJOURNMENT** — The Deputy President proposed the question, That the House do now adjourn.

Debate ensued.

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

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*

## **No. 142 — Thursday, 27 October 2005**

1 The President took the Chair and read the Prayer.

**2 PETITION — HATTAH/NOWINGI TOXIC WASTE FACILITY** — The Honourables Barry Bishop and Damian Drum each presented a Petition bearing 112 and 107 signatures, respectively, from certain citizens of Victoria requesting that the Legislative Council abandon the proposal to place a toxic waste facility in the Mildura region.

Ordered to lie on the Table.

**3 PAPERS** —

**PUBLIC SECTOR ASSET INVESTMENT PROGRAM, 2005-06** — Mr John Lenders moved, by leave, That there be laid before this House a copy of the 2005-06 Public Sector Asset Investment Program (Budget Information Paper No. 1).

Question — put and resolved in the affirmative.

The said paper was presented by Mr John Lenders and ordered to lie on the Table.

**ABORIGINAL DEATHS IN CUSTODY ROYAL COMMISSION** — The Honourable Justin Madden moved, by leave, That there be laid before this House a copy of the Victorian Implementation Review of the Recommendations from the Royal Commission into Aboriginal Deaths in Custody.

Question — put and resolved in the affirmative.

The said paper was presented by the Honourable Justin Madden and ordered to lie on the Table.

\* \* \* \* \*

**PARLIAMENTARY DEPARTMENTS** — Ms Glenyys Romanes moved, by leave, That there be laid before this House a copy of the reports of —

- (1) the Clerk on the operations of the Department of the Legislative Council for the year 2004-05; and
- (2) the Secretary on the operations of the Department of Parliamentary Services for the year 2004-05.

Question — put and resolved in the affirmative.

The said reports were presented by Ms Glenyys Romanes and ordered to lie on the Table.

\* \* \* \* \*

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

Adult Parole Board of Victoria — Report, 2004-05.

Architects Registration Board of Victoria — Minister's report of receipt of 2004-05 report.

Auditor-General's Office — Report, 2004-05.

Barwon Region Water Authority — Report, 2004-05.

Building Commission — Report, 2004-05.

Central Gippsland Region Water Authority — Report, 2004-05 (two papers).

Central Highlands Region Water Authority — Report, 2004-05.

City West Water Limited — Report, 2004-05.

Coliban Region Water Authority — Report, 2004-05 (two papers).

Duties Act 2000 — Treasurer's reports of approved exemptions made on corporate consolidations and reconstructions for 2004-05 (two papers).

East Gippsland Region Water Authority — Report, 2004-05.

Ecorecycle Victoria — Report, 2004-05.

First Mildura Irrigation Trust — Report, 2004-05.

Gippsland and Southern Rural Water Authority — Report, 2004-05.

Glenelg Region Water Authority — Report, 2004-05.

Goulburn-Murray Rural Water Authority — Report, 2004-05.

Goulburn Valley Region Water Authority — Report, 2004-05.

Grampians Wimmera Mallee Water Authority — Report, 2004-05 (two papers).

Greyhound Racing Victoria — Report, 2004-05.

Harness Racing Victoria — Report, 2004-05.

Human Services Department — Report, 2004-05 (two papers).

Infrastructure Department — Report, 2004-05.

Justice Department — Report, 2004-05.

Lower Murray Urban and Rural Water Authority — Report, 2004-05.

Melbourne 2006 Commonwealth Games Corporation — Report, 2004-05.

Melbourne Water Corporation — Report, 2004-05.

North East Regional Water Authority — Report, 2004-05.

Ombudsman's Office — Report, 2004-05.

Phillip Island Nature Park Board of Management — Report, 2004-05 (three papers).

Plumbing Industry Commission — Report, 2004-05.  
 Port of Hastings Corporation — Report, 2004-05.  
 Port of Melbourne Corporation — Report, 2004-05.  
 Portland Coast Region Water Authority — Report, 2004-05.  
 Public Transport Ticketing Body — Report, 2004-05.  
 Roads Corporation (VicRoads) — Report, 2004-05.  
 Rolling Stock (VL-1) Pty Ltd — Report, 2004-05.  
 Rolling Stock (VL-2) Pty Ltd — Report, 2004-05.  
 Rolling Stock (VL-3) Pty Ltd — Report, 2004-05.  
 Rolling Stock Holdings (Victoria) Pty Ltd — Report, 2004-05.  
 Rolling Stock Holdings (Victoria-VL) Pty Ltd — Report, 2004-05.  
 Royal Botanic Gardens Board — Report, 2004-05.  
 South East Water Limited — Report, 2004-05.  
 South Gippsland Region Water Authority — Report, 2004-05.  
 South West Water Authority — Report, 2004-05.  
 Southern and Eastern Integrated Transport Authority — Report, 2004-05.  
 Spencer Street Station Authority — Report, 2004-05.  
 Surveyors Board of Victoria — Surveyors Registration Board of Victoria —  
     Minister's report of receipt of 2004-05 report.  
 Sustainable Energy Authority Victoria — Report, 2004-05 (two papers).  
 V/Line Passenger Corporation — Report, 2004-05.  
 V/Line Passenger Pty Ltd — Report, 2004-05.  
 Victorian Communities Department — Report, 2004-05.  
 Victorian Environmental Assessment Council — Report, 2004-05.  
 Victorian Rail Heritage Operations Pty Ltd — Report, 2004-05.  
 Victorian Rail Services Pty Ltd —  
     Minister's report of failure to submit 2003-04 report within the prescribed period  
     and the reasons therefor.  
     Reports —  
         2003-04; and  
         2004-05.  
 Victorian Rail Track — Report, 2004-05.  
 Victorian Regional Channels Authority — 2004-05 (two papers).  
 Western Region Water Authority — Report, 2004-05.  
 Westernport Region Water Authority — Report, 2004-05.  
 Yarra Bend Park Trust — Report, 2004-05.  
 Yarra Valley Water Limited — Report, 2004-05 (two papers).  
 Zoological Parks and Gardens Board of Victoria — Report, 2004-05 (two papers).

- 4 SITTING OF THE COUNCIL** — Mr John Lenders moved, That, notwithstanding any sitting of the Council on Friday, 28 October 2005, the Council, at its rising, adjourn until Tuesday, 15 November 2005.

Question — put and resolved in the affirmative.

- 5 MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

- 6 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Honourable Members pursuant to Sessional Order 17.

- 7 CRIMES (HOMICIDE) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Justin Madden moved, That the Bill be now read a second time.

On the motion of the Honourable Graeme Stoney (for the Honourable Richard Dalla-Riva), the debate was adjourned until the next day of meeting.

- 8 MAJOR EVENTS (CROWD MANAGEMENT) AND COMMONWEALTH GAMES ARRANGEMENTS ACTS (CROWD SAFETY AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Justin Madden moved, That the Bill be now read a second time.

On the motion of the Honourable Graeme Stoney (for the Honourable Gordon Rich-Phillips), the debate was adjourned until the next day of meeting.

- 9 RETAIL LEASES (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden (for the Honourable Marsha Thomson) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Justin Madden moved, That the Bill be now read a second time.

On the motion of the Honourable Graeme Stoney (for the Honourable Bruce Atkinson), the debate was adjourned until the next day of meeting.

- 10 GROUNDWATER (BORDER AGREEMENT) (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden (for Ms Candy Broad) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Justin Madden moved, That the Bill be now read a second time.

On the motion of the Honourable Graeme Stoney, the debate was adjourned until the next day of meeting.

- 11 CONGESTION LEVY BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put.

The Council divided.

AYES, 23

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen

NOES, 20

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell (*Teller*)  
 The Hon. Andrew Olexander (*Teller*)



Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek (*Teller*)  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney (*Teller*)

The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative.

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

House in Committee.

*Business having been interrupted at 2.03 p.m. pursuant to Sessional Orders —*

**12 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

**13 CONGESTION LEVY BILL** — Further consideration of this Bill continued in Committee of the whole.

House in Committee.

*Business having been interrupted by the Chair of Committees at 4.30 p.m. pursuant to Sessional Order 24(b) —*

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted.

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

The Council divided.

AYES, 23

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham (*Teller*)  
 Ms Elaine Carbines (*Teller*)  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

NOES, 20

The Hon. Bruce Atkinson (*Teller*)  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden (*Teller*)  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative.

Bill read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**14 CHILD WELLBEING AND SAFETY BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to establish principles for the wellbeing of children, to establish the Victorian Children's Council and the Children's Services Co-ordination Board, to provide for the Child Safety Commissioner and to confer functions and powers on the Child Safety Commissioner in relation to the safety of children, to provide for the notification of births to municipal councils, to repeal Part IX of the Health Act 1958 and for other purposes* and desiring the agreement of the Council.

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

**15 CHILDREN, YOUTH AND FAMILIES BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to provide for community services to support children and their families, to provide for the protection of children, to make provision in relation to children who have been charged with, or who have been found guilty of, offences, to continue The Children's Court of Victoria as a specialist court dealing with matters relating to children, to repeal the Children and Young Persons Act 1989, to amend the Community Services Act 1970 and other Acts and for other purposes* and desiring the agreement of the Council.

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

**16 ENVIRONMENT EFFECTS (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Environment Effects Act 1978 to improve the operation of that Act and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

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

Debate ensued.

And then the Council, at 5.08 p.m., adjourned until Tuesday, 15 November 2005.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*



## LEGISLATIVE COUNCIL

### MINUTES OF THE PROCEEDINGS Nos. 143, 144 and 145

#### No. 143 — Tuesday, 15 November 2005

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 2 November 2005, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:  
*Congestion Levy Act*  
*Defamation Act*  
*Primary Industries Acts (Further Amendment) Act.*
- 3 **WATER (RESOURCE MANAGEMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Water Act 1989, the Environment Protection Act 1970 and the Valuation of Land Act 1960 and for other purposes* and desiring the agreement of the Council.  
On the motion of Ms Candy Broad, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 4 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.
- 5 **MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.
- 6 **PAPERS** —  
**OFFICE OF THE PUBLIC ADVOCATE** — The Honourable Justin Madden moved, by leave, That there be laid before this House a copy of the Annual Report of the Office of the Public Advocate for 2004-05.  
Question— put and resolved in the affirmative.  
The said report was thereupon presented by the Honourable Justin Madden and ordered to lie on the Table.

\* \* \* \* \*

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

The Honourable Lidia Argondizzo presented Alert Digest No. 13 of 2005 from the Scrutiny of Acts and Regulations Committee, (including Appendices and an Extract from the Proceedings of the Committee).

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

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

- 2007 World Swimming Championships Corporation — Report for the period from 16 February 2005 to 30 June 2005.
- Accident Compensation Conciliation Service — Report, 2004-05.
- Adult, Community and Further Education Board — Report, 2004-05.
- Agriculture Victoria Services Pty Ltd — Report, 2004-05.
- Australian Centre for the Moving Image — Report, 2004-05.
- Australian Grand Prix Corporation — Report, 2004-05.
- Barwon Regional Waste Management Group — Minister's report of receipt of 2004-05 report.
- Budget Sector — Quarterly Financial Report No. 1 for the period ended 30 September 2005.
- Calder Regional Waste Management Group — Minister's report of receipt of 2004-05 report.
- Central Murray Regional Waste Management Group — Minister's report of receipt of 2004-05 report.
- Commissioner for Environmental Sustainability — Minister's report of receipt of 2004-05 report.
- Commissioner for Environmental Sustainability Act 2003 — Minister's request, 2 November 2005, pursuant to section 10(3).
- Commonwealth Games Arrangements Act 2001 — Commonwealth Games Venue and Project Orders, pursuant to section 18 of the Act (three papers).
- Corangamite Catchment Management Authority — Report, 2004-05.
- Country Fire Authority — Report, 2004-05.
- Crown Land (Reserves) Act 1978 — Minister's order of 31 October 2005 giving approval for the granting of a lease at Mordialloc and Mentone Beach Park (four papers).
- Dandenong Development Board — Minister's report of receipt of 2004-05 report.
- Desert Fringe Regional Waste Management Group — Minister's report of receipt of 2004-05 report.
- East Gippsland Catchment Management Authority — Report, 2004-05.
- Eastern Regional Waste Management Group — Report, 2004-05.
- Education and Training Department — Report, 2004-05.
- Emerald Tourist Railway Board — Report, 2004-05.
- Emergency Communications Victoria — Report, 2004-05.
- Emergency Services Superannuation Scheme — Report, 2004-05.
- Equal Opportunity Commission — Report, 2004-05.
- Essential Services Commission — Report, 2004-05.
- Film Victoria — Report, 2004-05.
- Freedom of Information Act 1982 — Statement of reasons under section 65AB(2) of the Act.
- Gambling Research Panel — Report for the period 1 July 2004 to 22 December 2004.
- Geelong Performing Arts Centre Trust — Report, 2004-05.
- Geoffrey Gardiner Diary Foundation Ltd — Report, 2004-05 (two papers).
- Gippsland Regional Waste Management Group — Minister's report of receipt of 2004-05 report.
- Glenelg Hopkins Catchment Management Authority — Report, 2004-05 (two papers).
- Goulburn Broken Catchment Management Authority — Report, 2004-05.
- Goulburn Valley Regional Waste Management Group — Minister's report of receipt of 2004-05 report.
- Government Superannuation Office — Report, 2004-05.
- Grampians Regional Waste Management Group — Minister's report of receipt of 2004-05 report.
- Heritage Council — Minister's report of receipt of 2004-05 report.

- Highlands Regional Waste Management Group — Minister's report of receipt of 2004-05 report.
- Intellectually Disabled Persons' Services Act 1986 — Report of Community Visitors for 2004-05.
- Judicial College of Victoria — Report, 2004-05.
- Legal Ombudsman's Office — Report, 2004-05.
- Legal Practice Board — Report, 2004-05.
- Legal Practitioners' Liability Committee — Report, 2004-05.
- Library Board of Victoria — Report, 2004-05.
- Mallee Catchment Management Authority — Report, 2004-05.
- Melbourne and Olympic Parks Trust — Report, 2004-05.
- Melbourne Convention and Exhibition Trust — Report, 2004-05.
- Melbourne Cricket Ground Trust — Report for the year ended 31 March 2005.
- Members of Parliament (Register of Interests) Act 1978 — Cumulative Summary of Returns, 30 September 2005.
- Metropolitan Fire and Emergency Services Board — Report, 2004-05.
- Mildura Regional Waste Management Group — Minister's report of receipt of 2004-05 report.
- Mitcham-Frankston Project Act 2004 — Statement of Variation, pursuant to section 21(3).
- Mornington Peninsula Regional Waste Management Group — Minister's report of receipt of 2004-05 report.
- Murray Valley Citrus Board — Minister's report of receipt of 2004-05 report.
- Museums Board of Victoria — Report, 2004-05.
- National Gallery of Victoria — Report, 2004-05.
- North Central Catchment Management Authority — Report, 2004-05.
- North East Catchment Management Authority — Report, 2004-05 (three papers).
- North East Victorian Regional Waste Management Group — Minister's report of receipt of 2004-05 report.
- Northern Regional Waste Management Group — Minister's report of receipt of 2004-05 report.
- Northern Victorian Fresh Tomato Industry Development Committee — Minister's report of failure to submit 2004-05 report within the prescribed period.
- Office of Police Integrity — Report, 2004-05 (incorporating the Report of the Police Ombudsman for the period from 1 July 2004 to 15 November 2004).
- Parks Victoria — Report, 2004-05 (two papers).
- Parliamentary Contributory Superannuation Fund — Report, 2004-05.
- Phytogene Pty Ltd — Minister's report of receipt of 2004-05 report.
- Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:
- Bass Coast Planning Scheme — Amendment C32 part 1.
  - Cardinia Planning Scheme — Amendment C74.
  - Greater Geelong Planning Scheme — Amendment C106.
  - Greater Shepparton Planning Scheme — Amendment C53.
  - Hepburn Planning Scheme — Amendment C27.
  - Horsham Planning Scheme — Amendment C20.
  - Maroondah Planning Scheme — Amendment C41.
  - Melbourne Planning Scheme — Amendment C103.
  - Northern Grampians Planning Scheme — Amendment C13.
  - Whitehorse Planning Scheme — Amendment C65.
  - Yarra Planning Scheme — Amendment C92.
  - Yarra Ranges Planning Scheme — Amendment C51.
- Police — Office of the Chief Commissioner — Report, 2004-05 (two papers).
- Port Phillip and Westernport Catchment Management Authority — Report, 2004-05.
- Premier and Cabinet Department — Report, 2004-05.

Primary Industries Department — Report, 2004-05.  
Queen Victoria Women's Centre Trust — Report, 2004-05.  
Residential Tenancies Bond Authority — Report, 2004-05.  
Sentencing Advisory Council — Report, 2004-05.  
Shrine of Remembrance Trustees — Report, 2004-05.  
South Eastern Regional Waste Management Group — Minister's report of receipt of 2004-05 report.  
South Western Regional Waste Management Group — Minister's report of receipt of 2004-05 report.  
State Electricity Commission of Victoria — Report, 2004-05.  
State Services Authority — Report for the period from 4 April 2005 to 30 June 2005 (incorporating the Final Report of the Commissioner for Public Employment for the period from 1 July 2004 to 4 April 2005).  
State Sport Centres Trust — Report, 2004-05.  
State Trustees Limited — Report, 2004-05 (including financial statements of the Common Funds) (two papers).  
Statutory Rules under the following Acts of Parliament:  
Adoption Act 1984 — No. 130.  
Electricity Safety Act 1998 — No. 131.  
Metropolitan Fire Brigades Act 1958 — No. 132.  
Supreme Court Act 1986 — Adoption Act 1984 — No. 133.  
Subordinate Legislation Act 1994 — Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 133.  
Sustainability and Environment Department — Report, 2004-05.  
Tourism Victoria — Report, 2004-05.  
Transport Accident Commission — Report, 2004-05.  
Tricontinental Holdings Limited — Report for the year ended 31 December 2004.  
Trust for Nature — Minister's report of receipt of 2004-05 report.  
VicForests — Report, 2004-05.  
Victoria Grants Commission — Report for the year ended 31 August 2005.  
Victoria Legal Aid — Report, 2004-05.  
Victorian Arts Centre Trust — Report, 2004-05.  
Victorian Catchment Management Council — Report, 2004-05.  
Victorian Coastal Council — Report, 2004-05.  
Victorian Curriculum and Assessment Authority — Report, 2004-05.  
Victorian Electoral Commission — Report, 2004-05.  
Victorian Energy Networks Corporation — Report, 2004-05.  
Victorian Funds Management Corporation — Report, 2004-05.  
Victorian Institute of Forensic Medicine — Report, 2004-05.  
Victorian Institute of Sport — Report, 2004-05 (two papers).  
Victorian Institute of Teaching — Report, 2004-05.  
Victorian Law Reform Commission — Report, 2004-05.  
Victorian Learning and Employment Skills Commission — Report, 2004-05.  
Victorian Managed Insurance Authority — Report, 2004-05.  
Victorian Privacy Commissioner's Office — Report, 2004-05.  
Victorian Qualifications Authority — Report, 2004-05.  
Victorian Relief Committee — Report, 2004-05.  
Victorian Urban Development Authority — Report, 2004-05.  
Victorian WorkCover Authority — Report, 2004-05.  
West Gippsland Catchment Management Authority — Report, 2004-05 (two papers).  
Western Regional Waste Management Group — Report, 2004-05.  
Wimmera Catchment Management Authority — Report, 2004-05.

**7 RIGHT OF REPLY —**

- Mr Frank Sculli — Pursuant to Standing Order 19.03, the President presented a Right of Reply from Mr Frank Sculli, Director, Sculli Nominees Pty Ltd, to statements made in the Council by the Honourable Bill Forwood on 20 April 2005.

Ordered to lie on the Table and to be printed.

- Pursuant to Standing Order 19.03, the President informed the Council of her decision that no further action be taken in relation to submissions for a Right of Reply received from Ms Catherine King, M.P., and Councillor Jenny Mulholland of Banyule City Council.

**8 SUSPENSION OF SESSIONAL ORDERS —** Mr John Lenders moved, by leave, That, Sessional Orders 2, 3 and 5 be suspended to the extent necessary to enable Government Business to take precedence of all other business following Members' Statements, excluding questions, during the sitting of the Council on Wednesday, 16 November 2005.

Debate ensued.

Question — put and resolved in the affirmative.

**9 ENVIRONMENT EFFECTS (AMENDMENT) BILL —** The Order of the Day having been read for the second reading of this Bill, Mr Gavin Jennings (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Andrea Coote, the debate was adjourned until the next day of meeting.

**10 CHILDREN, YOUTH AND FAMILIES BILL —** The Order of the Day having been read for the second reading of this Bill, Mr Gavin Jennings moved, That, pursuant to Sessional Order 34, the second reading speech (except for the statement under section 85 (5) of the *Constitution Act 1975*) be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

Mr Gavin Jennings made a statement pursuant to section 85 (5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

On the motion of the Honourable Andrea Coote (for the Honourable Wendy Lovell), the debate was adjourned until the next day of meeting.

**11 CHILD WELLBEING AND SAFETY BILL —** The Order of the Day having been read for the second reading of this Bill, Mr Gavin Jennings moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Andrea Coote (for the Honourable Wendy Lovell), the debate was adjourned until the next day of meeting.

**12 PRISONERS (INTERSTATE TRANSFER) (AMENDMENT) BILL —** The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 13 FIREARMS (FURTHER AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 14 CRIMES (HOMICIDE) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 15 MAJOR EVENTS (CROWD MANAGEMENT) AND COMMONWEALTH GAMES ARRANGEMENTS ACTS (CROWD SAFETY AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Business having been interrupted at 10.00 p.m. by the President pursuant to Sessional Order 14, the debate stood adjourned in the name of the Honourable Damian Drum.*

- 16 TRANSPORT LEGISLATION (FURTHER MISCELLANEOUS AMENDMENTS) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Melbourne City Link Act 1995, the Mitcham-Frankston Project Act 2004, the Public Transport Competition Act 1995, the Rail Corporations Act 1996, the Road Management Act 2004, the Road Safety Act 1986, the Tobacco (Amendment) Act 2005 and the Transport Act 1983 and for other purposes* and desiring the agreement of the Council.

On the motion of Ms Candy Broad, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 17 ADJOURNMENT** — The President proposed the question, That the House do now adjourn.

Debate ensued.

And then the Council, at 10.32 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
Clerk of the Legislative Council

## No. 144 — Wednesday, 16 November 2005

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

- 2 INVESTIGATIVE, ENFORCEMENT AND POLICE POWERS ACTS (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Crimes (Assumed Identities) Act 2004, the Crimes*



*(Controlled Operations) Act 2004, the Fisheries Act 1995, the Major Crime Legislation (Office of Police Integrity) Act 2004, the Major Crime (Investigative Powers) Act 2004, the Police Regulation Act 1958, the Surveillance Devices (Amendment) Act 2004, the Telecommunications (Interception) (State Provisions) Act 1988 and the Magistrates' Court Act 1989 and for other purposes and desiring the agreement of the Council.*

On the motion of Mr John Lenders (for the Honourable Justin Madden), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 3 COMMISSIONER FOR LAW ENFORCEMENT DATA SECURITY BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to establish the office of the Commissioner for Law Enforcement Data Security, to amend the Public Administration Act 2004 and for other purposes* and desiring the agreement of the Council.

On the motion of Mr John Lenders (for the Honourable Theo Theophanous), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 4 PETITION — ALBERT PARK PRECINCT PARKING FEES** — The Honourable Bruce Atkinson presented a Petition bearing 496 signatures from certain citizens of Victoria requesting that approval for the introduction of the parking strategy within the Albert Park precinct be deferred until an independent study is conducted as to the impact these fees will have on the sports and other users of the Park.

Ordered to lie on the Table.

**5 PAPERS —**

**PREMIER'S DRUG PREVENTION COUNCIL** — Mr John Lenders moved, by leave, That there be laid before this House a copy of the Premier's Drug Prevention Council Annual Report 2004-05.

Question— put and resolved in the affirmative.

The said report was thereupon presented by Mr John Lenders and ordered to lie on the Table.

\* \* \* \* \*

**HEALTH SERVICES COMMISSIONER** — Mr Gavin Jennings moved, by leave, That there be laid before this House a copy of the Health Services Commissioner Annual Report 2004-05.

Question— put and resolved in the affirmative.

The said report was thereupon presented by Mr Gavin Jennings and ordered to lie on the Table.

\* \* \* \* \*

**LAW REFORM COMMITTEE — WARRANT POWERS AND PROCEDURES** — The Honourable Richard Dalla-Riva presented a Report from the Law Reform Committee on the Warrant Powers and Procedures (including Appendices), together with Minutes of Evidence.

Ordered to lie on the Table and the Report to be printed.

The Honourable Richard Dalla-Riva moved, That the Council take note of the Report.

Debate ensued.

Question — put and resolved in the affirmative.

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

- Alexandra District Hospital — Report, 2004-05.
- Alpine Health — Report, 2004-05. (three papers).
- Alpine Resorts Co-ordinating Council — Minister's report of receipt of 2004-05 report.
- Ambulance Service Victoria — Metropolitan Region — Report, 2004-05.
- Anderson's Creek Cemetery Trust — Minister's report of receipt of report for the period 1 January 2004 to 30 June 2005.
- Auditor-General — Report on the Finances of the State of Victoria, 2004-05, November 2005.
- Austin Health — Report, 2004-05 (two papers).
- Bairnsdale Regional Health Service — Report, 2004-05 (two papers).
- Ballarat General Cemeteries Trust — Minister's report of receipt of report for the period 1 January 2004 to 30 June 2005.
- Ballarat Health Services — Report, 2004-05.
- Barwon Health — Report, 2004-05.
- Bayside Health — Report, 2004-05.
- Benalla and District Memorial Hospital — Report, 2004-05 (two papers).
- Bendigo Cemeteries Trust — Minister's report of receipt of report for the period 1 January 2004 to 30 June 2005.
- Bendigo Health Care Group — Report, 2004-05.
- Boort District Hospital — Minister's report of receipt of 2004-05 report.
- Calvary Health Care Bethlehem Limited — Report, 2004-05 (two papers).
- Casterton Memorial Hospital — Report, 2004-05 (six papers).
- Central Gippsland Health Service — Report, 2004-05 (two papers).
- Cheltenham and Regional Cemeteries Trust — Minister's report of receipt of report for the period 1 January 2004 to 30 June 2005.
- Cobram District Hospital — Report, 2004-05 (two papers).
- Cohuna District Hospital — Report, 2004-05.
- Colac Area Health — Report, 2004-05 (two papers).
- Coleraine District Health Services — Report, 2004-05.
- Djerriwarrh Health Services — Report, 2004-05 (two papers).
- Dunmunkle Health Services — Minister's report of receipt of 2004-05 report.
- Eastern Health — Report, 2004-05.
- Echuca Regional Health — Report, 2004-05.
- Federation Square Pty Ltd — Report, 2004-05.
- Geelong Cemeteries Trust — Minister's report of receipt of report for the period 1 January 2004 to 30 June 2005.
- Goulburn Valley Health — Report, 2004-05 (two papers).
- Hepburn Health Service — Report, 2004-05.
- Hesse Rural Health Service — Report, 2004-05.
- Heywood Rural Health — Report, 2004-05.
- Infertility Treatment Authority — Report, 2004-05.
- Inglewood and Districts Health Service — Report, 2004-05 (two papers).
- Kerang District Health — Report, 2004-05.
- Kooweerup Regional Health Service — Report, 2004-05 (two papers).
- Kyabram and District Health Services — Report, 2004-05 (two papers).
- Kyneton District Health Service — Report, 2004-05.
- Lilydale Memorial Park and Cemeteries Trust — Minister's report of receipt of report for the period 1 January 2004 to 30 June 2005.
- Lorne Community Hospital — Report, 2004-05 (three papers).
- Maldon Hospital — Minister's report of receipt of 2004-05 report.
- Mallee Track Health and Community Service — Report, 2004-05.
- Manangatang and District Hospital — Minister's report of receipt of 2004-05 report.

- Mansfield District Hospital — Report, 2004-05 (three papers).
- Maryborough District Health Service — Report, 2004-05 (three papers).
- Mclvor Health and Community Services — Report, 2004-05.
- Melbourne Health — Report, 2004-05.
- Mercy Public Hospitals Incorporated — Report, 2004-05 (fifteen papers).
- Moyne Health Services — Report, 2004-05.
- Mt Alexander Hospital — Report, 2004-05.
- Nathalia District Hospital — Minister's report of receipt of 2004-05 report.
- Necropolis Springvale — Report for the period from 1 January 2004 to 30 June 2005.
- Northeast Health Wangaratta — Report, 2004-05 (two papers).
- Northern Health — Report, 2004-05 (two papers).
- Numurkah District Health Service — Report, 2004-05 (two papers).
- Nurses Board of Victoria — Report, 2004-05.
- O'Connell Family Centre — Minister's report of receipt of 2004-05 report.
- Optometrists Registration Board of Victoria — Minister's report of receipt of 2004-05 report.
- Osteopaths Registration Board of Victoria — Minister's report of receipt of 2004-05 report.
- Otway Health and Community Services — Report, 2004-05.
- Peninsula Health — Report, 2004-05 (two papers).
- Peter MacCallum Cancer Centre — Report, 2004-05.
- Physiotherapists Registration Board of Victoria — Minister's report of receipt of 2004-05 report.
- Planning and Environment Act 1987 —  
Urban Growth Boundary — Notices of Approval of the following amendments to planning schemes:
- Cardinia Planning Scheme — Amendment C81.
  - Casey Planning Scheme — Amendment C85.
  - Hume Planning Scheme — Amendment C66.
  - Melton Planning Scheme — Amendment C51.
  - Whittlesea Planning Scheme — Amendment C83.
  - Wyndham Planning Scheme — Amendment C80.
- Podiatrists Registration Board of Victoria — Minister's report of receipt of 2004-05 report.
- Portland District Health — Report, 2004-05 (two papers).
- Preston Cemetery Trust — Minister's report of receipt of report for the period 1 January 2004 to 30 June 2005.
- Prince Henry's Institute of Medical Research — Report, 2004-05.
- Queen Elizabeth Centre — Report, 2004-05.
- Radiation Advisory Committee — Report for the year ended 30 September 2005.
- Regional Development Victoria — Report, 2004-05.
- Robinvale District Health Services — Report, 2004-05.
- Rochester and Elmore District Health Service — Report, 2004-05.
- Royal Children's Hospital — Report, 2004-05.
- Royal Victorian Eye & Ear Hospital — Report, 2004-05.
- Royal Women's Hospital — Report, 2004-05.
- Rural Ambulance Victoria — Report, 2004-05.
- Seymour District Memorial Hospital — Report, 2004-05 (two papers).
- South West Healthcare — Report, 2004-05.
- Southern Health — Report, 2004-05.
- St Vincent's Health [incorporating the financial statements of Caritas Christi Hospice Limited, St. George's Health Service Limited and St. Vincent's Hospital (Melbourne) Limited] — Report, 2004-05 (four papers).
- Stawell Regional Health — Report, 2004-05 (two papers).
- Swan Hill District Hospital — Report, 2004-05.

Tallangatta Health Service — Report, 2004-05 (two papers).  
 Templestowe Cemetery Trust — Minister's report of receipt of report for the period 1 January 2004 to 30 June 2005.  
 Terang and Mortlake Health Service — Report, 2004-05.  
 Timboon and District Healthcare Service — Minister's report of receipt of 2004-05 report.  
 Tweddle Child and Family Health Service — Minister's report of receipt of 2004-05 report.  
 Upper Murray Health and Community Services — Report, 2004-05 (two papers).  
 Victorian Health Promotion Foundation — Report, 2004-05.  
 Victorian Industry Participation Policy — Report, 2004-05.  
 Victorian Institute of Forensic Mental Health — Report, 2004-05.  
 Western District Health Service — Report, 2004-05 (two papers).  
 Western Health — Report, 2004-05.  
 Wodonga Regional Health Service — Report, 2004-05 (three papers).  
 Wyndham Cemeteries Trust — Minister's report of receipt of report for the period 1 January 2004 to 30 June 2005.  
 Yarrowonga District Health Service — Report, 2004-05 (two papers).  
 Yea and District Memorial Hospital — Minister's report of receipt of 2004-05 report.

- 6 COGNATE BILLS** — Mr John Lenders moved, by leave, That this House authorizes and requires the Honourable the President to permit the second reading debate on the Mineral Resources Development (Brown Coal Royalties) Bill and the Mines (Aluminium Agreement) (Brown Coal Royalties) Bill to be taken concurrently.

Question — put and resolved in the affirmative.

- 7 MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

- 8 TRANSPORT LEGISLATION (FURTHER MISCELLANEOUS AMENDMENTS) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for Ms Candy Broad) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Graeme Stoney (for the Honourable Ron Bowden), the debate was adjourned until the next day of meeting.

- 9 WATER (RESOURCE MANAGEMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for Ms Candy Broad) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Graeme Stoney, the debate was adjourned until the next day of meeting.

- 10 MAJOR EVENTS (CROWD MANAGEMENT) AND COMMONWEALTH GAMES ARRANGEMENTS ACTS (CROWD SAFETY AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**11 RETAIL LEASES (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**12 GROUNDWATER (BORDER AGREEMENT) (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

The Honourable Barry Bishop moved, as an amendment, That all the words after “That” be omitted with the view of inserting in their place “this House refuses to read this Bill a second time until the interstate agreement is amended so that the designated area, and the management thereof, correlates with the boundaries of the aquifers affected, and not just a 40 kilometre wide zone which encapsulates only sections of the aquifers affected”.

Debate ensued.

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

The Council divided.

AYES, 23

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza (*Teller*)  
 The Hon. John Eren  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh (*Teller*)  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

NOES, 19

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop (*Teller*)  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Gordon Rich-Phillips (*Teller*)  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative — Amendment negated.

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

The Council divided.

## AYES, 37

The Hon. Lidia Argondizzo  
 The Hon. Bruce Atkinson  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. Kaye Darveniza  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. John Eren (*Teller*)  
 The Hon. Bill Forwood  
 The Hon. Geoff Hilton (*Teller*)  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 The Hon. David Koch  
 Mr John Lenders  
 The Hon. Wendy Lovell  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 The Hon. Gordon Rich-Phillips  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney  
 The Hon. John Vogels

## NOES, 5

The Hon. W.R. Baxter (*Teller*)  
 The Hon. Barry Bishop  
 The Hon. Damian Drum (*Teller*)  
 Ms Dianne Hadden  
 The Hon. Peter Hall

And so it was resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**13 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

**14 ADJOURNMENT** — Mr John Lenders moved, That the Council, at its rising, adjourn until tomorrow at 9.30 a.m. at the Colac Otway Performing Arts and Cultural Centre, in the City of Colac.

Question — put and resolved in the affirmative.

Mr John Lenders moved, That the House do now adjourn.

Debate ensued

Question — put and resolved in the affirmative.

And then the Council, at 3.05 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
Clerk of the Legislative Council

## No. 145 — Thursday, 17 November 2005

- 1 The Council met in Colac pursuant to the Proclamation of the Governor of 15 November 2005, and to the terms of the Resolution of the Legislative Council on 16 November 2005.

The President took the Chair and read the Prayer.

- 2 **PROCLAMATION** — The Proclamation of the Governor varying and altering the place for holding the First Session of the Fifty-Fifth Parliament was read by the Clerk and is as follows:

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### CONSTITUTION ACT 1975 PROCLAMATION

A. By Proclamation made on 4 February 2003 by me, John Landy, Governor of Victoria, pursuant to section 8 of the *Constitution Act 1975*, fixed 25 February 2003 at 11.00 am as the time for the commencement and holding of the first session of the 55<sup>th</sup> Parliament of Victoria for the dispatch of business, at the Parliament Houses, Melbourne.

B. Pursuant to section 8(1) of the *Constitution Act 1975* the Governor is empowered to vary and alter the places fixed within Victoria and the times fixed for holding every session of the Legislative Council and of the Legislative Assembly.

I, John Landy, Governor of Victoria, acting under section 8 of the *Constitution Act 1975* and all other powers vested in me:

1. hereby vary and alter the place for holding the first session of the Legislative Council:
  - i. from 17 November 2005 to the Colac Otway Performing Arts and Cultural Centre at Rae Street, in the City of Colac; and
  - ii. thereafter, when the Legislative Council has completed its business on that day or on the following day if necessary, to the Houses of Parliament, Melbourne.
2. hereby vary and alter the place for holding the first session of the Legislative Assembly:
  - iii. from 17 November 2005 to the Deakin University Geelong Waterfront Campus at 1-11 Gheringhap Street in the City of Geelong; and
  - iv. thereafter, when the Legislative Assembly has completed its business on that day or on the following day if necessary, to the Houses of Parliament, Melbourne.

Given under my Hand and the Seal of Victoria, at Melbourne, this 15<sup>th</sup> day of November 2005.

JOHN LANDY  
Governor  
By His Excellency's Command  
STEVE BRACKS MP  
Premier

- 3 ADDRESS BY MAYOR OF COLAC OTWAY SHIRE** — Mr John Lenders moved, by leave, That this House invites Councillor Warren Riches, Mayor, Colac Otway Shire, to attend on the floor of the House today, to address the House.

Debate ensued.

Question — put and resolved in the affirmative.

Accordingly, Councillor Warren Riches, Mayor, Colac Otway Shire, was escorted into the Chamber by the Usher of the Black Rod and addressed the House.

*Having concluded his address, Councillor Riches was provided with a seat on the floor of the House.*

- 4 PETITIONS — HATTAH/NOWINGI TOXIC WASTE FACILITY** — The Honourables Barry Bishop and Damian Drum each presented a Petition bearing 266 and 280 signatures, respectively, from certain citizens of Victoria requesting that the Legislative Council abandon the proposal to place a toxic waste facility in the Mildura region.

Ordered to lie on the Table.

- 5 PAPERS —**

**COUNTY COURT JUDGES** — The Honourable Justin Madden presented by Command of the Governor, the Reports of the County Court Judges for the years 2002-03 and 2003-04.

The said Reports were thereupon presented by the Honourable Justin Madden and ordered to lie on the Table.

\* \* \* \* \*

**MINISTER FOR FINANCE'S RESPONSES TO AUDITOR-GENERAL'S REPORTS** — Mr John Lenders moved, by leave, That there be laid before this House a copy of the Response by the Minister for Finance to the Auditor-General's Reports tabled during 2004-05.

Question — put and resolved in the affirmative.

The said paper was thereupon presented by Mr John Lenders and ordered to lie on the Table.

\* \* \* \* \*

**FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE — REGULATION OF THE FUNERAL INDUSTRY** — Mr Robert Smith presented a Report from the Family and Community Development Committee on the Regulation of the Funeral Industry (including a Minority Report and Extracts from the Proceedings of the Committee), together with Minutes of Evidence.

Ordered to lie on the Table and the Report to be printed.

Mr Robert Smith moved, That the Council take note of the report.

Debate ensued.

Question — put and resolved in the affirmative.

\* \* \* \* \*

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

Food Safety Council — Minister's report of receipt of 2004-05 report.

Freedom of Information Act 1982 — Report of the Attorney-General on the operation of the Act, 2004-05.

Gippsland Southern Health Service — Report, 2004-05 (two papers).

Health Services Act 1988 — Report of Community Visitors for 2004-05.



Housing Guarantee Fund Ltd and Domestic Building (HIH) Indemnity Fund — Report, 2004-05.

Parliamentary Committees Act 2003 —

Government Response to recommendations in Road Safety Committee's report on the Inquiry into the Country Road Toll.

Government Response to recommendations in Scrutiny of Acts and Regulations Committee's report on Victorian Electronic Democracy.

Police Appeals Board — Report, 2004-05.

Public Prosecutions' Office — Report, 2004-05.

South Eastern Medical Complex Limited — Minister's report of receipt of 2004-05 report.

Special Investigations Monitor's Office — Report, 2004-05.

Victoria Law Foundation — Report, 2004-05.

Victorian Civil and Administrative Tribunal — Report, 2004-05.

Wimmera Health Care Group — Report, 2004-05 (two papers).

**6 MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

**7 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Honourable Members pursuant to Sessional Order 17.

**8 INVESTIGATIVE, ENFORCEMENT AND POLICE POWERS ACTS (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Justin Madden moved, That the Bill be now read a second time.

On the motion of the Honourable C.A. Strong, the debate was adjourned until the next day of meeting.

**9 COMMISSIONER FOR LAW ENFORCEMENT DATA SECURITY BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Theo Theophanous) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable C.A. Strong, the debate was adjourned until the next day of meeting.

**10 LAND TAX BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Business having been interrupted at 2.03 p.m. pursuant to Sessional Orders —*

**11 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

**12 LAND TAX BILL** — Debate continued on the question, That the Bill be now read a second time.

Question — put.

The Council divided.

AYES, 23

The Hon. Lidia Argondizzo  
Ms Candy Broad

NOES, 19

The Hon. Bruce Atkinson  
The Hon. W.R. Baxter

The Hon. Helen Buckingham  
 Ms Elaine Carbines (*Teller*)  
 The Hon. Kaye Darveniza  
 The Hon. John Eren (*Teller*)  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong (*Teller*)  
 The Hon. John Vogels (*Teller*)

And so it was resolved in the affirmative.

Bill read a second time.

Mr John Lenders moved, by leave, That the Bill be now read a third time.

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

The Council divided.

AYES, 23

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza (*Teller*)  
 The Hon. John Eren  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell (*Teller*)  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

NOES, 19

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. Peter Hall (*Teller*)  
 The Hon. David Koch (*Teller*)  
 The Hon. Wendy Lovell  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative.

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

Question — That the Bill do pass — put and resolved in the affirmative.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

### 13 TRANSPORT LEGISLATION (FURTHER MISCELLANEOUS AMENDMENTS)

**BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Business having been interrupted at 4.30 p.m. pursuant to Sessional Order 14—*

Mr John Lenders moved, That the sitting be continued.

Question — put and resolved in the affirmative.

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

Question — put and resolved in the affirmative.

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

House in Committee.

The Acting President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted.

Ms Candy Broad moved, That the Bill be now read a third time.

Question — That the Bill be now read a third time and that the Bill do pass — put.

The Council divided.

AYES, 22

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen (*Teller*)  
 Mr Noel Pullen (*Teller*)  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

NOES, 19

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop (*Teller*)  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva (*Teller*)  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**14 MOTOR CAR TRADERS AND FAIR TRADING ACTS (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**15 ADJOURNMENT** — Mr John Lenders moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 7.20 p.m., adjourned until Tuesday, 22 November 2005.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*



## LEGISLATIVE COUNCIL

### MINUTES OF THE PROCEEDINGS Nos. 146, 147 and 148

#### No. 146 — Tuesday, 22 November 2005

- 1 The President took the Chair and read the Prayer.
- 2 **DUTIES AND LAND TAX ACTS (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Duties Act 2000, the Land Tax Act 1958 and the Land Tax Act 2005 and for other purposes* and desiring the agreement of the Council.  
On the motion of Mr John Lenders, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 3 **SUPERANNUATION LEGISLATION (GOVERNANCE REFORM) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Emergency Services Superannuation Act 1986, the Government Superannuation Act 1999, the Parliamentary Salaries and Superannuation Act 1968, the State Employees Retirement Benefits Act 1979, the State Superannuation Act 1988, the Superannuation (Portability) Act 1989 and the Transport Superannuation Act 1988 to reform the governance of public sector superannuation schemes and for other purposes* and desiring the agreement of the Council.  
On the motion of Mr John Lenders, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 4 **HEALTH PROFESSIONS REGISTRATION BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to protect the public by providing for the registration of health practitioners and for a common system of investigations into the professional conduct, professional performance and ability to practise of registered health practitioners, to repeal various Acts relating to the registration of health practitioners and for other purposes* and desiring the agreement of the Council.  
On the motion of Mr Gavin Jennings, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 5 **ROAD SAFETY AND OTHER ACTS (VEHICLE IMPOUNDMENT AND OTHER AMENDMENTS) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Road Safety Act 1986 to enable the seizure, impoundment, immobilisation and forfeiture of motor vehicles in certain circumstances and to create a new offence relating to the improper use of a motor vehicle, to make miscellaneous amendments to the Children and Young Persons Act 1989, the Children, Youth and Families Act 2005, the Magistrates' Court Act 1989, the Crimes Act 1958, the Commonwealth Games Arrangements Act 2001, the Bail Act 1977, the Drugs, Poisons and Controlled Substances Act 1981, the Sentencing Act 1991 and the Working with Children Act 2005 and for other purposes* and desiring the agreement of the Council.

On the motion of Mr John Lenders (for the Honourable Theo Theophanous), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 6 WORKPLACE RIGHTS ADVOCATE BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to establish the office of the Workplace Rights Advocate, to amend the Victorian Civil and Administrative Tribunal Act 1998 and for other purposes* and desiring the agreement of the Council.

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

**7 PAPERS —**

**CORPORATE GOVERNANCE IN THE VICTORIAN PUBLIC SECTOR** — Pursuant to the *Parliamentary Committees Act 2003*, the Clerk presented a Government response to recommendations in the Public Accounts and Estimates Committee's Report on Corporate Governance in the Victorian Public Sector.

\* \* \* \* \*

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

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

Alpine Planning Scheme — Amendment C14.

Cardinia Planning Scheme — Amendment C73.

Hume Planning Scheme — Amendment C67.

Indigo Planning Scheme — Amendment C29.

Towong Planning Scheme — Amendment C9 Part 2.

Yarra Ranges Planning Scheme — Amendments C8 and C52.

Statutory Rules under the following Acts of Parliament:

Children and Young Persons Act 1989 — No. 139.

Melbourne City Link Act 1995 — No. 140.

Non-Emergency Patient Transport Act 2003 — No. 135.

Subordinate Legislation Act 1994 — No. 134.

Transport Act 1983 — Nos 136 to 138.

Subordinate Legislation Act 1994 — Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 139.

\* \* \* \* \*

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

Primary Industries Acts (Further Amendment) Act 2005 — sections 6, 8, 9(2), 21(6), 22, 24, and 29 — 1 December 2005 (*Gazette No. G46, 17 November 2005*).

- 8 GOVERNMENT BUSINESS PROGRAM** — Mr John Lenders moved, That, pursuant to Sessional Order 20, the following items of Government Business be considered and completed by 4.30 p.m. on Thursday, 24 November 2005:

- (a) Notice of Motion relating to the ratification of 6 amendments to modify the Urban Growth Boundary in relation to the Cardinia, Casey, Hume, Melton, Whittlesea and Wyndham Planning Schemes; and

- (b) the Orders of the Day relating to the following Bills:

Environment Effects (Amendment) Bill

Mineral Resources Development (Brown Coal Royalties) Bill

Mines (Aluminium Agreement) (Brown Coal Royalties) Bill

Investigative, Enforcement and Police Powers Acts (Amendment) Bill

Commissioner for Law Enforcement Data Security Bill  
 Child Wellbeing and Safety Bill  
 Children, Youth and Families Bill  
 Water (Resource Management) Bill  
 Veterans Bill  
 Superannuation Legislation (Governance Reform) Bill  
 Road Safety and Other Acts (Vehicle Impoundment and other Amendments)  
 Bill  
 Duties and Land Tax Acts (Amendment) Bill  
 Workplace Rights Advocate Bill and  
 Health Professions Registration Bill.

Debate ensued.

Question — put.

The Council divided.

AYES, 20

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. Justin Madden  
 Ms Jenny Mikakos (*Teller*)  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer (*Teller*)  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

NOES, 17

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell (*Teller*)  
 The Hon. Andrew Olexander (*Teller*)  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative.

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

**10 ENVIRONMENT EFFECTS (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put.

The Council divided.

AYES, 19

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza

NOES, 17

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson

The Hon. John Eren  
 The Hon. Geoff Hilton (*Teller*)  
 Ms Carolyn Hirsh (*Teller*)  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 The Hon. Theo Theophanous  
 Mr Matt Viney

The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips (*Teller*)  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong (*Teller*)  
 The Hon. John Vogels

And so it was resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

#### 11 MINERAL RESOURCES DEVELOPMENT (BROWN COAL ROYALTIES) BILL —

The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time [the **Mines (Aluminium Agreement) (Brown Coal Royalties) Bill** having been authorized to be debated concurrently pursuant to an Order of the Council on 16 November 2005].

*And the President having ruled the Mines (Aluminium Agreement) (Brown Coal Royalties) Bill to be a Private Bill —*

The Honourable Theo Theophanous moved, That the Mines (Aluminium Agreement) (Brown Coal Royalties) Bill be dealt with as a Public Bill.

Debate ensued.

Question — put and resolved in the affirmative.

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

Question — put.

The Council divided.

AYES, 20

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham (*Teller*)  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer (*Teller*)

NOES, 18

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter (*Teller*)  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. Philip Davis  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong



The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

The Hon. John Vogels (*Teller*)

And so it was resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**12 MINES (ALUMINIUM AGREEMENT) (BROWN COAL ROYALTIES) BILL** — The concurrent second reading debate having concluded —

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

The Council divided.

AYES, 20

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh (*Teller*)  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney (*Teller*)

NOES, 18

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson (*Teller*)  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. Philip Davis  
 The Hon. Bill Forwood (*Teller*)  
 Ms Dianne Hadden  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**13 INVESTIGATIVE, ENFORCEMENT AND POLICE POWERS ACTS (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Business having been interrupted at 2.03 p.m. pursuant to Sessional Orders —*

**14 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

**15 MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

**16 INVESTIGATIVE, ENFORCEMENT AND POLICE POWERS ACTS (AMENDMENT) BILL** — Debate continued on the question, That the Bill be now read a second time.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 17 ORDER OF THE COUNCIL RESCINDED** — Mr John Lenders moved, by leave, That the Order of the Council appointing the next day of meeting for the second reading of the Road Safety and Other Acts (Vehicle Impoundment and Other Amendments) Bill be read and rescinded, and that the second reading of the said Bill be made an Order of the Day for later this day.

Question — put and resolved in the affirmative.

- 18 ROAD SAFETY AND OTHER ACTS (VEHICLE IMPOUNDMENT AND OTHER AMENDMENTS) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Theo Theophanous) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Andrea Coote (for the Honourable Ron Bowden), the debate was adjourned until later this day.

- 19 COMMISSIONER FOR LAW ENFORCEMENT DATA SECURITY BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 20 ROAD SAFETY AND OTHER ACTS (VEHICLE IMPOUNDMENT AND OTHER AMENDMENTS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 21 CHILD WELLBEING AND SAFETY BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

The Honourable Wendy Lovell moved, as an amendment, That all the words after “That” be omitted with the view of inserting in their place “this House refuses to read this Bill a second time until consultation has been undertaken with the community in relation to the need to appoint an independent commissioner for children and youth, and the need for a report on the deaths of children in State care to be tabled in Parliament each year”.

Debate ensued.

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

The Council divided.

AYES, 22

The Hon. Lidia Argondizzo  
Ms Candy Broad

NOES, 20

The Hon. Bruce Atkinson  
The Hon. W.R. Baxter

The Hon. Helen Buckingham ( <i>Teller</i> )	The Hon. Barry Bishop
Ms Elaine Carbinas ( <i>Teller</i> )	The Hon. Ron Bowden
The Hon. Kaye Darveniza	The Hon. Andrew Brideson
The Hon. John Eren	The Hon. Andrea Coote
The Hon. Geoff Hilton	The Hon. Richard Dalla-Riva
Ms Carolyn Hirsh	The Hon. David Davis ( <i>Teller</i> )
Mr Gavin Jennings	The Hon. Philip Davis
Mr John Lenders	The Hon. Damian Drum ( <i>Teller</i> )
The Hon. John McQuilten	The Hon. Bill Forwood
The Hon. Justin Madden	Ms Dianne Hadden
Ms Jenny Mikakos	The Hon. Peter Hall
The Hon. Robert Mitchell	The Hon. David Koch
The Hon. Sang Nguyen	The Hon. Wendy Lovell
Mr Noel Pullen	The Hon. Andrew Olexander
Ms Glenyys Romanes	The Hon. Gordon Rich-Phillips
Mr Johan Scheffer	The Hon. Graeme Stoney
Mr Robert Smith	The Hon. C.A. Strong
The Hon. Theo Theophanous	The Hon. John Vogels
The Hon. Marsha Thomson	
Mr Matt Viney	

And so it was resolved in the affirmative — Amendment negated.

Question — That the Bill be now read a second time — put and resolved in the affirmative, Ms Dianne Hadden having requested that her dissent be recorded.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**22 CHILDREN, YOUTH AND FAMILIES BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Business having been interrupted at 10.10 p.m. by the President pursuant to Sessional Order 14 —*

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

Debate ensued.

And then the Council, at 10.41 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
Clerk of the Legislative Council

## No. 147 — Wednesday, 23 November 2005

1 The President took the Chair and read the Prayer.

2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 22 November 2005, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:

*Crimes (Homicide) Act*

*Firearms (Further Amendment) Act*

*Groundwater (Border Agreement) (Amendment) Act*

*Major Events (Crowd Management) and Commonwealth Games Arrangements Acts (Crowd Safety Amendment) Act*  
*Prisoners (Interstate Transfer) (Amendment) Act*  
*Retail Leases (Amendment) Act.*

### 3 PETITIONS —

**PLANNING SCHEME DESIGNATION** — Mr Johan Scheffer presented a Petition bearing 5 signatures from certain citizens of Victoria requesting the Minister for Planning and the Government to — (1) include Ironbark and Pioneer Roads in Diamond Creek and Yarrambat in the amended New Urban Growth Boundary, in order to recognize previous Urban Designation and infrastructure for that land, including rights to utilize the infrastructure attached to that land which had been paid for directly by residents or bought as valuable assets; (2) ensure equity and justice now for any properties that may have been discriminately treated within the legislated Urban District by planning or zone changes without notification or proper process; (3) further investigate this matter based on new information to ensure equitable and fair compensation to those affected; and (4) meet with residents to discuss and clarify the new information.

Ordered to lie on the Table.

\* \* \* \* \*

**AMENDMENT TO URBAN GROWTH BOUNDARY** — Mr Johan Scheffer presented a Petition bearing 5 signatures from certain citizens of Victoria requesting the Minister for Planning and the Government to include in the amended new Urban Growth Boundary of Nillumbik Shire all of the Ironbark Road, Diamond Creek acreage properties and all of the Ironbark Road and Pioneer Road, Yarrambat acreage equitably with all other lands of Diamond Creek and Yarrambat.

Ordered to lie on the Table.

\* \* \* \* \*

**WATER (RESOURCE MANAGEMENT) BILL** — Mr Johan Scheffer presented a Petition bearing 5 signatures from certain citizens of Victoria requesting the Minister for Environment and Water to — (1) investigate the situation of materially affected landowners/stakeholders of land on Ironbark and Pioneer Roads in Diamond Creek and Yarrambat who are affected by the provisions of the Water (Resource Management) Bill; (2) defer the passing of the Bill in order to assess if these people will be impacted and enable consultation with them if they are to be affected; (3) assist them in the protection of water rights to which they may be entitled; and (4) meet with the petitioners to discuss their concerns.

Ordered to lie on the Table.

\* \* \* \* \*

**SHARED SUPPORTED ACCOMMODATION PLACES** — The Honourable Wendy Lovell presented a Petition bearing 9 signatures from certain citizens of Victoria requesting that the State Government act immediately to resolve the shortage of shared supported accommodation facilities for disabled adults in the Goulburn Valley and north east Victoria.

Ordered to lie on the Table.

\* \* \* \* \*

**TRANSPORT AND STORAGE OF TOXIC WASTE** — The Honourable Wendy Lovell presented a Petition bearing 122 signatures from certain citizens of Victoria requesting that the State Government immediately withdraw its plan for transporting waste along the Calder Highway and further withdraw its proposal to store toxic

waste at Nowingi and explore an alternative, safer and more economically and environmentally feasible storage site within 100km of Melbourne.

Ordered to lie on the Table.

\* \* \* \* \*

**SEVERE LANGUAGE DISORDER FUNDING PROGRAM** — The Honourable Wendy Lovell presented a Petition bearing 7 signatures from certain citizens of Victoria requesting that the State Government immediately reinstate the Severe Language Disorder Funding Program thereby improving the access of Victorian children with Autism, Aspergers Syndrome or other language disorders to quality speech pathology.

Ordered to lie on the Table.

\* \* \* \* \*

**PROTECTION OF PUBLIC EDUCATION AND TRAINING** — Ms Glenyys Romanes presented a Petition bearing 64 signatures from certain citizens of Victoria requesting that any new legislation dealing with the State Public Education and Training System — (1) be separate and distinct from any legislation dealing with private schools; (2) defines public education as free, secular and universal; public in purpose, outcome, ownership and accountability; and accessible to all children; (3) gives primacy to public education in all areas; and (4) includes proper, transparent, publicly accessible accountability measures for expenditure of all taxpayers' money.

Ordered to lie on the Table.

#### 4 PAPERS —

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — ANNUAL REPORT** — Ms Glenyys Romanes presented the 2004-05 Annual Report from the Public Accounts and Estimates Committee (including Appendices).

Ordered to lie on the Table and to be printed.

Ms Glenyys Romanes moved, That the Council take note of the Report.

Debate ensued.

Question — put and resolved in the affirmative.

\* \* \* \* \*

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

Innovation, Industry and Regional Development Department — Report, 2004-05.

Subordinate Legislation Act 1994 — Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 140.

VITS LanguageLink — Minister's report of receipt of 2004-05 report.

#### 5 **STANDING ORDERS COMMITTEE** — Mr John Lenders moved, by leave, That —

- (1) The Resolution of the Council of 24 May 2005 requiring the Standing Orders Committee to undertake a review of the Standing Orders and present its report to the Council no later than the first sitting day of 2006 be now amended to require the Committee to present an interim report on the review no later than 7 February 2006 and a final report no later than 15 June 2006; and
- (2) When the Honourable Barry Bishop is unable to attend a meeting of the Committee, another Member of The Nationals may attend in his place, provided he has been nominated in writing to the President, and that substitute Member is a Member of the Committee for all purposes.

Debate ensued.

Question — put and resolved in the affirmative.

**6 MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

**7 BETFAIR** — The Honourable Bill Forwood moved, That this House condemns the Government, and in particular the Minister for Racing, for its failure to explain adequately the reasons for its decision to interfere with the Royal Assent of the Racing and Gambling Acts (Amendment) Bill and calls on the Government to immediately —

- (1) detail all of its dealings with Betfair;
- (2) detail all of its dealings with the Tasmanian Government over the licensing of betting exchanges and, in particular, Betfair;
- (3) detail all of its dealings with Publishing and Broadcasting Limited, a major shareholder in Betfair, over the introduction of betting exchanges in Australia, and in particular over the decision to delay the Royal Assent of the Bill; and
- (4) provide details of all other persons and organisations who lobbied the Government to delay the Royal Assent of the Bill.

Debate ensued.

Question — put.

The Council divided.

AYES, 20

The Hon. Bruce Atkinson (*Teller*)  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden (*Teller*)  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

NOES, 23

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith (*Teller*)  
 Mr Adem Somyurek (*Teller*)  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

And so it passed in the negative.

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

**9 SUPERANNUATION LEGISLATION (GOVERNANCE REFORM) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Andrea Coote (for the Honourable C.A. Strong), the debate was adjourned until later this day.

- 10 DUTIES AND LAND TAX ACTS (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Andrea Coote (for the Honourable Bill Forwood), the debate was adjourned until later this day.

- 11 WORKPLACE RIGHTS ADVOCATE BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for Mr Gavin Jennings) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Andrea Coote (for the Honourable C.A. Strong), the debate was adjourned until later this day.

- 12 HEALTH PROFESSIONS REGISTRATION BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for Mr Gavin Jennings) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Andrea Coote (for the Honourable David Davis), the debate was adjourned until later this day.

- 13 CHILDREN, YOUTH AND FAMILIES BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Business having been interrupted at 2.03 p.m. pursuant to Sessional Orders —*

- 14 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

- 15 CHILDREN, YOUTH AND FAMILIES BILL** — Debate continued on the question, That the Bill be now read a second time.

Question — That the Bill be now read a second time — put and resolved in the affirmative, Ms Dianne Hadden having requested that her dissent be recorded.

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

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**16 WATER (RESOURCE MANAGEMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

The Honourable Graeme Stoney moved, as an amendment, That all the words after “That” be omitted with the view of inserting in their place “this House refuses to read this Bill a second time until the Autumn 2006 sitting, to allow for the economic and social impacts of the legislation to be fully considered by the water industry, irrigators and local government”.

Debate ensued.

The Honourable W.R. Baxter moved, as an amendment to the amendment, That all the words after ‘in their place’ be omitted with the view of inserting in their place “this Bill be withdrawn and redrafted to provide — (a) for a better balance between environmental objectives and social and economic costs; (b) for compensation to be provided to those adversely affected in cases where the Minister permanently qualifies water rights; (c) that water held within the environmental reserve carries the same obligations to contribute to the costs associated with its storage and delivery as other water; and (d) for clarification that the environmental manager is liable for damage, injury or economic loss arising from release of water from the environmental reserve”.

Debate ensued.

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

The Council divided.

AYES, 21

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos (*Teller*)  
 The Hon. Robert Mitchell (*Teller*)  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

NOES, 19

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Andrew Brideson (*Teller*)  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva (*Teller*)  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative — Amendment negatived.

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

The Council divided.



## AYES, 21

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen (*Teller*)  
 Mr Noel Pullen (*Teller*)  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

## NOES, 19

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis (*Teller*)  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood (*Teller*)  
 Ms Dianne Hadden  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative — Amendment negated.

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

The Council divided.

## AYES, 21

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer (*Teller*)  
 Mr Robert Smith  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney (*Teller*)

## NOES, 19

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. Peter Hall  
 The Hon. David Koch (*Teller*)  
 The Hon. Wendy Lovell (*Teller*)  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative.

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

House in Committee.

Pursuant to Sessional Order 14, the Chair of Committees reported that the Committee had made progress in the Bill.

*Business having been interrupted at 10.00 p.m. by the President pursuant to Sessional Order 14 —*

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

Debate ensued.

And then the Council, at 10.22 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
Clerk of the Legislative Council

## No. 148 — Thursday, 24 November 2005

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

**2 PETITION — SHARED SUPPORTED ACCOMMODATION PLACES** — The Honourable Wendy Lovell presented a Petition bearing 51 signatures from certain citizens of Victoria requesting that the State Government act immediately to resolve the shortage of shared supported accommodation facilities for disabled adults in the Goulburn Valley and north east Victoria.

Ordered to lie on the Table.

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

Alexandra and District Ambulance Service of Victoria — Minister's report of receipt of 2004-05 report.

Bass Coast Regional Health — Report, 2004-05 (three papers).

Chief Electrical Inspector's Office — Report for the year ended 9 August 2005.

Chinese Medicine Registration Board of Victoria — Minister's report of receipt of 2004-05 report.

Consumer Utilities Advocacy Centre Ltd — Report, 2004-05.

Dental Health Services Victoria — Report, 2004-05.

Dental Practice Board of Victoria — Minister's report of receipt of 2004-05 report.

East Grampians Health Service — Report, 2004-05 (three papers).

Edenhope and District Memorial Hospital — Report, 2004-05.

Equal Opportunity Commission — Report, 2004-05 (*in lieu of that tabled on 15 November 2005*).

Gas Safety Office — Report for the year ended 9 August 2005.

Health Purchasing Victoria — Minister's report of receipt of 2004-05 report.

Kilmore and District Hospital — Report, 2004-05 (two papers).

Mental Health Review Board and Psychosurgery Review Board — Minister's report of receipt of 2004-05 report.

Office of Police Integrity — Review of fatal shootings by Victoria Police, November 2005.

Omeo District Health — Minister's report of receipt of 2004-05 report.

Pharmacy Board of Victoria — Minister's report of receipt of 2004-05 report.

South Gippsland Hospital — Report, 2004-05.

**4 EQUAL OPPORTUNITY COMMISSION** — The Honourable Justin Madden, moved, That the annual report of the Equal Opportunity Commission for 2004-05 be printed.

Question — put and resolved in the affirmative.

- 5 OFFICE OF POLICE INTEGRITY — FATAL SHOOTINGS BY VICTORIA POLICE —**  
The Honourable Theo Theophanous, moved, That the Office of Police Integrity's Report on the Review of fatal shootings by Victoria Police, November 2005 be printed.  
Question — put and resolved in the affirmative.
- 6 MEMBERS' STATEMENTS —** Statements were made by Honourable Members pursuant to Sessional Order 11.
- 7 STATEMENTS ON REPORTS AND PAPERS —** Statements on reports and papers were made by Honourable Members pursuant to Sessional Order 17.
- 8 RACING AND GAMBLING ACTS (AMENDMENT) BILL —** The President announced the receipt of a letter from the Premier regarding the deferred Royal Assent of the Racing and Gambling Acts (Amendment) Bill.  
The Honourable Philip Davis moved, by leave, That the letter be taken into consideration on the next day of meeting.  
Question — put and resolved in the affirmative.
- 9 BUSINESS POSTPONED —** Ordered — That the consideration of the Notice of Motion, Government Business, be postponed until later this day.
- 10 VETERANS BILL —** The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.  
Debate resumed.  
Question — put and resolved in the affirmative.  
Bill read a second time and, by leave, read a third time and passed.  
Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 11 SUPERANNUATION LEGISLATION (GOVERNANCE REFORM) BILL —** The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.  
Debate resumed.  
Question — put and resolved in the affirmative.  
Bill read a second time.  
Ordered — That the Bill be committed to a Committee of the whole later this day.
- 12 DUTIES AND LAND TAX ACTS (AMENDMENT) BILL —** The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.  
Debate resumed.  
*Business having been interrupted at 2.03 p.m. pursuant to Sessional Orders —*
- 13 QUESTIONS —** Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.
- 14 DUTIES AND LAND TAX ACTS (AMENDMENT) BILL —** Debate continued on the question, That the Bill be now read a second time.  
Question — put.  
The Council divided.
- |                           |                         |
|---------------------------|-------------------------|
| AYES, 23                  | NOES, 17                |
| The Hon. Lidia Argondizzo | The Hon. Bruce Atkinson |
| Ms Candy Broad            | The Hon. W.R. Baxter    |
| The Hon. Helen Buckingham | The Hon. Barry Bishop   |

Ms Elaine Carbines	The Hon. Ron Bowden
The Hon. Kaye Darveniza ( <i>Teller</i> )	The Hon. Andrew Brideson ( <i>Teller</i> )
The Hon. John Eren	The Hon. David Davis
The Hon. Geoff Hilton	The Hon. Philip Davis
Ms Carolyn Hirsh	The Hon. Damian Drum
Mr Gavin Jennings	The Hon. Bill Forwood
Mr John Lenders	Ms Dianne Hadden
The Hon. John McQuilten	The Hon. Peter Hall ( <i>Teller</i> )
The Hon. Justin Madden	The Hon. David Koch
Ms Jenny Mikakos	The Hon. Wendy Lovell
The Hon. Robert Mitchell	The Hon. Andrew Olexander
The Hon. Sang Nguyen	The Hon. Gordon Rich-Phillips
Mr Noel Pullen	The Hon. Graeme Stoney
Ms Glenyys Romanes	The Hon. C.A. Strong
Mr Johan Scheffer	
Mr Robert Smith ( <i>Teller</i> )	
Mr Adem Somyurek	
The Hon. Theo Theophanous	
The Hon. Marsha Thomson	
Mr Matt Viney	

And so it was resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**15 WORKPLACE RIGHTS ADVOCATE BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Business having been interrupted at 4.30 p.m. by the Acting President pursuant to Sessional Order 14 —*

Mr John Lenders moved, That pursuant to Sessional Order 27(a) the sitting be extended to complete the unfinished Government Business Program determined on 22 November 2005.

Question — put and resolved in the affirmative.

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

On the motion of the Honourable Geoff Hilton, the debate was adjourned until later this day.

**16 URBAN GROWTH BOUNDARY** — The Honourable Marsha Thomson (for the Honourable Justin Madden) moved, That pursuant to section 46AH of the *Planning and Environment Act 1987*, the following 6 amendments to modify the Urban Growth Boundary be ratified:

- Cardinia Planning Scheme — Amendment C81.
- Casey Planning Scheme — Amendment C85.
- Hume Planning Scheme — Amendment C66.
- Melton Planning Scheme — Amendment C51.
- Whittlesea Planning Scheme — Amendment C83.
- Wyndham Planning Scheme — Amendment C80.

Question — put and resolved in the affirmative.

**17 HEALTH PROFESSIONS REGISTRATION BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

The Honourable David Davis moved, as an amendment, That all the words after “That” be omitted with the view of inserting in their place “this House refuses to read this Bill a second time until proper consultation has taken place with the Victorian community, including registered health professionals and other key stakeholders, about the effect of the legislation, and the Government releases full departmental estimates and background documents including registration board estimates of the impact of the proposed changes on the registration fees of each of the health professional groups referred to in the Bill”.

Debate ensued.

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

The Council divided.

AYES, 21

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 The Hon. Geoff Hilton (*Teller*)  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer (*Teller*)  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Marsha Thomson  
 Mr Matt Viney

NOES, 19

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop (*Teller*)  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. Peter Hall (*Teller*)  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong

And so it was resolved in the affirmative — Amendment negated.

Question — That the Bill be now read a second time — put and resolved in the affirmative.

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

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted.

Mr Gavin Jennings moved, That the Bill be now read a third time.

Question — That the Bill be now read a third time and that the Bill do pass — put.

The Council divided.

AYES, 22

The Hon. Lidia Argondizzo  
 Ms Candy Broad

NOES, 19

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter

The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 The Hon. Geoff Hilton (*Teller*)  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer (*Teller*)  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Marsha Thomson  
 Mr Matt Viney

The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson (*Teller*)  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips (*Teller*)  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 18 SUPERANNUATION LEGISLATION (GOVERNANCE REFORM) BILL — ORDER OF THE COUNCIL RESCINDED** — The Order of the Day having been read for the committal of this Bill, Mr John Lenders moved, by leave, That the Order of the Council appointing later this day for the committal of the Superannuation Legislation (Governance Reform) Bill be read and rescinded.

Question — put and resolved in the affirmative.

Mr John Lenders moved, by leave, That the Bill be now read a third time.

Question — put and resolved in the affirmative.

Bill read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 19 WORKPLACE RIGHTS ADVOCATE BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Question — put.

The Council divided.

AYES, 22

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines (*Teller*)  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten

NOES, 19

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood (*Teller*)  
 Ms Dianne Hadden

The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Marsha Thomson  
 Mr Matt Viney (*Teller*)

The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips (*Teller*)  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative.

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

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**20 WATER (RESOURCE MANAGEMENT) BILL** — The Order of the Day having been read for the further consideration of this Bill in Committee of the whole, the President left the Chair.

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted.

Ms Candy Broad moved, That the Bill be now read a third time.

Question — That the Bill be now read a third time and that the Bill do pass — put.

The Council divided.

AYES, 22

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos (*Teller*)  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen (*Teller*)  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Marsha Thomson

NOES, 19

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson (*Teller*)  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips (*Teller*)  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

Mr Matt Viney

And so it was resolved in the affirmative.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 21 BUSINESS OF THE HOUSE** — Mr John Lenders moved, by leave, That the Sessional Orders be suspended to the extent necessary to enable the Standing Orders Committee report to be tabled.

Question — put and resolved in the affirmative.

- 22 STANDING ORDERS COMMITTEE — REVIEW OF THE STANDING ORDERS** — By leave, on behalf of the President (Chair), the Honourable Bill Forwood presented an Interim Report from the Standing Orders Committee on a Review of the Standing Orders: Appointment of a Legislation Committee (including an Appendix).

Ordered to lie on the Table and to be printed.

- 23 ADJOURNMENT** — Mr John Lenders moved, That the Council, at its rising, adjourn until Tuesday, 7 February 2006 at 2.00 p.m. or until a day and hour to be fixed by the President, whichever is the earlier, and which will be notified in writing to each Member of the Council.

Question — put and resolved in the affirmative.

Mr John Lenders moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 10.24 p.m., adjourned until Tuesday, 7 February 2006 at 2.00 p.m. or until a day and hour to be fixed by the President, whichever is the earlier.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*





## LEGISLATIVE COUNCIL

### MINUTES OF THE PROCEEDINGS Nos. 149, 150 and 151

#### No. 149 — Tuesday, 7 February 2006

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read Messages from the Lieutenant Governor informing the Council that she had, on the following dates, given the Royal Assent to the undermentioned Acts presented to her by the Clerk of the Parliaments:
  - On 29 November 2005 —
    - Child Wellbeing and Safety Act*
    - Commissioner for Law Enforcement Data Security Act*
    - Duties and Land Tax Acts (Amendment) Act*
    - Environment Effects (Amendment) Act*
    - Investigative, Enforcement and Police Powers Acts (Amendment) Act*
    - Land Tax Act*
    - Mineral Resources Development (Brown Coal Royalties) Act*
    - Mines (Aluminium Agreement) (Brown Coal Royalties) Act*
    - Motor Car Traders and Fair Trading Acts (Amendment) Act*
    - Racing and Gambling Acts (Amendment) Act*
    - Road Safety and Other Acts (Vehicle Impoundment and Other Amendments) Act*
    - Superannuation Legislation (Governance Reform) Act*
    - Transport Legislation (Further Miscellaneous Amendments) Act.*
  - On 7 December 2005 —
    - Children, Youth and Families Act*
    - Health Professions Registration Act*
    - Veterans Act*
    - Water (Resource Management) Act*
    - Workplace Rights Advocate Act.*
- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.
- 4 **MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.
- 5 **PETITIONS** —
  - ARDEER RESIDENTIAL YOUTH FACILITY** — The Honourable John Vogels presented a Petition bearing 285 signatures from certain citizens of Victoria requesting that the State Government withdraw from constructing a residential care facility for youth at 44 Rockbank Road, Ardeer, as the residents of Ardeer strongly object to its construction in their neighbourhood and ask that a more appropriate location be sought for this facility.

Ordered to lie on the Table.

**SEVERE LANGUAGE DISORDER FUNDING PROGRAM** — The Honourable Wendy Lovell presented a Petition bearing 9 signatures from certain citizens of Victoria requesting that the State Government immediately reinstate the Severe Language Disorder Funding Program thereby improving the access of Victorian children with Autism, Aspergers Syndrome or other language disorders to quality speech pathology.

Ordered to lie on the Table.

\* \* \* \* \*

**SHARED SUPPORTED ACCOMMODATION PLACES** — The Honourable Wendy Lovell presented a Petition bearing 240 signatures from certain citizens of Victoria requesting that the State Government act immediately to resolve the shortage of shared supported accommodation facilities for disabled adults in the Goulburn Valley and north east Victoria.

Ordered to lie on the Table.

\* \* \* \* \*

**TRANSPORT AND STORAGE OF TOXIC WASTE** — The Honourable Wendy Lovell presented a Petition bearing 266 signatures from certain citizens of Victoria requesting that the State Government immediately withdraw its plan for transporting waste along the Calder Highway and further withdraw its proposal to store toxic waste at Nowingi and explore an alternative, safer and more economically and environmentally feasible storage site within 100km of Melbourne.

Ordered to lie on the Table.

## 6 PAPERS —

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

The Honourable Andrew Brideson presented Alert Digest No. 1 of 2006 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — 2005-06 BUDGET ESTIMATES** — Pursuant to the *Parliamentary Committees Act 2003*, the Clerk presented a Report from the Public Accounts and Estimates Committee on the 2005-06 Budget Estimates (including Appendices), together with Minutes of Evidence.

\* \* \* \* \*

### **AUDITOR-GENERAL — 30 JUNE 2005 FINANCIAL STATEMENT RESULTS** —

Pursuant to the *Audit Act 1994*, the Clerk presented a copy of the Auditor-General's Report on Results of 30 June 2005 financial statement and other audits.

\* \* \* \* \*

**OMBUDSMAN — PRISONER PROPERTY IN VICTORIAN PRISONS** — Pursuant to the *Ombudsman Act 1973*, the Clerk presented a report from the Ombudsman on an Investigation into the Handling, Storage and Transfer of Prisoner Property in Victorian Prisons.

\* \* \* \* \*

**BUDGET SECTOR — UPDATE 2005-06** — Pursuant to the *Financial Management Act 1994*, the Clerk presented a copy of the Budget Sector Update 2005-06.

\* \* \* \* \*

### **ECONOMIC DEVELOPMENT COMMITTEE — LABOUR HIRE EMPLOYMENT** —

Pursuant to the *Parliamentary Committees Act 2003*, the Clerk presented a copy of the Minister's response to recommendations in the Economic Development Committee's Report into Labour Hire Employment in Victoria.

**ENVIRONMENT AND NATURAL RESOURCES COMMITTEE — SUSTAINABLE COMMUNITIES** — Pursuant to the *Parliamentary Committees Act 2003*, the Clerk presented a copy of the Minister's response to recommendations in the Environment and Natural Resources Committee's Report into Sustainable Communities.

\* \* \* \* \*

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

Altona Memorial Park —

Minister's report of failure to submit report for the period 1 January 2004 to 30 June 2005 within the prescribed period and the reasons therefor.

Report for the period 1 January 2004 to 30 June 2005.

Beechworth Health Service —

Minister's report of failure to submit 2004-05 report within the prescribed period and the reasons therefor.

Report, 2004-05.

Border Groundwaters Agreement Review Committee — Report, 2004-05.

Chiropractors Registration Board of Victoria —

Minister's report of failure to submit 2004-05 report within the prescribed period and the reasons therefor.

Minister's report of receipt of 2004-05 report.

Commonwealth Games Arrangements Act 2001 — Commonwealth Games Designated access area, Venue and Project Orders, pursuant to Section 18 of the Act (twenty-three papers).

Crown Land (Reserves) Act 1978 —

Minister's order of 20 December 2005 giving approval for the granting of a lease at Mentone and Mordialloc Beach Park Reserve (three papers).

Minister's order of 10 January 2006 giving approval for the granting of a lease at Mount Warrenheip Flora Reserve (three papers).

EastLink Project Act 2004 — Statements of Variation, pursuant to section 21(3) of the Act (three papers).

Fawkner Crematorium and Memorial Park —

Minister's report of failure to submit report for the period 1 January 2004 to 30 June 2005 within the prescribed period and the reasons therefor.

Report for the period 1 January 2004 to 30 June 2005 (two papers).

Food Safety Council — Report, 2004-05.

Interpretation of Legislation Act 1984 —

Notice pursuant to section 32(3)(a)(iii) in relation to Statutory Rule No. 151/2005.

Notice pursuant to section 32(4) in relation to the Building Code of Australia 2005.

Keilor Cemetery Trust —

Minister's report of failure to submit report for the period 1 January 2004 to 30 June 2005 within the prescribed period and the reasons therefor.

Minister's report of receipt of report for the period 1 January 2004 to 30 June 2005.

Melbourne City Link Act 1995 —

City Link and Extension Projects Integration and Facilitation Agreement Thirteenth Amending Deed, 21 December 2005, pursuant to section 15B(5) of the Act (nine papers).

Exhibition Street Extension Ninth Amending Deed, 21 December 2005, pursuant to section 15D(6) of the Act (seven papers).

Melbourne City Link Twenty-first Amending Deed, 21 December 2005, pursuant to section 15(2) of the Act (nineteen papers).

Orbost Regional Health —

Minister's report of failure to submit 2004-05 report within the prescribed period and the reasons therefor.

Report, 2004-05 (two papers).

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

Alpine Planning Scheme — Amendment C17.

Bass Coast Planning Scheme — Amendments C6, C38 and C54.

Bayside Planning Scheme — Amendment C37 Part 1.

Boroondara Planning Scheme — Amendment C42.

Brimbank Planning Scheme — Amendments C60 and C71.

Casey Planning Scheme — Amendments C67 and C78.

Darebin Planning Scheme — Amendments C10 Part 2, C45, C47, C53, C55 and C66.

East Gippsland Planning Scheme — Amendment C48.

French Island and Sandstone Island Planning Scheme — Amendment C1.

Gannawarra Planning Scheme — Amendment C15.

Glenelg Planning Scheme — Amendments C17 Part 1 and C28.

Greater Bendigo Planning Scheme — Amendments C61, C67 and C69.

Greater Dandenong Planning Scheme — Amendment C50.

Greater Shepparton Planning Scheme — Amendments C54, C55, C57 and C67.

Hobsons Bay Planning Scheme — Amendments C36 and C38.

Hume Planning Scheme — Amendments C45 Part 1, C45 Part 2 and C61.

Indigo Planning Scheme — Amendments C20 and C25.

Kingston Planning Scheme — Amendments C25, C46 Part 1 and C56.

Latrobe Planning Scheme — Amendment C43.

Manningham Planning Scheme — Amendments C26 and C48.

Maroondah Planning Scheme — Amendment C44.

Melbourne Planning Scheme — Amendments C60 Part 1A, C104 and C114.

Mitchell Planning Scheme — Amendment C27.

Moira Planning Scheme — Amendment C10.

Moonee Valley Planning Scheme — Amendments C49 and C63.

Moreland Planning Scheme — Amendments C38 and C48.

Mornington Peninsula Planning Scheme — Amendments C55 and C83.

Mount Alexander Planning Scheme — Amendment C30.

Nillumbik Planning Scheme — Amendments C11 and C28.

Northern Grampians Planning Scheme — Amendment C03.

Port Phillip Planning Scheme — Amendments C29 and C43.

Queenscliffe Planning Scheme — Amendment C17.

Stonnington Planning Scheme — Amendments C32, C38, C48 and C50.

Strathbogie Planning Scheme — Amendment C22.

Surf Coast Planning Scheme — Amendment C15 Part 1.

Swan Hill Planning Scheme — Amendment C20.

Victoria Planning Provisions — Amendments VC35, VC36 and VC37.

Whitehorse Planning Scheme — Amendments C56, C58 and C68.

Whittlesea Planning Scheme — Amendments C53 Part 1 and C64.

Wodonga Planning Scheme — Amendments C27 and C35.

Wyndham Planning Scheme — Amendment C74.

Yarra Planning Scheme — Amendment C43 Part 1.

Yarra Ranges Planning Scheme — Amendments C46 and C49.

Rail Corporations Act 1996 — Order in Council of 13 December 2005, pursuant to section 38B of the Act.

Rural Northwest Health —

Minister's report of failure to submit 2004-05 report within the prescribed period and the reasons therefor.

Report, 2004-05.

Statutory Rules under the following Acts of Parliament:

Adoption Act 1984 — No. 130/2005 (*in lieu of that tabled on 15 November 2005*).

Agricultural and Veterinary Chemicals (Control of Use) Act 1992 — No. 160/2005.

Charities Act 1978 — No. 141/2005.

Conservation, Forests and Lands Act 1987 — No. 172/2005.

County Court Act 1958 — Nos. 167 and 168/2005.

Domestic (Feral and Nuisance) Animals Act 1994 — No. 151/2005.

Electricity Safety Act 1998 — Nos. 131 (*in lieu of that tabled on 15 November 2005*) and 158/2005.

Estate Agents Act 1980 — No. 169/2005.

Firearms Act 1996 — No. 173/2005.

Fisheries Act 1995 — No. 150/2005.

Food Act 1984 — No. 143/2005.

Land Tax Act 2005 — No. 178/2005.

Legal Profession Act 2004 — Nos. 149 and 152/2005.

Liquor Control Reform Act 1998 — Nos. 170 and 171/2005.

Livestock Disease Control Act 1994 — No. 159/2005.

Magistrates' Court Act 1989 — Nos. 165 and 166/2005.

Marine Act 1988 — No. 154 and 155/2005.

National Parks Act 1975 — No. 142/2005.

Planning and Environment Act 1987 — No. 2/2006.

Police Regulation Act 1958 — No. 156/2005.

Prevention of Cruelty to Animals Act 1986 — No. 3/2006.

Public Administration Act 2004 — No. 174/2005.

Residential Tenancies Act 1997 — No. 4/2006.

Retirement Villages Act 1986 — No. 162/2005.

Road Safety Act 1986 — Nos. 145, 176 and 177/2005 and 1/2006.

Subordinate Legislation Act 1994 — Nos. 146, 153, 157 and 161/2005.

Supreme Court Act 1986 — No. 148/2005.

Supreme Court Act 1986 — Interpretation of Legislation Act 1984 — No. 147/2005.

Transport Act 1983 — Nos. 144, 164 and 175/2005.

Transfer of Land Act 1958 — No. 163/2005.

Water Act 1989 — No. 5/2006.

Subordinate Legislation Act 1994 —

Ministers' exception certificates under section 8(4) in respect of Statutory Rule Nos. 142, 146 to 148, 153, 157, 163 and 165 to 168/2005 and No. 2/2006.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 143 to 145, 149, 152, 155, 156, 160, 162, 169 to 172, 174, 176 and 177/2005 and Nos. 1 and 5/2006.

Victorian Environmental Assessment Council Act 2001 — Minister's request for the Victorian Environmental Assessment Council to investigate the Goolengook Forest, pursuant to section 16(1)(a) of the Act.

West Gippsland Healthcare Group —

Minister's report of failure to submit 2004-05 report within the prescribed period and the reasons therefor.

Report, 2004-05 (two papers).

West Wimmera Health Service —

Minister's report of failure to submit 2004-05 report within the prescribed period and the reasons therefor.

Report, 2004-05.

Yarram and District Health Service —

Minister's report of failure to submit 2004-05 report within the prescribed period and the reasons therefor.

Report, 2004-05 (three papers).

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

Firearms (Further Amendment) Act 2005 — Sections 3(1) (other than sections 3(1)(a), (1)(c) and (1)(d)), 6(4), (6) and (7), 12(2) (other than section 12(2)(a)) and 12(3) (other than section 12(3)(a)), 19, 22, 23, 25, 26, 28, 30(2), 31, 32, 35, 36, 37, 38, 45, 46, 47, 49, 50, 51, 55, 57, 58, 61(1) and (2), 62(1) and (2), 66 and Part 4 — 1 January 2006 (*Gazette No. G51, 22 December 2005*).

Higher Education Acts (Amendment) Act 2005 — Sections 114(2) and (3), 122(2), 123 and 125 — 22 December 2005 (*Gazette No. G50, 15 December 2005*).

House Contracts Guarantee (Amendment) Act 2005 — 1 February 2006 (*Gazette G4, 25 January 2006*).

Legal Profession Act 2004 — Remaining provisions — 12 December 2005 (*Gazette No. G48, 1 December 2005*).

Legal Profession (Consequential Amendments) Act 2005 — 12 December 2005 (*Gazette No. G48, 1 December 2005*).

National Parks (Otways and Other Amendments) Act 2005 — Remaining provisions of Part 2 and Part 3 (except section 20) — 11 December 2005 (*Gazette No. G49, 8 December 2005*).

Owner Drivers and Forestry Contractors Act 2005 — Part 1, Division 5 of Part 2, Part 3 (except section 30), Part 7 and Part 8 (except section 65) of that Act and Schedule 1 — 1 February 2006 (*Gazette No. G3, 19 January 2006*).

Primary Industries Acts (Amendment) Act 2005 — Section 10 — 2 February 2006 (*Gazette No. G4, 25 January 2006*).

Primary Industries Legislation (Further Miscellaneous Amendments) Act 2004 — Sections 30, 35 and 36 — 2 February 2006 (*Gazette No. G4, 25 January 2006*).

Property (Co-ownership) Act 2005 — 1 February 2006 (*Gazette No. G3, 19 January 2006*).

Retirement Villages (Amendment) Act 2005 — Sections 12, 14 and 16 — 30 January 2006 (*Gazette No. G50, 15 December 2005*).

Transport Legislation (Further Miscellaneous Amendments) Act 2005 — Sections 9, 11 and 12 — 13 December 2005 (*Gazette No. S254, 13 December 2005*).

Water (Resource Management) Act 2005 — Part 1 and sections 4, 11 and 34 — 15 December 2005 (*Gazette No. G50, 15 December 2005*).

**7 SUSPENSION OF SESSIONAL ORDERS** — Mr John Lenders moved, by leave, That Sessional Orders 2, 3 and 5 be suspended to the extent necessary to enable General Business to take precedence of all other business for 3 hours following Statements on reports and papers on Thursday, 9 February 2006.

Question — put and resolved in the affirmative.

**8 ADJOURNMENT** — Mr John Lenders moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 3.48 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
Clerk of the Legislative Council

**No. 150 — Wednesday, 8 February 2006**

- 1 The President took the Chair and read the Prayer.
- 2 **CRIMES (SEXUAL OFFENCES) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Crimes Act 1958, the Crimes (Criminal Trials) Act 1999, the Evidence Act 1958 and the Magistrates' Court Act 1989 in relation to sexual offences and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 3 **GUARDIANSHIP AND ADMINISTRATION (FURTHER AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Guardianship and Administration Act 1986 regarding consent to medical research procedures and for other purposes, to make consequential amendments to the Mental Health Act 1986 and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 4 **PETITION — NEIGHBOURHOOD HOUSES** — Ms Dianne Hadden presented a Petition bearing 103 signatures from certain citizens of Victoria requesting that the State Government commit to appropriate funding and resourcing for Neighbourhood Houses, so that both the hours of operation and programs offered, and the remuneration of Neighbourhood House Co-ordinators can be increased and expanded.

Ordered to lie on the Table.

- 5 **PAPERS** —

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — LEGISLATIVE FRAMEWORK FOR INDEPENDENT OFFICERS OF PARLIAMENT** — The Honourable Bill Forwood presented a Report from the Public Accounts and Estimates Committee on a legislative framework for independent officers of Parliament (including an Appendix), together with Minutes of Evidence.

Ordered to lie on the Table and the Report to be printed.

The Honourable Bill Forwood moved, That the Council take note of the Report.

Debate ensued.

Question — put and resolved in the affirmative.

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

Medical Practitioners Board of Victoria — Report for the year ended 30 September 2005.

Subordinate Legislation Act 1994 — Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 4.

Victorian Law Reform Commission —

Final Report on Uniform Evidence Law.

Report on Implementing the Uniform Evidence Act.

- 6 **MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.
- 7 **BUSHFIRES 2006** — The Honourable Philip Davis moved, That —
  - (1) A Select Committee of six members be appointed to inquire into and report on all the factors that led to the 2006 bushfires in Victoria, and in particular those

in the Grampians and at Moondara, to determine the level of severity of those fires and all counter measures that were taken to minimise the damage resulting from those bushfires and to recommend appropriate measures to be taken in the future regarding fire precautions, fire response and fire recovery, and in particular —

- (a) the adequacy of forest and park management and fire prevention practices;
  - (b) the adequacy of fire mitigation and suppression practices with particular reference to the effectiveness of fuel reduction burning of the forested areas of the State in reducing the intensity of bushfires;
  - (c) the impact of intense bushfires on the forest environment;
  - (d) the maintenance of the diverse ecology of Victoria's forests and national parks;
  - (e) fire management and response by the Department of Sustainability and Environment and the Country Fire Authority and any other government or non-government agencies or organisations;
  - (f) the effectiveness of communication systems, the adequacy of field communication between the control centre and the fire-front and the adequacy of early warning systems;
  - (g) an analysis of the co-ordination between and logistic support of all organisations involved;
  - (h) the adequacy and appropriateness of the physical resources available to the agencies and organisations involved;
  - (i) the timeliness and adequacy of the immediate response to the fires;
  - (j) the impact of the fires on the age distribution of vegetation species in the hardwood forest areas with particular reference to future management of forests and national parks; and
  - (k) appropriate relief and recovery measures.
- (2) The Chair shall have a deliberative vote and, in the event of an equality of votes, a casting vote.
  - (3) Four members of the Committee shall constitute a quorum of the Committee.
  - (4) The Committee shall advertise its terms of reference and call for submissions and all such submissions received by the Committee will be treated as public documents unless the Committee otherwise orders.
  - (5) The Committee shall on request make available to any member of the public a copy of any public submission or record of evidence.
  - (6) The Committee may commission persons to investigate and report to the Committee on any aspects of its inquiry.
  - (7) The presentation of a report or interim report of the Committee shall not be deemed to terminate the Committee's appointment, powers or functions.
  - (8) The foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders and Sessional Orders or practices of the Council shall have effect notwithstanding anything contained in the Standing or Sessional Orders or practices of the Council.

Debate ensued.

Question — put.

The Council divided.

AYES, 20

The Hon. Bruce Atkinson

NOES, 22

The Hon. Lidia Argondizzo



The Hon. W.R. Baxter ( <i>Teller</i> )	Ms Candy Broad
The Hon. Barry Bishop	The Hon. Helen Buckingham
The Hon. Ron Bowden	Ms Elaine Carbines
The Hon. Andrew Brideson	The Hon. Kaye Darveniza
The Hon. Andrea Coote	The Hon. John Eren
The Hon. Richard Dalla-Riva	The Hon. Geoff Hilton
The Hon. David Davis	Ms Carolyn Hirsh
The Hon. Philip Davis	Mr Gavin Jennings
The Hon. Damian Drum	Mr John Lenders
The Hon. Bill Forwood	The Hon. John McQuilten ( <i>Teller</i> )
Ms Dianne Hadden	The Hon. Justin Madden
The Hon. Peter Hall	Ms Jenny Mikakos
The Hon. David Koch	The Hon. Robert Mitchell
The Hon. Wendy Lovell	The Hon. Sang Nguyen
The Hon. Andrew Olexander	Mr Noel Pullen
The Hon. Gordon Rich-Phillips	Ms Glenyys Romanes
The Hon. Graeme Stoney	Mr Johan Scheffer
The Hon. C.A. Strong	Mr Robert Smith ( <i>Teller</i> )
The Hon. John Vogels ( <i>Teller</i> )	Mr Adem Somyurek
	The Hon. Marsha Thomson
	Mr Matt Viney

And so it passed in the negative.

- 8 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.
- 9 SESSIONAL ORDERS** — Mr John Lenders moved, That the Sessional Orders of the Council, adopted on 26 February 2003 and amended on 31 March 2004 and 22 March 2005, be further amended as follows:
1. After Sessional Order 41 insert:

### **LEGISLATION COMMITTEE**

#### **Establishment**

42. The Council will appoint a Legislation Committee.

#### **Function**

43. The function of the Committee is to consider in detail a Bill or series of related Bills referred to the Committee by the Council and to report to the Council on the Committee's consideration of the Bill, which may include any recommendations for amendments to the Bill(s).

#### **Membership**

44. (1) The Committee will consist of six Members, not being Ministers, appointed by resolution of the Council. The membership of the Committee must, so far as reasonably practicable, be proportional to party, minority group or independent membership in the Council.
- (2) A vacancy is to be filled —
  - (a) by an appointment under sub-clause (1) within two sitting days of the day on which the Council is made aware of the vacancy;
  - or

- (b) by an appointment made by the President when a vacancy occurs during a prorogation or adjournment of at least 12 days.

### **Chair and Deputy Chair to be elected**

- 45. (1) Prior to the commencement of any other business, the Committee will elect one of its Members to be the Chair of the Committee and one of its Members to be Deputy Chair.
- (2) If the Committee is unable to appoint a Chair or Deputy Chair the Committee will report that fact to the Council on the next sitting day for resolution by the Council.

### **Substitute Members**

- 46. (1) A Member of the Committee may be substituted by another Member by leave of the Committee.
- (2) The substitute Member is a Member of the Committee for all purposes.
- (3) A substitution must be for the purpose of consideration of all or part of a specific Bill or related Bills, but a substitute Member, by further leave, may be a substitute Member in relation to one or more Bills at the same time.
- (4) All Members of the Council will be notified of a substitution.

### **Referral**

- 47. At any time after the second reading and before the third reading stage the Council may, on motion without notice of any Member, resolve that all or part of a Bill or a series of related Bills be referred to the Committee. The time allowed for debate on such motion is as prescribed for procedural motions by Sessional Order 33(b).

### **Meetings**

- 48. (1) The Committee can meet during the sittings and adjournment of the Council.
- (2) Meetings of the Committee at which a Bill is considered will be open to the public as if the proceedings were a meeting of the Council.
- (3) All Members of the Council will be notified of the days and times that the Committee will meet to consider a Bill.
- (4) Members of the Council who are not Members of the Committee may participate in the public proceedings of the Committee, but will not vote, move any motion, or be counted for the purpose of a quorum.

### **Quorum**

- 49. At any meeting three members of the Committee will constitute a quorum and at least one Government and one Opposition Member must be present.

**Record of proceedings of committee**

50. Minutes of proceedings must be taken of each meeting of the Committee and must record the following:
- (a) the names of the Members who attended each meeting;
  - (b) every motion or amendment proposed and the name of its mover; and
  - (c) the divisions and the names of the Members voting for each side on a question, which must also be included in the Committee's report to the Council.

**Quorum or division in Council**

51. If a quorum or division is called for in the Council while the Committee is sitting, the meeting will be suspended until the quorum is formed or the division has concluded and Members have had an opportunity to return to the meeting.

**Procedure for consideration of a Bill**

52. (1) The Committee must consider each Bill in the following order:
- (a) Clauses separately and in numerical order;
  - (b) Proposed new clauses;
  - (c) The schedules separately and in numerical order;
  - (d) Proposed new schedules;
  - (e) The preamble (if any);
  - (f) Long title;
  - (g) Short title.
- (2) The provisions of Standing Orders 12.14, 12.15, 12.18 and 12.21 apply to the Committee's consideration of a Bill.
- (3) The Minister, Minister representing or such other persons nominated by the Minister or Member in charge of the Bill may give evidence to the Committee.
- (4) The Committee may only call other persons, or send for documents and other things if authorised by the Council.
- (5) The Committee's proceedings when considering the Bill will be recorded by Hansard.

**Amendments**

53. (1) Any amendment may be moved during the Committee's consideration of the Bill, provided it is relevant to the subject-matter of the Bill or part of the Bill being considered.
- (2) When an amendment has been proposed to the Bill the question must be put "That the amendment be agreed to".
- (3) An amendment may be moved by a Member of the Committee or a Member on behalf of another Member of the Committee.
- (4) Notwithstanding the provisions of Sessional Order 44(1), a Minister or Minister representing or a Member in charge of the Bill may also move an amendment to the Bill.

**Questions**

54. (1) In the Committee all questions will be decided by a majority of Members present.
- (2) The Chair will have a deliberative vote and, in the case of an equality of votes, will give a casting vote.
- (3) The Deputy Chair will have a deliberative vote only.

**Time for reporting**

55. (1) Unless otherwise resolved by the Council at any time, the Committee will present its final report to the Council no later than the first sitting day that occurs after two sitting weeks or four calendar weeks following the referral of the Bill or related Bills, whichever is the shorter period.
- (2) The Committee may resolve to request an extension to the time for reporting by letter to the President, who will then advise the Council at the earliest opportunity.
- (3) If the Committee has not reported to the Council at the appointed time the Bill will be considered in Committee of the whole Council unless leave is given for the Bill to proceed immediately to the third reading.

**Form of report**

56. (1) The report of the Committee will comprise –
- (a) a schedule of amendments recommended;
  - (b) the minutes of the Committee's consideration of the Bill, including all questions put and decisions of the Committee dealt with pursuant to Sessional Order 52, and any amendments moved; and
  - (c) the transcript of the Committee's consideration of the Bill, including any evidence from witnesses.
- (2) The Committee may, if considered necessary, include in its report a narrative explanation of the Committee's recommendations.

**Presentation of report**

57. (1) The report of the Committee will be presented to the Council by the Chair or another Member of the Committee during formal business.
- (2) No debate will be permitted at the time of the presentation of the report.

**Consideration and adoption of report**

58. (1) The Order of the Day for the consideration of the Committee's report on the Bill will be set down for two sitting days after the presentation of the report to the Council unless leave of the Council is granted to consider the report earlier.
- (2) When the Order of the Day for the consideration of the report is called a motion that the Council adopt the report of the Committee will be moved.

- (3) If the motion to adopt the report is agreed to, any amendments recommended by the Committee will be deemed to have been made to the Bill.
- (4) If the motion to adopt the report is not agreed to or not moved, the Bill will be considered in Committee of the whole Council unless leave is granted to proceed to the third reading.

**Procedure when Bill reported with no recommended amendments and no amendments proposed**

59. Where a report from the Committee containing no recommendations to amend the Bill has been adopted pursuant to Sessional Order 58 and no amendments are proposed, the Bill will be considered in Committee of the whole Council unless leave is given to proceed to the third reading.

**Procedure when Bill reported with recommended amendments and no other amendments proposed**

60. Where a report from the Committee containing recommendations to amend the Bill has been adopted pursuant to Sessional Order 58 and no other amendments are proposed, the Bill as amended will be considered in Committee of the whole Council unless leave is given to proceed to the third reading.

**Procedure when Bill reported and amendments proposed**

61. Where a report from the Committee has been adopted pursuant to Sessional Order 58 and further amendments are proposed the Bill will be considered in Committee of the whole Council.

**Consideration of certain clauses only**

62. Notwithstanding the provisions of Sessional Orders 59, 60 and 61, the Council may grant leave for the consideration in Committee of the whole Council of certain clauses only and the Committee's recommendations in relation to all other clauses will be deemed to have been agreed to by the Council.

**Application of provisions relating to procedural motions**

63. Any motion proposed pursuant to Sessional Orders 58 to 61 will be dealt with as a procedural motion pursuant to Sessional Order 33(b).

2. In Sessional Order 42, omit "42" and insert "64".

Debate ensued.

Question — put.

The Council divided.

AYES, 36

The Hon. Lidia Argondizzo  
The Hon. Bruce Atkinson  
The Hon. Ron Bowden  
The Hon. Andrew Brideson  
The Hon. Helen Buckingham  
Ms Elaine Carbines

NOES, 6

The Hon. W.R. Baxter  
The Hon. Barry Bishop  
The Hon. Damian Drum  
Ms Dianne Hadden (*Teller*)  
The Hon. Peter Hall (*Teller*)  
The Hon. Andrew Olexander

The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. Kaye Darveniza  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. John Eren  
 The Hon. Bill Forwood (*Teller*)  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 The Hon. David Koch  
 Mr John Lenders  
 The Hon. Wendy Lovell  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 The Hon. Gordon Rich-Phillips  
 Ms Glenyys Romanes (*Teller*)  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney  
 The Hon. John Vogels

And so it was resolved in the affirmative.

- 10 PRAHRAN MECHANICS' INSTITUTE (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Prahran Mechanics' Institute Act 1899 and for other purposes* and desiring the agreement of the Council.

On the motion of Mr John Lenders (for Ms Candy Broad), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 11 ADJOURNMENT** — Mr John Lenders moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 5.27 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 151 — Thursday, 9 February 2006

- 1 The President took the Chair and read the Prayer.
- 2 **LIQUOR CONTROL REFORM (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Liquor Control Reform Act 1998 and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Marsha Thomson, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 3 CRIMES (FAMILY VIOLENCE) (HOLDING POWERS) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Crimes (Family Violence) Act 1987 to provide police with holding powers in family violence situations and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 4 PETITION — PROTECTION OF PUBLIC EDUCATION AND TRAINING** — Ms Glenyys Romanes presented a Petition bearing 258 signatures from certain citizens of Victoria requesting that any new legislation dealing with the State Public Education and Training System — (1) be separate and distinct from any legislation dealing with private schools; (2) defines public education as free, secular and universal; public in purpose, outcome, ownership and accountability; and accessible to all children; (3) gives primacy to public education in all areas; and (4) includes proper, transparent, publicly accessible accountability measures for expenditure of all taxpayers' money.

Ordered to lie on the Table.

- 5 PAPERS —**

**ECONOMIC DEVELOPMENT COMMITTEE — THOROUGHbred BREEDING INDUSTRY** — The Honourable Ron Bowden presented a Report from the Economic Development Committee on the Thoroughbred Breeding Industry (including Appendices), together with Minutes of Evidence.

Ordered to lie on the Table and the Report to be printed.

The Honourable Ron Bowden moved, That the Council take note of the Report.

Debate ensued.

Question — put and resolved in the affirmative.

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

Beaufort and Skipton Health Service —

Minister's report of failure to submit 2004-05 report within the prescribed period and the reasons therefor.

Report, 2004-05 (three papers).

East Wimmera Health Service —

Minister's report of failure to submit 2004-05 report within the prescribed period and the reasons therefor.

Report, 2004-05.

Latrobe Regional Hospital —

Minister's report of failure to submit 2004-05 report within the prescribed period and the reasons therefor.

Report, 2004-05 (two papers).

Parliamentary Committees Act 2003 — Minister's response to recommendations in the Family and Community Development Committee's Report on Issues Relating to the Development of Body Image Among Young People and Associated Effects on their Health and Wellbeing.

Rural Finance Act 1988 — Treasurer's directive of 7 February 2006 to the Rural Finance Corporation.

Statutory Rules under the following Acts of Parliament:

Human Tissue Act 1982 — No. 7/2006.

Magistrates' Court Act 1989 — No. 6/2006.

Subordinate Legislation Act 1994 — Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 7.

- 6 SITTING OF THE COUNCIL** — The Honourable Justin Madden moved, That the Council, at its rising, adjourn until Tuesday, 28 February 2006.

Question — put and resolved in the affirmative.

- 7 MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

- 8 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Honourable Members pursuant to Sessional Order 17.

- 9 BUSINESS COMPETITIVENESS** — The Honourable Bruce Atkinson moved, That this House calls on the Government to cut taxes and charges in the 2006 State Budget and revise and reduce regulations that are adversely impacting on the competitiveness of business in Victoria.

Debate ensued.

*Business having been interrupted at 2.03 p.m. pursuant to Sessional Orders —*

- 10 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03.

**SNOWY RIVER FLOWS** — Ms Candy Broad having given an answer to a question without notice relating to increased flows in the Snowy River —

The Honourable Bill Forwood moved, That the Minister's answer be taken into consideration on the next day of meeting.

Question — put and resolved in the affirmative.

**QUESTIONS** — Questions without notice continued.

**GOLD MINING IN BALLARAT AND THE COMMONWEALTH GAMES** — The Honourable Theo Theophanous having given an answer to a question without notice relating to the use of gold mined in Ballarat at the Commonwealth Games —

The Honourable Philip Davis moved, That the Minister's answer be taken into consideration on the next day of meeting.

Question — put and resolved in the affirmative.

Answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

- 11 BUSINESS COMPETITIVENESS** — Debate continued on the motion calling on the Government to cut taxes and charges in the 2006 State Budget and revise and reduce regulations adversely impacting on the competitiveness of business in Victoria [see item no 9].

Question — put.

The Council divided.

AYES, 19

The Hon. Bruce Atkinson (*Teller*)  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden (*Teller*)  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. Peter Hall

NOES, 23

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham (*Teller*)  
 Ms Elaine Carbines (*Teller*)  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos



The Hon. David Koch  
The Hon. Wendy Lovell  
The Hon. Gordon Rich-Phillips  
The Hon. Graeme Stoney  
The Hon. C.A. Strong  
The Hon. John Vogels

The Hon. Robert Mitchell  
The Hon. Sang Nguyen  
Mr Noel Pullen  
Ms Glenyys Romanes  
Mr Johan Scheffer  
Mr Robert Smith  
Mr Adem Somyurek  
The Hon. Theo Theophanous  
The Hon. Marsha Thomson  
Mr Matt Viney

And so it passed in the negative.

- 12 CRIMES (SEXUAL OFFENCES) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Theo Theophanous (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Theo Theophanous moved, That the Bill be now read a second time.

On the motion of the Honourable C.A. Strong, the debate was adjourned until later this day.

- 13 GUARDIANSHIP AND ADMINISTRATION (FURTHER AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Theo Theophanous (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Theo Theophanous moved, That the Bill be now read a second time.

On the motion of the Honourable C.A. Strong, the debate was adjourned until the next day of meeting.

- 14 PRAHRAN MECHANICS' INSTITUTE (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Theo Theophanous (for Ms Candy Broad) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Theo Theophanous moved, That the Bill be now read a second time.

On the motion of the Honourable Graeme Stoney (for the Honourable John Vogels), the debate was adjourned until the next day of meeting.

- 15 TERRORISM (COMMUNITY PROTECTION) (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Terrorism (Community Protection) Act 2003 to provide for the making of preventative detention orders and the detention of persons subject to those orders, to give members of the police force special powers in connection with terrorist acts and to expand the circumstances in which covert search warrants may be issued, to amend the Corrections Act 1986 to provide for the legal custody of persons subject to preventative detention orders, to amend the Children and Young Persons Act 1989 and the Children, Youth and Families Act 2005 to provide for the searching of visitors to juvenile justice facilities and generally regulate visits to those facilities and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Theo Theophanous (for Mr John Lenders), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 16 CRIMES (SEXUAL OFFENCES) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

On the motion of the Honourable Peter Hall (for the Honourable W.R. Baxter), the debate was adjourned until the next day of meeting.

*Business having been interrupted at 4.30 p.m. by the President pursuant to Sessional Order 14—*

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

Debate ensued.

And then the Council, at 4.49 p.m., adjourned until Tuesday, 28 February 2006.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*



## LEGISLATIVE COUNCIL

### MINUTES OF THE PROCEEDINGS Nos. 152, 153 and 154

#### No. 152 — Tuesday, 28 February 2006

- 1 The President took the Chair and read the Prayer.
- 2 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.
- 3 **MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.
- 4 **PETITIONS** —  
**SHARED SUPPORTED ACCOMMODATION PLACES** — The Honourable Wendy Lovell presented a Petition bearing 7 signatures from certain citizens of Victoria requesting that the State Government act immediately to resolve the shortage of shared supported accommodation facilities for disabled adults in the Goulburn Valley and north east Victoria.

Ordered to lie on the Table.

\* \* \* \* \*

**SEVERE LANGUAGE DISORDER FUNDING PROGRAM** — The Honourable Wendy Lovell presented a Petition bearing 10 signatures from certain citizens of Victoria requesting that the State Government immediately reinstate the Severe Language Disorder Funding Program thereby improving the access of Victorian children with Autism, Aspergers Syndrome or other language disorders to quality speech pathology.

Ordered to lie on the Table.

\* \* \* \* \*

**HATTAH/NOWINGI TOXIC WASTE FACILITY** — The Honourable Wendy Lovell presented a Petition bearing 96 signatures from certain citizens of Victoria requesting that the Legislative Council abandon the proposal to place a toxic waste facility in the Mildura region.

Ordered to lie on the Table.

- 5 **PAPERS** —  
**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** —  
The Honourable Lidia Argondizzo presented Alert Digest No. 2 of 2006 (including Appendices) from the Scrutiny of Acts and Regulations Committee.  
Ordered to lie on the Table and to be printed.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:  
Commonwealth Games Arrangements Act 2001 — Commonwealth Games Venue and Project Orders, pursuant to Section 18 of the Act (twenty-eight papers).

- Essential Services Commission — Final Report on the Review of Accident Towing and Storage Fees, November 2005.
- Land Acquisition and Compensation Act 1986 — Minister's certificate of 16 February 2006, pursuant to section 7(4).
- Legal Profession Act 2004 — Practitioner Remuneration Order, 31 January 2006.
- Office of the Victorian Privacy Commissioner — Report of an Investigation into the Office of Police Integrity, February 2006.
- Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:
- Brimbank Planning Scheme — Amendment C85.
  - Buloke Planning Scheme — Amendment C11.
  - Frankston Planning Scheme — Amendment C36.
  - Gannawarra Planning Scheme — Amendment C13.
  - Greater Shepparton Planning Scheme — Amendment C63.
  - Hume Planning Scheme — Amendment C76.
  - Latrobe Planning Scheme — Amendment C34.
  - Macedon Ranges Planning Scheme — Amendment C48.
  - Maroondah Planning Scheme — Amendment C48.
  - Moirra Planning Scheme — Amendment C24, Part 1.
  - Nillumbik Planning Scheme — Amendment C43.
  - Stonnington Planning Scheme — Amendment C53.
  - Strathbogrie Planning Scheme — Amendment C20.
  - Surf Coast Planning Scheme — Amendment C28.
  - Whitehorse Planning Scheme — Amendment C63.
- Statutory Rules under the following Acts of Parliament:
- Mineral Resources Development Act 1990 — No. 8.
  - Racing Act 1958 — No. 11.
  - Transport Act 1983 — Nos. 9 and 10.
- Subordinate Legislation Act 1994 — Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 8, 10 and 11.

\* \* \* \* \*

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

- Liquor Control Reform (Underage Drinking and Enhanced Enforcement) Act 2004 — section 37 (except paragraph (b)) — 1 March 2006 (*Gazette No. G8, 23 February 2006*).
- Prisoners (Interstate Transfer) (Amendment) Act 2005 — section 7(1) — 23 February 2006 (*Gazette No. G8, 23 February 2006*).
- Transport Legislation (Further Miscellaneous Amendments) Act 2005 — Part 4 and section 35 — 10 February 2006 (*Gazette No. G6, 9 February 2006*).

- 6 CORRECTION OF BILL TITLES** — The Honourable Marsha Thomson moved, by leave, That where a Bill has passed through both Houses and any title of the Bill includes a reference to a calendar year earlier than that in which passage of a Bill was completed, the Clerk of the Parliaments be empowered to alter the calendar year reference in the Bill title and any corresponding reference within the Bill itself to accord with the year in which its passage was completed.

Question — put and resolved in the affirmative.

- 7 CRIMES (FAMILY VIOLENCE) (HOLDING POWERS) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Marsha Thomson (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Marsha Thomson moved, That the Bill be now read a second time.

On the motion of the Honourable Graeme Stoney (for the Honourable C.A. Strong), the debate was adjourned until the next day of meeting.

- 8 LIQUOR CONTROL REFORM (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Marsha Thomson moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Marsha Thomson moved, That the Bill be now read a second time.

On the motion of the Honourable Wendy Lovell, the debate was adjourned until the next day of meeting.

- 9 TERRORISM (COMMUNITY PROTECTION) (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Marsha Thomson (for Mr John Lenders) moved, That, pursuant to Sessional Order 34, the second reading speech (except for the statement under section 85 (5) of the *Constitution Act 1975*) be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Marsha Thomson moved, That the Bill be now read a second time.

The Honourable Marsha Thomson made a statement pursuant to section 85 (5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

On the motion of the Honourable Graeme Stoney (for the Honourable C.A. Strong), the debate was adjourned until the next day of meeting.

- 10 CRIMES (SEXUAL OFFENCES) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 11 PRAHRAN MECHANICS' INSTITUTE (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

*And the Deputy President having ruled the Bill to be a Private Bill —*

The Honourable Theo Theophanous moved, That this Bill be dealt with as a Public Bill.

Question — put and resolved in the affirmative.

Debate resumed on the question, That the Bill be now read a second time.

Question — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 12 GUARDIANSHIP AND ADMINISTRATION (FURTHER AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 13 ADJOURNMENT** — Mr Gavin Jennings moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 5.52 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
Clerk of the Legislative Council

## No. 153 — Wednesday, 1 March 2006

- 1 The President took the Chair and read the Prayer.
- 2 **CRIMES (DOCUMENT DESTRUCTION) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Crimes Act 1958 with respect to the destruction of documents or other things that are, or are reasonably likely to be, required as evidence in legal proceedings and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 3 **GAMBLING REGULATION (MISCELLANEOUS AMENDMENTS) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Gambling Regulation Act 2003, the Gambling Regulation (Further Amendment) Act 2004 and the Casino Control Act 1991 to enhance the regulatory role of the Victorian Commission for Gambling Regulation and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

### 4 PETITIONS —

**FLUORIDATION OF WATER SUPPLIES** — The Honourable Peter Hall presented a Petition bearing 745 signatures from certain citizens of Victoria praying that the Legislative Council of Victoria does not support the addition of fluoride to any Victorian water supply, including water in the Gippsland region, in view of current scientific doubts regarding its safety.

Ordered to lie on the Table.

\* \* \* \* \*

**TRAFFIC LIGHTS ON WESTERN PORT HIGHWAY** — The Honourable Ron Bowden presented a Petition bearing 17 signatures from certain citizens of Victoria requesting that the Victorian Government prevent the installation of traffic lights along the Western Port Highway at Lyndhurst (Dandenong/Hastings Road).

Ordered to lie on the Table.

\* \* \* \* \*

**BAXTER-TOORADIN, HAWKINS AND FULTONS ROAD INTERSECTION** — The Honourable Ron Bowden presented a Petition bearing 11 signatures from certain citizens of Victoria requesting that the Victorian Government urgently upgrade the Baxter-Tooradin, Hawkins and Fultons Road intersection in the suburb of Baxter so that Hawkins Road and Fultons Road are aligned and that the railway crossing along Baxter-Tooradin Road is widened to safely accommodate pedestrian traffic.

Ordered to lie on the Table.

\* \* \* \* \*

**WESTERN PORT HIGHWAY ROUNDABOUT** — The Honourable Ron Bowden presented a Petition bearing 117 signatures from certain citizens of Victoria requesting that the Victorian Government install a roundabout at the North Road —

Western Port Highway intersection to enable safer access to Western Port Highway for motorists and local residents.

Ordered to lie on the Table.

\* \* \* \* \*

**SHARED SUPPORTED ACCOMMODATION PLACES** — The Honourable Wendy Lovell presented a Petition bearing 1878 signatures from certain citizens of Victoria requesting that the State Government act immediately to resolve the shortage of shared supported accommodation facilities for disabled adults in the Goulburn Valley and north east Victoria.

Ordered to lie on the Table.

**5 PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Parliamentary Committees Act 2003 — Attorney-General's response to recommendations in Scrutiny of Acts and Regulations Committee's report on Discrimination in the Law.

Victorian Law Reform Commission — Final Report on Family Violence Laws.

**6 MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

**7 ELDER ABUSE** — The Honourable Andrea Coote moved, That this House condemns the Government for its neglect of vulnerable senior Victorians, especially in the area of elder abuse, and in its failure to recognise the role of carers in our community.

Debate ensued.

Question — put.

The Council divided.

AYES, 17

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson (*Teller*)  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva (*Teller*)  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. Peter Hall  
 The Hon. Wendy Lovell  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

NOES, 23

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza (*Teller*)  
 The Hon. John Eren (*Teller*)  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

And so it passed in the negative.

**8 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

- 9 TERRORISM (COMMUNITY PROTECTION) (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put.

The Council divided.

AYES, 37

The Hon. Lidia Argondizzo  
 The Hon. Bruce Atkinson (*Teller*)  
 The Hon. W.R. Baxter  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. Kaye Darveniza  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. John Eren  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. Wendy Lovell  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell (*Teller*)  
 The Hon. Sang Nguyen  
 The Hon. Andrew Olexander  
 Mr Noel Pullen  
 The Hon. Gordon Rich-Phillips  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney  
 The Hon. John Vogels

NOES, 1

Ms Dianne Hadden (*Teller*)

*[There being one member on the side of the Noes, the President directed that the Assistant Clerk – Procedure and Usher of the Black Rod act as a second teller for the Noes, pursuant to Standing Order 11.08]*

And so it was resolved in the affirmative.

Bill read a second time.

Mr John Lenders moved, by leave, That the Bill, be now read a third time.

Question — That, by leave, the Bill be now read a third time — put and resolved in the affirmative, Ms Dianne Hadden having requested that her dissent be recorded.

Bill read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.



Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**10 ADJOURNMENT** — Mr John Lenders moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 5.31 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*

## **No. 154 — Thursday, 2 March 2006**

1 The President took the Chair and read the Prayer.

**2 JUSTICE LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Appeal Costs Act 1998, the Constitution Act 1975, the County Court Act 1958, the Courts Legislation (Judicial Conduct) Act 2005, the Crimes Act 1958, the Evidence Act 1958, the Public Notaries Act 2001, the Serious Sex Offenders Monitoring Act 2005, the Sex Offenders Registration Act 2004, the Victorian Civil and Administrative Tribunal Act 1998 and the Working with Children Act 2005 and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**3 RAIL SAFETY BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to provide for safe rail operations in Victoria, to amend the Transport Act 1983, the Public Transport Competition Act 1995, the Rail Corporations Act 1996, the Electricity Industry Act 2000, the Gas Industry Act 2001, the Magistrates' Court Act 1989, the Road Management Act 2004, the Water Act 1989, the Water Industry Act 1994 and for other purposes* and desiring the agreement of the Council.

On the motion of Ms Candy Broad, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**4 TRANSPORT LEGISLATION (SAFETY INVESTIGATIONS) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Transport Act 1983 to provide for the independent investigation of matters relating to public transport and marine safety matters and for other purposes* and desiring the agreement of the Council.

On the motion of Ms Candy Broad, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**5 PETITIONS** —

**PROTECTION OF PUBLIC EDUCATION AND TRAINING** — The Honourable David Davis presented a Petition bearing 424 signatures from certain citizens of Victoria requesting that any new legislation dealing with the State Public Education and Training System — (1) be separate and distinct from any legislation dealing with private schools; (2) defines public education as free, secular and universal; public in purpose, outcome, ownership and accountability; and accessible to all children; (3) gives primacy to public education in all areas; and (4) includes proper, transparent, publicly accessible accountability measures for expenditure of all taxpayers' money.

Ordered to lie on the Table.

**HATTAH/NOWINGI TOXIC WASTE FACILITY** — The Honourables Damian Drum and Barry Bishop each presented a Petition bearing 619 and 572 signatures, respectively, from certain citizens of Victoria requesting that the Legislative Council abandon the proposal to place a toxic waste facility in the Mildura region.

Ordered to lie on the Table.

**6 PAPERS —**

**VICTORIAN GOVERNMENT INDIGENOUS AFFAIRS** — Mr Gavin Jennings moved, by leave, that there be laid before this House a copy of the Victorian Government Indigenous Affairs Report for 2004-05.

Question — put and resolved in the affirmative.

The said Report was presented by Mr Gavin Jennings and ordered to lie on the Table.

\* \* \* \* \*

**EDUCATION AND TRAINING COMMITTEE — PROMOTION OF MATHEMATICS AND SCIENCE EDUCATION**— The Honourable Helen Buckingham presented a Report from the Education and Training Committee on the Promotion of mathematics and science education (including Appendices), together with Minutes of Evidence.

Ordered to lie on the Table and the Report to be printed.

The Honourable Helen Buckingham moved, That the Council take note of the Report.

Debate ensued.

Question — put and resolved in the affirmative.

\* \* \* \* \*

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — REVIEW OF THE PERFORMANCE AUDIT OF AUDITOR-GENERAL'S OFFICE** — The Honourable Bill Forwood presented a Report from the Public Accounts and Estimates Committee on the Review of the Performance Audit of the Victorian Auditor-General's Office.

Ordered to lie on the Table and to be printed.

The Honourable Bill Forwood moved, That the Council take note of the Report.

Debate ensued.

Question — put and resolved in the affirmative.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Falls Creek Alpine Resort Management Board — Report for the year ended 31 October 2005.

Mental Health Act 1986 — Report of Community Visitors for 2004-05.

Mount Hotham Alpine Resort Management Board — Report for the year ended 31 October 2005.

Parliamentary Committees Act 2003 — Treasurer's response to recommendations in Public Accounts and Estimates Committee's Report on the Review of the Auditor-General's Report on Parliamentary Control and Management of Appropriations.

**7 SITTING OF THE COUNCIL** — The Honourable Theo Theophanous moved, That the Council, at its rising, adjourn until Tuesday, 28 March 2006.

Question — put and resolved in the affirmative.

**8 MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

**9 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Honourable Members pursuant to Sessional Order 17.

- 10 PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — Mr John Lenders moved, That the Public Accounts and Estimates Committee have leave to meet and take evidence for the purposes of the 2006-07 Budget Estimates Inquiry during the sittings of the Council.

Debate ensued.

Question — put.

The Council divided.

AYES, 36

The Hon. Lidia Argondizzo  
 The Hon. Bruce Atkinson  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. Kaye Darveniza  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. John Eren  
 The Hon. Bill Forwood (*Teller*)  
 The Hon. Geoff Hilton (*Teller*)  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 The Hon. David Koch  
 Mr John Lenders  
 The Hon. Wendy Lovell  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 The Hon. Andrew Olexander  
 Mr Noel Pullen  
 The Hon. Gordon Rich-Phillips  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Adem Somyurek  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. Marsha Thomson  
 Mr Matt Viney  
 The Hon. John Vogels

NOES, 5

The Hon. W.R. Baxter  
 The Hon. Barry Bishop (*Teller*)  
 The Hon. Damian Drum (*Teller*)  
 Ms Dianne Hadden  
 The Hon. Peter Hall

And so it was resolved in the affirmative.

- 11 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 1 and 2, be postponed until later this day.

- 12 CRIMES (FAMILY VIOLENCE) (HOLDING POWERS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Business having been interrupted at 2.03 p.m. pursuant to Sessional Orders —*

**13 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

**14 CRIMES (FAMILY VIOLENCE) (HOLDING POWERS) BILL** — Debate continued on the question, That the Bill be now read a second time.

Question — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**15 INFRINGEMENTS BILL** — The Acting President announced the receipt of a Message from the Assembly presenting a Bill *to provide for a new framework for the issuing and serving of infringement notices for offences and the enforcement of infringement notices, to amend the Magistrates' Court Act 1989, the Road Safety Act 1986 and the Subordinate Legislation Act 1994 and for other purposes* and desiring the agreement of the Council.

On the motion of Ms Candy Broad (for the Honourable Justin Madden), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**16 CRIMES (DOCUMENT DESTRUCTION) BILL** — The Order of the Day having been read for the second reading of this Bill, Ms Candy Broad (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

Ms Candy Broad moved, That the Bill be now read a second time.

On the motion of the Honourable Graeme Stoney (for the Honourable C.A. Strong), the debate was adjourned until the next day of meeting.

**17 GAMBLING REGULATION (MISCELLANEOUS AMENDMENTS) BILL** — The Order of the Day having been read for the second reading of this Bill, Ms Candy Broad (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

Ms Candy Broad moved, That the Bill be now read a second time.

On the motion of the Honourable Graeme Stoney (for the Honourable David Koch), the debate was adjourned until the next day of meeting.

**18 LIQUOR CONTROL REFORM (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Business having been interrupted at 4.30 p.m. by the President pursuant to Sessional Order 14—*

**19 ADJOURNMENT** — The President proposed the question, That the House do now adjourn.

Debate ensued.

And then the Council, at 4.59 p.m., adjourned until Tuesday, 28 March 2006.

W.R. TUNNECLIFFE  
Clerk of the Legislative Council



## LEGISLATIVE COUNCIL

### MINUTES OF THE PROCEEDINGS Nos. 155, 156 and 157

#### No. 155 — Tuesday, 28 March 2006

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 7 March 2006, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:  
*Crimes (Family Violence) (Holding Powers) Act*  
*Crimes (Sexual Offences) Act*  
*Guardianship and Administration (Further Amendment) Act*  
*Prahran Mechanics' Institute (Amendment) Act*  
*Terrorism (Community Protection) (Amendment) Act.*
- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.
- 4 **MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.
- 5 **PETITIONS** —  
**PROTECTION OF PUBLIC EDUCATION AND TRAINING** — The Honourable Kaye Darveniza presented a Petition bearing 467 signatures from certain citizens of Victoria requesting that any new legislation dealing with the State Public Education and Training System — (1) be separate and distinct from any legislation dealing with private schools; (2) defines public education as free, secular and universal; public in purpose, outcome, ownership and accountability; and accessible to all children; (3) gives primacy to public education in all areas; and (4) includes proper, transparent, publicly accessible accountability measures for expenditure of all taxpayers' money.  
Ordered to lie on the Table.

\* \* \* \* \*

- CLYDE ROAD BERWICK CONGESTION** — The Honourable Gordon Rich-Phillips presented a Petition bearing 1235 signatures from certain citizens of Victoria requesting that, due to the traffic congestion on Clyde Road, Berwick, the Government upgrade this road and undertake the construction works immediately.  
Ordered to lie on the Table.

\* \* \* \* \*

- FLUORIDATION OF WATER SUPPLIES** — The Honourable Peter Hall presented a Petition bearing 88 signatures from certain citizens of Victoria praying that the Legislative Council of Victoria does not support the addition of fluoride to any Victorian water supply, including water in the Gippsland region, in view of current scientific doubts regarding its safety.  
Ordered to lie on the Table.

**RACIAL AND RELIGIOUS TOLERANCE ACT** — The Honourable Andrew Brideson presented a Petition bearing 14 signatures from certain citizens of Victoria requesting that the *Racial and Religious Tolerance Act 2001* be repealed.

Ordered to lie on the Table.

**6 PAPERS —**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE —**

**ALERT DIGEST** — The Honourable Lidia Argondizzo presented Alert Digest No. 3 of 2006 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

**ANNUAL REVIEW 2005** — The Honourable Lidia Argondizzo presented the Annual Review 2005 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

**STATUTE LAW (FURTHER REVISION) BILL** — The Honourable Lidia Argondizzo presented a Report from the Scrutiny of Acts and Regulations Committee on the Statute Law (Further Revision) Bill (including Appendices).

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

**TERRORISM (COMMUNITY PROTECTION) (AMENDMENT) BILL** — The Honourable Lidia Argondizzo presented the Minutes of Evidence relating to Alert Digest No. 1 of 2006 from the Scrutiny of Acts and Regulations Committee on the Terrorism (Community Protection) (Amendment) Bill.

Ordered to lie on the Table.

\* \* \* \* \*

**2005-06 MID-YEAR FINANCIAL REPORT** — Pursuant to the *Financial Management Act 1994*, the Clerk presented a copy of the Mid-Year Financial Report, 2005-06.

\* \* \* \* \*

**DRUGS AND CRIME PREVENTION COMMITTEE — HARMFUL ALCOHOL CONSUMPTION** — Pursuant to the *Parliamentary Committees Act 2003*, the Clerk presented a Report from the Drugs and Crime Prevention Committee on Strategies to Reduce Harmful Alcohol Consumption (including Appendices), together with Minutes of Evidence.

Mr. Johan Scheffer moved, by leave, That the Council take note of the Report.

Debate ensued.

Question — put and resolved in the affirmative.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Commonwealth Games Arrangements Act 2001 — Commonwealth Games Venue and Project Orders, pursuant to section 18 of the Act (three papers).

Conservation, Forests and Lands Act 1987 — Draft Code of Practice for Fire Management on Public Land (Revision 1).

Crown Land (Reserves) Act 1978 — Minister's order of 22 February 2006 giving approval for the granting of a lease at Sorrento Public Park Reserve (two papers).

Mildura Cemetery Trust —

Minister's report of failure to submit report for the period 1 January 2004 to 30 June 2005 and the reasons therefor.

Minister's report of receipt of report for the period 1 January 2004 to 30 June 2005.

National Environment Protection Council — Report, 2004-05.

Northern Victorian Fresh Tomato Industry Development Committee — Minister's report of receipt of 2004-05 report.

Parliamentary Committees Act 2003 — Minister's response to recommendations in Rural and Regional Services and Development Committee's Inquiry into the Cause of Fatality and Injury on Victorian Farms.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:

Baw Baw Planning Scheme — Amendment C35.

Boroondara Planning Scheme — Amendments C36 and C65.

Brimbank Planning Scheme — Amendment C90.

Golden Plains Planning Scheme — Amendment C17.

Greater Bendigo Planning Scheme — Amendment C60.

Kingston Planning Scheme — Amendment C47.

Latrobe Planning Scheme — Amendment C32.

Mansfield Planning Scheme — Amendment C1 Part 1.

Mildura Planning Scheme — Amendment C29 Part 2.

Queenscliffe Planning Scheme — Amendment C15.

Surf Coast Planning Scheme — Amendment C31.

Victoria Planning Provisions — Amendment VC38.

Project Development and Construction Management Act 1994 — Orders in Council of 14 and 16 March 2006 of nomination and application orders (three papers).

Rural Finance Act 1988 — Treasurer's directive of 15 March 2006 to the Rural Finance Corporation.

Statutory Rules under the following Acts of Parliament:

Commonwealth Games Arrangements Act 2001 — Nos. 20 and 24.

Corrections Act 1986 — No. 14.

Drugs, Poisons and Controlled Substances Act 1981 — No. 16.

Fisheries Act 1995 — Nos. 12 and 17.

Legal Profession Act 2004 — Nos. 19 and 27.

Liquor Control Reform Act 1998 — No. 13.

Magistrates' Court Act 1989 — Nos. 18, 25 and 26.

Road Safety Act 1986 — Nos. 22 and 23.

State Superannuation Act 1988 — No. 15.

Tobacco Act 1987 — No. 21.

Subordinate Legislation Act 1994 — Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 12, 13, 19, 20, 22, 23 and 27.

- 7 RAIL SAFETY BILL** — The Order of the Day having been read for the second reading of this Bill, Mr Gavin Jennings (for Ms Candy Broad) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

Mr Gavin Jennings moved, That the Bill be now read a second time.

On the motion of the Honourable Andrea Coote (for the Honourable Ron Bowden), the debate was adjourned until the next day of meeting.

- 8 TRANSPORT LEGISLATION (SAFETY INVESTIGATIONS) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr Gavin Jennings (for Ms Candy Broad) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

Mr Gavin Jennings moved, That the Bill be now read a second time.

On the motion of the Honourable Andrea Coote (for the Honourable Ron Bowden), the debate was adjourned until the next day of meeting.

- 9 COGNATE BILLS** — Mr Gavin Jennings moved, by leave, That this House authorizes and requires the President to permit the second reading debate on the Rail Safety Bill and the Transport Legislation (Safety Investigations) Bill to be taken concurrently.

Question — put and resolved in the affirmative.

- 10 JUSTICE LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr Gavin Jennings (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

Mr Gavin Jennings moved, That the Bill be now read a second time.

On the motion of the Honourable Andrea Coote (for the Honourable C.A. Strong), the debate was adjourned until the next day of meeting.

- 11 INFRINGEMENTS BILL** — The Order of the Day having been read for the second reading of this Bill, Mr Gavin Jennings (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

Mr Gavin Jennings moved, That the Bill be now read a second time.

On the motion of the Honourable Andrea Coote (for the Honourable C.A. Strong), the debate was adjourned until the next day of meeting.

- 12 LIQUOR CONTROL REFORM (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

The Acting President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 13 CRIMES (DOCUMENT DESTRUCTION) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 14 GAMBLING REGULATION (MISCELLANEOUS AMENDMENTS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.



Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**15 ADJOURNMENT** — The Honourable Justin Madden moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 5.56 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 156 — Wednesday, 29 March 2006

1 The President took the Chair and read the Prayer.

**2 INTERPRETATION OF LEGISLATION (FURTHER AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to make miscellaneous amendments to the Interpretation of Legislation Act 1984 and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**3 PETITIONS** —

**PROTECTION OF PUBLIC EDUCATION AND TRAINING** — Mr Johan Scheffer presented a Petition bearing 426 signatures from certain citizens of Victoria requesting that any new legislation dealing with the State Public Education and Training System — (1) be separate and distinct from any legislation dealing with private schools; (2) defines public education as free, secular and universal; public in purpose, outcome, ownership and accountability; and accessible to all children; (3) gives primacy to public education in all areas; and (4) includes proper, transparent, publicly accessible accountability measures for expenditure of all taxpayers' money.

Ordered to lie on the Table.

\* \* \* \* \*

**RACIAL AND RELIGIOUS TOLERANCE ACT** — The Honourable Geoff Hilton presented a Petition bearing 19 signatures from certain citizens of Victoria requesting that the *Racial and Religious Tolerance Act 2001* be repealed.

Ordered to lie on the Table.

**4 MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

**5 BIOFUELS** — The Honourable Peter Hall moved, That this House acknowledges the environmental and health benefits, and regional development opportunities of using biofuels, and calls on the Victorian Government to use ethanol blended fuel in its 8000 strong vehicle fleet.

Debate ensued.

Question — put and resolved in the affirmative.

**6 BUSINESS POSTPONED** —

Ordered — That the consideration of the remaining Notices of Motion and Orders of the Day, General Business, be postponed until the next day of meeting.

Ordered — That the consideration of Notice of Motion, Government Business, No. 1, be postponed until the next day of meeting.

- 7 OUTER SUBURBAN/INTERFACE SERVICES AND DEVELOPMENT COMMITTEE** — Mr Gavin Jennings (for Mr John Lenders) moved, That Ms Carolyn Hirsh be a member of the Outer Suburban/Interface Services and Development Committee.

Question — put and resolved in the affirmative.

- 8 LEGISLATION COMMITTEE** — Mr Gavin Jennings (for Mr John Lenders) moved, That the Honourables Philip Davis, Damian Drum and Bill Forwood, Ms Carolyn Hirsh, Ms Jenny Mikakos and Mr Matt Viney be members of the Legislation Committee.

Debate ensued.

Question — put and resolved in the affirmative.

- 9 RAIL SAFETY BILL** — The Order of the Day having been read for the resumption of the debate on the question, That the Bill be now read a second time [the **Transport Legislation (Safety Investigations) Bill** having been authorized to be debated concurrently pursuant to an Order of the Council on 28 March 2006] —

Debate resumed.

*Business having been interrupted at 2.03 p.m. pursuant to Sessional Orders —*

- 10 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

- 11 RAIL SAFETY BILL** — Debate continued on the question, That the Bill be now read a second time [the **Transport Legislation (Safety Investigations) Bill** having been authorized to be debated concurrently pursuant to an Order of the Council on 28 March 2006] —

The Honourable Barry Bishop moved, as an amendment, That all the words after “That” be omitted with the view of inserting in their place “this House refuses to read the Rail Safety Bill a second time until a final resolution has been reached by all States in relation to the National Transport Commission’s Draft Rail Safety Bill.”

Debate ensued.

Question — That the words proposed to be omitted stand part of the question — put.

The Council divided.

AYES, 23

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbinas  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek (*Teller*)

NOES, 18

The Hon. Bruce Atkinson  
 The Hon. Barry Bishop (*Teller*)  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis (*Teller*)  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney (*Teller*)

And so it was resolved in the affirmative — Amendment negatived.

Question — That the Bill be now read a second time — put.

The Council divided.

AYES, 24

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos (*Teller*)  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen (*Teller*)  
 The Hon. Andrew Olexander  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

NOES, 17

The Hon. Bruce Atkinson  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 The Hon. Peter Hall  
 The Hon. David Koch (*Teller*)  
 The Hon. Wendy Lovell (*Teller*)  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**12 TRANSPORT LEGISLATION (SAFETY INVESTIGATIONS) BILL** — The concurrent second reading debate having concluded —

Question — That the Bill be now read a second time — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**13 JUSTICE LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

On the motion of the Honourable C.A. Strong, the debate was adjourned until the next day of meeting.

- 14 ADJOURNMENT** — Mr Gavin Jennings moved, That the House do now adjourn.  
 Question — put and resolved in the affirmative.  
 And then the Council, at 5.45 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 157 — Thursday, 30 March 2006

- 1 The President took the Chair and read the Prayer.

**2 PETITIONS —**

**FLUORIDATION OF WATER SUPPLIES** — Ms Dianne Hadden presented a Petition bearing 55 signatures from certain citizens of Victoria praying that the Legislative Council of Victoria does not support the addition of fluoride to any Victorian water supply, including water in the Central Highlands and Grampians Wimmera Mallee Water Authority regions, in view of current scientific doubts regarding its safety.

Ordered to lie on the Table.

\* \* \* \* \*

**NEIGHBOURHOOD HOUSES** — Ms Dianne Hadden presented a Petition bearing 69 signatures from certain citizens of Victoria requesting that the State Government commit to appropriate funding and resourcing for Neighbourhood Houses, so that both the hours of operation and programs offered, and the remuneration of Neighbourhood House Co-ordinators can be increased and expanded.

Ordered to lie on the Table.

\* \* \* \* \*

**EDUCATION AND TRAINING LEGISLATION** — The Honourable Kaye Darveniza presented a Petition bearing 118 signatures from certain citizens of Victoria requesting that any new Education and Training Legislation should — (1) provide adequate public funding that is not restricted to 'Key Learning Areas'; (2) reject any proposed legal endorsement of compulsory fees or voluntary levies; (3) oppose corporate sponsorship and control by private interests; (4) ensure that public funding is not subject to or dependent upon private interests; and (5) ensure separate funding, administration and regulation of public schools from private schools.

Ordered to lie on the Table.

- 4 PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Consumer Affairs Victoria — Report, 2004-05.

Ombudsman — Improving Responses to Allegations Involving Sexual Assault, March 2006.

Subordinate Legislation Act 1994 — Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 24.

Surveillance Devices Act 1999 — Reports, 2005, from the Chief Commissioner of Police and the Secretary of the Department of Primary Industries (three papers).

- 5 SESSIONAL ORDERS** — Mr John Lenders moved, by leave, That Sessional Order 15 be suspended to the extent necessary to enable more than 15 Members to speak on the motion "That the House do now adjourn" this day.

Question — put and resolved in the affirmative.

- 6 MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

- 7 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Honourable Members pursuant to Sessional Order 17.
- 8 BUSINESS POSTPONED** — Ordered — That the consideration of the Notice of Motion, Government Business, be postponed until later this day.
- 9 INTERPRETATION OF LEGISLATION (FURTHER AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Theo Theophanous (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.
- Question — put and resolved in the affirmative.
- The Honourable Theo Theophanous moved, That the Bill be now read a second time.
- On the motion of the Honourable C.A. Strong, the debate was adjourned until the next day of meeting.
- 9 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 2, be postponed until later this day.
- 10 INFRINGEMENTS BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.
- Debate resumed.
- Question — put and resolved in the affirmative.
- Bill read a second time and, by leave, read a third time and passed.
- Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 11 JUSTICE LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.
- Debate resumed.
- Question — put and resolved in the affirmative.
- Bill read a second time and committed to a Committee of the whole.
- House in Committee.
- The Acting President resumed the Chair; and the Acting Chair of Committees having reported that the Committee had agreed to the Bill with amendments, and the following amended title: “*A Bill to amend the Appeal Costs Act 1998, the Constitution Act 1975, the County Court Act 1958, the Courts Legislation (Judicial Conduct) Act 2005, the Crimes Act 1958, the Evidence Act 1958, the Public Notaries Act 2001, the Serious Sex Offenders Monitoring Act 2005, the Sex Offenders Registration Act 2004, the Victorian Civil and Administrative Tribunal Act 1998, the Working with Children Act 2005 and the Legal Profession Act 2004 and for other purposes*”, the Report was adopted.
- The Honourable Justin Madden moved, That the Bill be read a third time later this day.
- Question — put and resolved in the affirmative.
- Business having been interrupted at 2.03 p.m. pursuant to Sessional Orders —*
- 12 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.
- 13 JUSTICE LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — The Order of the Day having been read for the third reading of this Bill, the Honourable Justin Madden moved, That the Bill be now read a third time.
- Question — put and resolved in the affirmative.
- Bill read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with amendments and desiring their concurrence.

**14 2006 MELBOURNE COMMONWEALTH GAMES** — Mr John Lenders moved, That this House congratulates all those involved in making the 2006 Melbourne Commonwealth Games the most successful Commonwealth Games ever held and a credit to all the people of Victoria, and specifically congratulates:

- (1) the Games Volunteers whose dedication ensured the smooth running of all events and who put a charming and helpful face on Victoria;
- (2) the hard working staff from organisations including the Organising Committee, M2006, the Office of Commonwealth Games Co-ordination within the Department for Victorian Communities, Victoria Police and Transport Operators who were the backbone of the Games;
- (3) the 4,500 Athletes from across the Commonwealth, who brought so much entertainment and joy through their courageous and inspiring efforts;
- (4) all those involved in the Commonwealth Games Cultural Program, Festival Melbourne 2006, who provided another element to the Games, making it a truly unique Festival; and
- (5) all the people of Victoria, who through their unparalleled support and enthusiasm, once again showed to the world that Melbourne is simply the Best.

Debate ensued.

*Business having been interrupted at 4.30 p.m. by the President pursuant to Sessional Order 14 —*

Ms Candy Broad moved, by leave, That the sitting be continued until 4.45 p.m.

Question — put and resolved in the affirmative.

Debate continued on the question, That this House congratulates all those involved in making the 2006 Melbourne Commonwealth Games the most successful Commonwealth Games ever held and a credit to all the people of Victoria.

On the motion of Ms Elaine Carbines, the debate was adjourned until the next day of meeting.

**15 PUBLIC SECTOR EMPLOYMENT (AWARD ENTITLEMENTS) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to protect employment entitlements of certain public sector employees, to amend the Workplace Rights Advocate Act 2005 and the Commonwealth Powers (Industrial Relations) Act 1996 and for other purposes* and desiring the agreement of the Council.

On the motion of Mr Gavin Jennings, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**16 DRUGS, POISONS AND CONTROLLED SUBSTANCES (VOLATILE SUBSTANCES) (EXTENSION OF PROVISIONS) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Drugs, Poisons and Controlled Substances (Volatile Substances) Act 2003 to extend the operation of that Act and for other purposes* and desiring the agreement of the Council.

On the motion of Mr Gavin Jennings, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**17 DISABILITY BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to enact a new legislative scheme for persons with a disability, to repeal the Intellectually Disabled Persons' Services Act 1986 and the Disability Services Act 1991, to amend certain other Acts and for other purposes* and desiring the agreement of the Council.

On the motion of Mr Gavin Jennings, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**18 EDUCATION AND TRAINING REFORM BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to reform the law relating to education and training in Victoria to provide for a high standard of education and training for all Victorians and for other purposes* and desiring the agreement of the Council.

On the motion of Mr John Lenders (for the Honourable Theo Theophanous), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**19 ADJOURNMENT** — Mr John Lenders moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 5.23 p.m., adjourned until Tuesday, 4 April 2006.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*



## LEGISLATIVE COUNCIL

### MINUTES OF THE PROCEEDINGS Nos. 158, 159 and 160

#### No. 158 — Tuesday, 4 April 2006

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, this day, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:
  - Crimes (Document Destruction) Act*
  - Gambling Regulation (Miscellaneous Amendments) Act*
  - Liquor Control Reform (Amendment) Act*
  - Rail Safety Act*
  - Transport Legislation (Safety Investigations) Act.*
- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.
- 4 **MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.
- 5 **PETITION — HAPPY JACK'S LIQUOR LICENCE** — The Honourable Damian Drum presented a Petition bearing 597 signatures from certain citizens of Victoria requesting that the Victorian Government recognise that Happy Jack's store, Lockwood South, is located in the tourist area of the central goldfields of Victoria, and should therefore be granted a liquor licence.  
Ordered to lie on the Table.
- 6 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:
  - Commissioner for Environmental Sustainability — Strategic Audit of Victorian Government Agencies' Environmental Management Systems, January 2006.
  - Crown Land (Reserves) Act 1978 — Minister's order of 15 March 2006 giving approval for the granting of a lease at Queens Park Reserve (five papers).
  - Drinking Water Quality in Victoria — Report, 2004-05.
  - Government Superannuation Office — Report of the period ended 1 December 2005.
  - Mount Baw Baw Alpine Resort Management Board — Report for the year ended 31 October 2005.
  - Ombudsman — Investigation into Parking Infringement Notices issued by Melbourne City Council, April 2006.
  - Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:
    - Bass Coast Planning Scheme — Amendment C56.
    - Bayside Planning Scheme — Amendment C48.
    - Colac Otway Planning Scheme — Amendment C26.
    - Frankston Planning Scheme — Amendment C33.



Planning and Environment Act 1987 — *continued*.

Greater Dandenong Planning Scheme — Amendment C62.

Knox Planning Scheme — Amendment C56.

Warrnambool Planning Scheme — Amendments C22 and C38.

Yarra Planning Scheme — Amendment C78.

\* \* \* \* \*

**PROCLAMATION** — A Proclamation of the Governor in Council fixing an operative date in respect of the following Act was laid upon the Table by the Clerk:

Working with Children Act 2005 — 3 April 2006 (*Gazette No. G13, 30 March 2006*).

- 7 PUBLIC SECTOR EMPLOYMENT (AWARD ENTITLEMENTS) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr Gavin Jennings moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

Mr Gavin Jennings moved, That the Bill be now read a second time.

On the motion of the Honourable C.A. Strong, the debate was adjourned until the next day of meeting.

- 8 DRUGS, POISONS AND CONTROLLED SUBSTANCES (VOLATILE SUBSTANCES) (EXTENSION OF PROVISIONS) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr Gavin Jennings moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

Mr Gavin Jennings moved, That the Bill be now read a second time.

On the motion of the Honourable Andrea Coote (for the Honourable David Davis), the debate was adjourned until the next day of meeting.

- 9 DISABILITY BILL** — The Order of the Day having been read for the second reading of this Bill, Mr Gavin Jennings moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

Mr Gavin Jennings moved, That the Bill be now read a second time.

On the motion of the Honourable Andrea Coote (for the Honourable Bill Forwood), the debate was adjourned until the next day of meeting.

- 10 DISABILITY BILL — REFERRAL TO LEGISLATION COMMITTEE** — Mr Gavin Jennings moved, That at the conclusion of the second reading debate, this Bill be referred to the Legislation Committee.

Question — put and resolved in the affirmative.

- 11 EDUCATION AND TRAINING REFORM BILL** — The Order of the Day having been read for the second reading of this Bill, Mr Gavin Jennings (for the Honourable Theo Theophanous) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

Mr Gavin Jennings moved, That the Bill be now read a second time.

Mr Gavin Jennings made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

On the motion of the Honourable Andrew Brideson, the debate was adjourned until the next day of meeting.

- 12 EDUCATION AND TRAINING REFORM BILL — REFERRAL TO LEGISLATION COMMITTEE** — Mr Gavin Jennings moved, That at the conclusion of the second reading debate, this Bill be referred to the Legislation Committee.

Question — put and resolved in the affirmative.

- 13 INTERPRETATION OF LEGISLATION (FURTHER AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 14 2006 MELBOURNE COMMONWEALTH GAMES** — The Order of the Day was read for the resumption of the debate on the question, That this House congratulates all those involved in making the 2006 Melbourne Commonwealth Games the most successful Commonwealth Games ever held and a credit to all the people of Victoria, and specifically congratulates:

- (1) the Games Volunteers whose dedication ensured the smooth running of all events and who put a charming and helpful face on Victoria;
- (2) the hard working staff from organisations including the Organising Committee, M2006, the Office of Commonwealth Games Co-ordination within the Department for Victorian Communities, Victoria Police and Transport Operators who were the backbone of the Games;
- (3) the 4,500 Athletes from across the Commonwealth, who brought so much entertainment and joy through their courageous and inspiring efforts;
- (4) all those involved in the Commonwealth Games Cultural Program, Festival Melbourne 2006, who provided another element to the Games, making it a truly unique Festival; and
- (5) all the people of Victoria, who through their unparalleled support and enthusiasm, once again showed to the world that Melbourne is simply the Best.

Debate resumed.

Question — put and resolved in the affirmative.

- 15 ADJOURNMENT** — Ms Candy Broad moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 5.23 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 159 — Wednesday, 5 April 2006

- 1 The President took the Chair and read the Prayer.

- 2 DRUGS, POISONS AND CONTROLLED SUBSTANCES (AGED CARE SERVICES) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Drugs, Poisons and Controlled Substances Act 1981 to provide for the administration of drugs of dependence, Schedule 9 poisons, Schedule 8 poisons and Schedule 4 poisons to certain residents in aged care services, to amend the Nurses Act 1993 to create an offence of directing or inciting unprofessional conduct and for other purposes* and desiring the agreement of the Council.

On the motion of Mr Gavin Jennings, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**3 JUSTICE LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the amendments made in this Bill by the Council.

**4 PETITIONS** —

**FLUORIDATION OF VICTORIAN WATER SUPPLIES (CENTRAL HIGHLANDS)** —

Ms Dianne Hadden presented a Petition bearing 298 signatures from certain citizens of Victoria praying that the Legislative Council of Victoria does not support the addition of fluoride to any Victorian water supply, including water in the Central Highlands and Grampians Wimmera Mallee Water Authority regions, in view of current scientific doubts regarding its safety.

Ordered to lie on the Table.

\* \* \* \* \*

**HAILEYBURY COLLEGE ACCESS** — Mr Noel Pullen presented a Petition bearing 257 signatures from certain citizens of Victoria requesting the closure of all residential street access to Haileybury College within the residential zoned Castlefield Precinct; and that all access to Haileybury College be via the main entrance on South Road.

Ordered to lie on the Table.

**5 PAPERS** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Lake Mountain Alpine Resort Management Board — Report for the year ended 31 October 2005.

Statutory Rules under the following Acts of Parliament:

Credit (Administration) Act 1984 — No. 32.

Electricity Safety Act 1998 — No. 34.

Fisheries Act 1995 — No. 28.

Magistrates' Court Act 1989 — Nos. 30 and 31.

Subordinate Legislation Act 1994 — Nos. 33 and 35.

Trustee Companies Act 1984 — No. 36.

Working With Children Act 2005 — No. 29.

Subordinate Legislation Act 1994 — Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 28 and 36.

Victorian Law Reform Commission — Report on Residential Tenancy Databases.

**6 MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

**7 HATTAH-NOWINGI TOXIC WASTE FACILITY** — The Honourable David Davis moved, That this House condemns the Government's plan to site a toxic waste dump at Hattah-Nowingi in the Sunraysia district and particularly expresses its concern that the Government's plan will allow —

- (1) the siting of the toxic waste dump between Hattah Lakes National Park and Murray Sunset National Park and near the Ramsar listed Hattah Lakes;
- (2) development of a toxic waste dump near the Sunraysia food-bowl with its rich agricultural, horticultural and viticultural industries, thereby placing them at risk;
- (3) a potentially devastating impact on the Murray River, Australia's largest river, which is located just 15 km away from the proposed toxic waste dump site;
- (4) the exposure of communities along the 'Calder corridor' and alternative routes to the danger inherent in transporting loads of toxic waste over 500 km from Melbourne to Hattah-Nowingi; and
- (5) the development of this toxic waste dump without satisfactory investigation of alternatives including programs to reduce the quantities of industrial waste;

and calls on the Government to abandon its flawed environmental effects process and indicate to the Victorian community that the planned toxic waste dump at Hattah-Nowingi will not proceed.

Debate ensued.

Question — put.

The Council divided.

AYES, 18

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood (*Teller*)  
 Ms Dianne Hadden  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Gordon Rich-Phillips (*Teller*)  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

NOES, 23

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer (*Teller*)  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney (*Teller*)

And so it passed in the negative.

- 8 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.
- 9 PUBLIC SECTOR EMPLOYMENT (AWARD ENTITLEMENTS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — That the Bill be now read a second time — put.

The Council divided.

AYES, 27

The Hon. Lidia Argondizzo  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 Ms Candy Broad  
 The Hon. Helen Buckingham (*Teller*)  
 Ms Elaine Carbines (*Teller*)  
 The Hon. Kaye Darveniza  
 The Hon. Damian Drum  
 The Hon. John Eren  
 The Hon. Peter Hall  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh

NOES, 14

The Hon. Bruce Atkinson  
 The Hon. Andrew Brideson (*Teller*)  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney

Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

The Hon. C.A. Strong (*Teller*)  
 The Hon. John Vogels

And so it was resolved in the affirmative.

Bill read a second time.

Mr Gavin Jennings moved, by leave, That the Bill be now read a third time.

Question — put.

The Council divided.

AYES, 27

The Hon. Lidia Argondizzo  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza (*Teller*)  
 The Hon. Damian Drum  
 The Hon. John Eren (*Teller*)  
 The Hon. Peter Hall  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

NOES, 13

The Hon. Bruce Atkinson  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis (*Teller*)  
 The Hon. Philip Davis  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. David Koch (*Teller*)  
 The Hon. Wendy Lovell  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. John Vogels

And so it was resolved in the affirmative.

Bill read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**10 DRUGS, POISONS AND CONTROLLED SUBSTANCES (PROHIBITION OF DISPLAY AND SALE OF COCAINE KITS) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Drugs, Poisons and Controlled Substances Act 1981 to provide for a prohibition on the display and sale of cocaine kits and to amend that Act to further provide for offences committed by bodies corporate and for other purposes* and desiring the agreement of the Council.

On the motion of Mr Gavin Jennings, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**11 DRUGS, POISONS AND CONTROLLED SUBSTANCES (VOLATILE SUBSTANCES) (EXTENSION OF PROVISIONS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**12 SUSTAINABLE FORESTS (TIMBER) (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Sustainable Forests (Timber) Act 2004 to provide that transfer of certain licences to management by VicForests does not occur, to consequentially amend the National Parks (Otways and Other Amendments) Act 2005 and for other purposes* and desiring the agreement of the Council.

On the motion of Ms Candy Broad, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**13 DISABILITY BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Business having been interrupted at 10.00 pm by the Deputy President pursuant to Sessional Order 14, the debate stood adjourned in the name of Mr Matt Viney.*

**14 LAND (ST KILDA TRIANGLE) BILL** — The Deputy President announced the receipt of a Message from the Assembly presenting a Bill *to provide for the revocation of reservations over certain land at St Kilda and to re-reserve that land and reserve other land at St Kilda for public purposes, to provide for the Port Phillip City Council to be the committee of management of that land and to provide leasing powers over part of that land and for other purposes* and desiring the agreement of the Council.

On the motion of Mr John Lenders (for the Honourable Justin Madden), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**15 ADJOURNMENT** — The Deputy President proposed the question, That the House do now adjourn.

Debate ensued.

And then the Council, at 10.18 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
Clerk of the Legislative Council

## No. 160 — Thursday, 6 April 2006

- 1 The President took the Chair and read the Prayer.
- 2 **PETITION — PROTECTION OF PUBLIC EDUCATION AND TRAINING** — Ms Glenyys Romanes presented a Petition bearing 63 signatures from certain citizens of Victoria requesting that any new legislation dealing with the State Public Education and Training System — (1) be separate and distinct from any legislation dealing with private schools; (2) defines public education as free, secular and universal; public in purpose, outcome, ownership and accountability; and accessible to all children; (3) gives primacy to public education in all areas; and (4) includes proper, transparent, publicly accessible accountability measures for expenditure of all taxpayers' money.

Ordered to lie on the Table.

3 **PAPERS —**

**2006 MELBOURNE COMMONWEALTH GAMES VOLUNTEERS** — The Honourable David Davis moved, by leave, That there be laid before this House a copy of the 2006 Melbourne Commonwealth Games Volunteer List.

Question — put and resolved in the affirmative.

The said paper was presented by the Honourable David Davis and ordered to lie on the Table.

\* \* \* \* \*

**PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk:

Subordinate Legislation Act 1994 — Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 33.

- 4 **SITTING OF THE COUNCIL** — The Honourable Theo Theophanous moved, That the Council, at its rising, adjourn until Tuesday, 2 May 2006.

Question — put and resolved in the affirmative.

- 5 **MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

- 6 **STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Honourable Members pursuant to Sessional Order 17.

- 7 **LAND (ST KILDA TRIANGLE) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr Gavin Jennings (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

Mr Gavin Jennings moved, That the Bill be now read a second time.

On the motion of the Honourable Andrea Coote (for the Honourable David Davis), the debate was adjourned until the next day of meeting.

- 8 **SUSTAINABLE FORESTS (TIMBER) (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr Gavin Jennings (for Ms Candy Broad) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

Mr Gavin Jennings moved, That the Bill be now read a second time.

On the motion of the Honourable Graeme Stoney, the debate was adjourned until the next day of meeting.

- 9 DRUGS, POISONS AND CONTROLLED SUBSTANCES (PROHIBITION OF DISPLAY AND SALE OF COCAINE KITS) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr Gavin Jennings moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

Mr Gavin Jennings moved, That the Bill be now read a second time.

On the motion of the Honourable Andrea Coote (for the Honourable David Davis), the debate was adjourned until the next day of meeting.

- 10 DRUGS, POISONS AND CONTROLLED SUBSTANCES (AGED CARE SERVICES) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr Gavin Jennings moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

Mr Gavin Jennings moved, That the Bill be now read a second time.

On the motion of the Honourable Andrea Coote, the debate was adjourned until the next day of meeting.

- 11 DISABILITY BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put.

The Council divided.

AYES, 21

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. John Eren  
 The Hon. Geoff Hilton (*Teller*)  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 The Hon. John McQuilten  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 The Hon. Andrew Olexander  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek (*Teller*)  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

NOES, 17

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva (*Teller*)  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. Peter Hall  
 The Hon. Wendy Lovell (*Teller*)  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative.

Bill read a second time.

Bill referred to Legislation Committee pursuant to an Order of the Council on 4 April 2006.

- 12 EDUCATION AND TRAINING REFORM BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.



The Honourable Andrew Brideson announced that he proposed to move amendments in Committee and requested that they be circulated, pursuant to Sessional Order 36. Accordingly, the amendments were circulated.

The Honourable Peter Hall announced that he proposed to move amendments in Committee and requested that they be circulated, pursuant to Sessional Order 36. Accordingly, the amendments were circulated.

*Business having been interrupted at 2.03 p.m. pursuant to Sessional Orders —*

**13 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

*Member named and suspended* — The Honourable Bruce Atkinson having been named by the President for wilfully disregarding the authority of the Chair —

Mr John Lenders moved, That the Honourable Bruce Atkinson be suspended from the service of the Council during the remainder of the sitting.

Question — put.

The Council divided.

AYES, 24

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos (*Teller*)  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 The Hon. Andrew Olexander  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney (*Teller*)

NOES, 13

The Hon. Bruce Atkinson  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Bill Forwood (*Teller*)  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Gordon Rich-Phillips (*Teller*)  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative.

**14 EDUCATION AND TRAINING REFORM BILL** — Debate continued on the question, That the Bill be now read a second time.

*Business having been interrupted at 4.30 p.m. by the Acting President pursuant to Sessional Order 14 —*

Mr John Lenders moved, That the sitting be continued.

Question — put and resolved in the affirmative.

Debate continued on the question, That the Bill be now read a second time.

Question — put.

The Council divided.

## AYES, 23

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh (*Teller*)  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 The Hon. Andrew Olexander  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith (*Teller*)  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

## NOES, 12

The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. David Koch  
 The Hon. Wendy Lovell (*Teller*)  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. John Vogels (*Teller*)

And so it was resolved in the affirmative.

Bill read a second time.

Bill referred to Legislation Committee pursuant to an Order of the Council on 4 April 2006.

- 15 VALUATION OF LAND (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Valuation of Land Act 1960, the Victorian Civil and Administrative Tribunal Act 1998 and the County Court Act 1958 and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 16 ROAD SAFETY (DRUGS) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Road Safety Act 1986 to include "ecstasy" in the random drug testing program for drivers, to amend the Road Safety (Drug Driving) Act 2003 to remove the sunset on that program and for other purposes* and desiring the agreement of the Council.

On the motion of Ms Candy Broad, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 17 ADJOURNMENT** — Mr John Lenders moved, That the House do now adjourn.  
 Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 5.14 p.m., adjourned until Tuesday, 2 May 2006.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*



## LEGISLATIVE COUNCIL

### MINUTES OF THE PROCEEDINGS Nos. 161, 162 and 163

#### No. 161 — Tuesday, 2 May 2006

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 11 April 2006, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:  
*Drugs, Poisons and Controlled Substances (Volatile Substances) (Extension of Provisions) Act*  
*Infringements Act*  
*Interpretation of Legislation (Further Amendment) Act*  
*Justice Legislation (Miscellaneous Amendments) Act*  
*Public Sector Employment (Award Entitlements) Act.*
- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.
- 4 **MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.
- 5 **PETITIONS** —  
**FLUORIDATION OF GIPPSLAND WATER SUPPLIES** — The Honourable Peter Hall presented a Petition bearing 258 signatures from certain citizens of Victoria praying that the Legislative Council of Victoria does not support the addition of fluoride to any Victorian water supply, including water in the Gippsland region, in view of current scientific doubts regarding its safety.  
Ordered to lie on the Table.

\* \* \* \* \*

**RACIAL AND RELIGIOUS TOLERANCE ACT** — The Honourables Ron Bowden, W.R. Baxter and David Koch each presented a Petition bearing 17, 64 and 10 signatures, respectively, from certain citizens of Victoria requesting that the *Racial and Religious Tolerance Act 2001* be repealed.

Ordered to lie on the Table.

- 6 **PAPERS** —  
**AUSTRALIAN CATHOLIC UNIVERSITY REPORT, 2005 AND MELBOURNE COLLEGE OF DIVINITY REPORT, 2005** — The Honourable Marsha Thomson (for the Honourable Theo Theophanous) moved, by leave, That there be laid before this House a copy of the Australian Catholic University Report, 2005 and Melbourne College of Divinity Report, 2005.

Question — put and resolved in the affirmative.

The said reports were presented by the Honourable Marsha Thomson and ordered to lie on the Table.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — The Honourable Lidia Argondizzo presented Alert Digest No. 4 of 2006 (including an Extract from the Proceedings and Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

**LEGISLATION COMMITTEE — DISABILITY BILL** — Mr. Matt Viney presented a Report from the Legislation Committee on the Disability Bill (including a Schedule of Amendments recommended, the Minutes of the Committee's consideration of the Bill, an Extract from the Proceedings of the Committee and the transcript of the Committee's consideration of the Bill).

Ordered to lie on the Table and to be printed.

Ordered — That the Report be taken into consideration on Thursday, 4 May 2006 pursuant to Sessional Order 58.

\* \* \* \* \*

**LEGISLATION COMMITTEE — EDUCATION AND TRAINING REFORM BILL** — Mr. Matt Viney presented a Report from the Legislation Committee on the Education and Training Reform Bill (including the Minutes of the Committee's consideration of the Bill, an Extract from the Proceedings of the Committee and the transcript of the Committee's consideration of the Bill).

Ordered to lie on the Table and to be printed.

Ordered — That the Report be taken into consideration on Thursday, 4 May 2006 pursuant to Sessional Order 58.

\* \* \* \* \*

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — BUDGET OUTCOMES, 2004-05** — Pursuant to the *Parliamentary Committees Act 2003*, the Clerk presented a Report from the Public Accounts and Estimates Committee on the Budget Outcomes for 2004-05 (including Appendices).

Ordered to lie on the Table and to be printed.

The Honourable Bill Forwood moved, by leave, That the Council take note of the Report.

Debate ensued.

Question — put and resolved in the affirmative.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Australian Crime Commission — Report, 2004-05.

Commonwealth Games Arrangements Act 2001 — Commonwealth Games Designated Access Area Order pursuant to section 18 of the Act.

Crown Land (Reserves) Act 1978 — Minister's order of 15 March 2006 giving approval for the granting of a lease at Churchill Island (three papers).

Deakin University — Report, 2005.

Environment Protection Act 1970 — Order in Council of 28 March 2006 declaring the Waste Management Policy (Used Packaging Materials).

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3)(a)(i) in relation to the Marine (Personal Flotation Devices and Other Safety Equipment) Regulations 2005.

La Trobe University — Report, 2005.

Monash University — Report, 2005 (two papers).

Murray-Darling Basin Commission — Report, 2004-05.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:

- Ararat Planning Scheme — Amendment C12.
- Ballarat Planning Scheme — Amendment C79.
- Banyule Planning Scheme — Amendment C50.
- Campaspe Planning Scheme — Amendment C38.
- Hobsons Bay Planning Scheme — Amendment C57.
- Greater Dandenong Planning Scheme — Amendment C66.
- Kingston Planning Scheme — Amendment C45.
- Manningham Planning Scheme — Amendment C49.
- Maribyrnong Planning Scheme — Amendment C59.
- Melton Planning Scheme — Amendment C43.
- Monash Planning Scheme — Amendment C41.
- Pyrenees Planning Scheme — Amendment C9.
- Southern Grampians Planning Scheme — Amendment C5.
- Stonnington Planning Scheme — Amendments C40 and C55.
- Whittlesea Planning Scheme — Amendment C70.
- Wodonga Planning Scheme — Amendment C38.
- Yarra Planning Scheme — Amendment C64.

Prevention of Cruelty to Animals Act 1986 — Code of Practice for the Welfare of Amphibians in Captivity.

Royal Melbourne Institute of Technology — Report, 2005 (two papers).

Rural Finance Act 1988 — Treasurer's directive of 21 April 2006 to the Rural Finance Corporation.

Statutory Rules under the following Acts of Parliament:

- Gambling Regulation Act 2003 — No. 38.
- Geothermal Energy Resources Act 2005 — No. 37.
- Mental Health Act 1986 — No. 39.
- Tobacco Act 1987 — No. 40.

Subordinate Legislation Act 1994 — Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 16, 21 and 39.

Swinburne University of Technology — Report, 2005.

UMEE Ltd (formerly Melbourne University Private Limited) — Report, 2005.

University of Ballarat — Report, 2005 (two papers).

University of Melbourne — Report, 2005.

Victoria University — Report, 2005 (two papers).

- 7 ROAD SAFETY (DRUGS) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Marsha Thomson (for Ms Candy Broad) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Marsha Thomson moved, That the Bill be now read a second time.

On the motion of the Honourable Andrea Coote (for the Honourable Ron Bowden), the debate was adjourned until the next day of meeting.

- 8 VALUATION OF LAND (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Marsha Thomson (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Marsha Thomson moved, That the Bill be now read a second time.

On the motion of the Honourable David Davis, the debate was adjourned until the next day of meeting.

**9 LAND (ST KILDA TRIANGLE) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

The Honourable David Davis moved, as an amendment, That all the words after “That” be omitted with the view of inserting in their place “this House refuses to read this Bill a second time until all legal action concerning existing leases of the land in the St Kilda Triangle is concluded and the property rights of existing lessees have been clarified”.

Debate ensued.

Question — That the words proposed to be omitted stand part of the question — put.

The Council divided.

AYES, 21

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. John Eren  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell (*Teller*)  
 Mr Noel Pullen (*Teller*)  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

NOES, 20

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden (*Teller*)  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. Peter Hall (*Teller*)  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative — Amendment negatived.

Question — That the Bill be now read a second time — put.

The Council divided.

AYES, 21

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. John Eren  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten (*Teller*)  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer (*Teller*)  
 Mr Robert Smith

NOES, 20

The Hon. Bruce Atkinson (*Teller*)  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum (*Teller*)  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips

Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative — Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**10 SUSTAINABLE FORESTS (TIMBER) (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put.

The Council divided.

AYES, 21

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham (*Teller*)  
 Ms Elaine Carbines (*Teller*)  
 The Hon. John Eren  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Andrew Olexander  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

NOES, 18

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter (*Teller*)  
 The Hon. Ron Bowden (*Teller*)  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative — Bill read a second time.

Ms Candy Broad moved, by leave, That the Bill be now read a third time.

Question — That the Bill be now read a third time and that the Bill do pass — put.

The Council divided.

AYES, 22

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. John Eren  
 The Hon. Geoff Hilton (*Teller*)  
 Ms Carolyn Hirsh (*Teller*)  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos

NOES, 19

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson (*Teller*)  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva (*Teller*)  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 Ms Dianne Hadden

The Hon. Robert Mitchell  
 The Hon. Andrew Olexander  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 11 DRUGS, POISONS AND CONTROLLED SUBSTANCES (PROHIBITION OF DISPLAY AND SALE OF COCAINE KITS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

The Acting President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 12 DRUGS, POISONS AND CONTROLLED SUBSTANCES (AGED CARE SERVICES) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Business having been interrupted at 10.00 p.m. by the Acting President pursuant to Sessional Order 14 —*

Mr Gavin Jennings moved, That the sitting be continued.

Question — put.

The Council divided.

AYES, 22

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. John Eren (*Teller*)  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell (*Teller*)  
 The Hon. Andrew Olexander  
 Mr Noel Pullen  
 Ms Glenyys Romanes

NOES, 18

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis (*Teller*)  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. David Koch (*Teller*)  
 The Hon. Wendy Lovell  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney



Mr Johan Scheffer  
Mr Robert Smith  
Mr Adem Somyurek  
The Hon. Theo Theophanous  
The Hon. Marsha Thomson  
Mr Matt Viney

The Hon. C.A. Strong  
The Hon. John Vogels

And so it was resolved in the affirmative.

Debate continued on the question, That the Bill be now read a second time.

On the motion of Mr Johan Scheffer, the debate was adjourned until the next day of meeting.

- 13 ABORIGINAL HERITAGE BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to provide for the protection of Aboriginal cultural heritage in Victoria, to repeal the Archaeological and Aboriginal Relics Preservation Act 1972 and for other purposes* and desiring the agreement of the Council.

On the motion of Mr Gavin Jennings, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 14 ADJOURNMENT** — Mr John Lenders moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 10.32 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 162 — Wednesday, 3 May 2006

- 1 The President took the Chair and read the Prayer.

- 2 MELBOURNE SAILORS' HOME (REPEAL) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to repeal the Melbourne Sailors' Home Act 1986, to close the Sailors' Welfare Fund established under that Act, to provide for the transfer of all money standing to the credit of the Sailors' Welfare Fund to the Consolidated Fund and for other purposes* and desiring the agreement of the Council.

On the motion of Mr Gavin Jennings, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 3 PETITIONS** —

**FLUORIDATION OF WATER SUPPLIES** — Ms Dianne Hadden presented a Petition bearing 377 signatures from certain citizens of Victoria praying that the Legislative Council of Victoria does not support the addition of fluoride to any Victorian water supply, including water in the Central Highlands and Grampians Wimmera Mallee regions, in view of current scientific doubts regarding its safety.

Ordered to lie on the Table.

\* \* \* \* \*

**RACIAL AND RELIGIOUS TOLERANCE ACT** — Ms Dianne Hadden and the Honourable Andrew Brideson each presented a Petition bearing 16 and 10 signatures, respectively, from certain citizens of Victoria requesting that the *Racial and Religious Tolerance Act 2001* be repealed.

Ordered to lie on the Table.

**4 PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk:

Victims of Crime Assistance Tribunal — Report, 2004-05.

**5 MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

**6 BUILDERS' WARRANTY INSURANCE** — The Honourable Gordon Rich-Phillips moved, That this House, in the interests of transparency and a fully informed builders' warranty insurance market, calls on the Minister for Finance to —

(1) mandate the collection on an annual basis, from all insurance underwriters providing builders' warranty insurance under Victoria's mandatory scheme, details of:

- (a) the number of policies written and total premiums collected;
- (b) the value of building works insured under those policies;
- (c) the number and value of claims made against those policies; and
- (d) the number and value of claims paid against those policies in respect of the builders' warranty insurance that they provide.

(2) publish the collected data in an aggregated, de-identified manner.

Debate ensued.

Question — put.

The Council divided.

AYES, 18

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong (*Teller*)  
 The Hon. John Vogels (*Teller*)

NOES, 21

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos (*Teller*)  
 The Hon. Robert Mitchell  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer (*Teller*)  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson

And so it passed in the negative.

**7 BUSINESS POSTPONED** —

Ordered — That the consideration of the remaining Notices of Motion and Orders of the Day, General Business, be postponed until the next day of meeting.

Ordered — That the consideration of Order of the Day, Government Business, No. 1, be postponed until later this day.

**8 DRUGS, POISONS AND CONTROLLED SUBSTANCES (AGED CARE SERVICES) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That the Bill be now read a second time.

Question — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

*Business having been interrupted at 2.03 p.m. pursuant to Sessional Orders —*

- 9 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

- 10 ABORIGINAL HERITAGE BILL** — The Order of the Day having been read for the second reading of this Bill, Mr Gavin Jennings moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

Mr Gavin Jennings moved, That the Bill be now read a second time.

On the motion of the Honourable Andrea Coote (for the Honourable Wendy Lovell), the debate was adjourned until the next day of meeting.

- 11 ROAD SAFETY (DRUGS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 12 VALUATION OF LAND (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

The Honourable David Davis announced that he proposed to move amendments in Committee and requested that they be circulated, pursuant to Sessional Order 36.

Accordingly, the amendments were circulated.

Debate continued.

Question — put and resolved in the affirmative.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

The Acting President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 13 FINANCIAL MANAGEMENT (MISCELLANEOUS AMENDMENTS) BILL** — The Acting President announced the receipt of a Message from the Assembly presenting a Bill to amend the *Financial Management Act 1994 in relation to budget management, powers over land and financial regulations and directions and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Justin Madden (for Mr John Lenders), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**14 ADJOURNMENT** — The Honourable Justin Madden moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 6.46 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
Clerk of the Legislative Council

## No. 163 — Thursday, 4 May 2006

1 The President took the Chair and read the Prayer.

**2 PETITIONS —**

**HAPPY JACK'S LIQUOR LICENCE** — The Honourable Peter Hall (for the Honourable Damian Drum) presented a Petition bearing 164 signatures from certain citizens of Victoria requesting that the Victorian Government recognise that Happy Jack's store, Lockwood South, is located in the tourist area of the central goldfields of Victoria, and should therefore be granted a liquor licence.

Ordered to lie on the Table.

\* \* \* \* \*

**GOLDEN PLAINS SHIRE COUNCIL PLAN** — Ms Dianne Hadden presented a Petition bearing 56 signatures from certain citizens of Victoria praying that the Minister for Local Government refuse to receive the Golden Plains Shire Council Plan 2006-2010 submitted in accordance with section 125(5) of the *Local Government Act 1989* until either the Minister or the Ombudsman, or both, have been satisfied that the right of persons to make a submission under section 125(3) of the Act has not been infringed or denied, and moved that it be read by the Clerk.

Question — put and resolved in the affirmative.

Ordered to lie on the Table.

The Clerk read the Petition.

**3 PAPERS —**

**COUNTY COURT JUDGES** — The Honourable Justin Madden presented by Command of the Governor, the Report of the County Court Judges for the year 2004-05.

The said Report was presented by the Honourable Justin Madden and ordered to lie on the Table.

\* \* \* \* \*

**MAGISTRATES' COURT OF VICTORIA** — The Honourable Justin Madden presented by Command of the Governor, the Report of the Magistrates' Court of Victoria for the year 2004-05.

The said Report was presented by the Honourable Justin Madden and ordered to lie on the Table.

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**TERRORISM (COMMUNITY PROTECTION) ACT 2003** — Mr John Lenders moved, by leave, That there be laid before this House a copy of the Report on the Operation of the *Terrorism (Community Protection) Act 2003*.

Question — put and resolved in the affirmative.

The said Report was presented by Mr John Lenders and ordered to lie on the Table.

**VICTORIAN CHILD DEATH REVIEW COMMITTEE** — Mr Gavin Jennings moved, by leave, That there be laid before this House a copy of the Victorian Child Death Review Committee Annual Report of Inquiries into the Deaths of Children known to Child Protection 2006.

Question — put and resolved in the affirmative.

The said Report was presented by Mr Gavin Jennings and ordered to lie on the Table.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the direction of several Acts of Parliament, were laid upon the Table by the Clerk:

Adult Multicultural Education Services — Report, 2005.

Bendigo Regional Institute of TAFE — Report, 2005.

Box Hill Institute of TAFE — Report, 2005.

Central Gippsland Institute of TAFE — Report, 2005.

Centre for Adult Education — Report, 2005.

Chisholm Institute of TAFE — Report, 2005.

Commonwealth Games Arrangements Act 2001 — Commonwealth Games Designated Venue and Project Orders pursuant to section 18 of the Act (6 papers).

Driver Education Centre of Australia Ltd — Report, 2005.

East Gippsland Institute of TAFE — Report, 2005.

Gordon Institute of TAFE — Report, 2005.

Goulburn Ovens Institute of TAFE — Report, 2005 (two papers).

Holmesglen Institute of TAFE — Report, 2005.

Kangan Batman Institute of TAFE — Report, 2005.

Northern Melbourne Institute of TAFE — Report, 2005.

South West Institute of TAFE — Report, 2005.

Statutory Rules under the following Acts of Parliament:

Building Act 1993 — No. 41.

Country Fire Authority Act 1958 — No. 42.

Sunraysia Institute of TAFE — Report, 2005.

William Angliss Institute of TAFE — Report, 2005.

Wodonga Institute of TAFE — Report, 2005 (two papers).

Youth Parole Board and Youth Residential Board —

Minister's report of failure to submit 2004-05 report within the prescribed period and the reasons therefor.

Report, 2004-05.

**4 SITTING OF THE COUNCIL** — Mr Gavin Jennings moved, That the Council, at its rising, adjourn until Tuesday, 30 May 2006.

Question — put and resolved in the affirmative.

**5 MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

**6 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Honourable Members pursuant to Sessional Order 17.

**7 MELBOURNE SAILORS' HOME (REPEAL) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr Gavin Jennings moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

Mr Gavin Jennings moved, That the Bill be now read a second time.

On the motion of the Honourable Graeme Stoney (for the Honourable Andrea Coote), the debate was adjourned until the next day of meeting.

- 8 FINANCIAL MANAGEMENT (MISCELLANEOUS AMENDMENTS) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr Gavin Jennings (for Mr John Lenders) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

Mr Gavin Jennings moved, That the Bill be now read a second time.

On the motion of the Honourable Graeme Stoney (for the Honourable Gordon Rich-Phillips), the debate was adjourned until the next day of meeting.

- 9 DISABILITY BILL** — The Order of the Day having been read for the consideration of the Report of the Legislation Committee, Mr Matt Viney moved, That the Council adopt the report of the Legislation Committee on the Disability Bill.

Debate ensued.

Question — put.

The Council divided.

AYES, 22

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza (*Teller*)  
 The Hon. John Eren  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten (*Teller*)  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

NOES, 18

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden (*Teller*)  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. Peter Hall  
 The Hon. Wendy Lovell  
 The Hon. Gordon Rich-Phillips (*Teller*)  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative.

Amendments to the Bill recommended by the Legislation Committee agreed to pursuant to Sessional Order 58(3).

Bill committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without further amendment, the Report was adopted.

Mr Gavin Jennings moved, That the Bill be now read a third time.

Question — That the Bill be now read a third time and that the Bill do pass — put.

The Council divided.

AYES, 23

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham

NOES, 18

The Hon. Bruce Atkinson (*Teller*)  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop

Ms Elaine Carbines	The Hon. Ron Bowden
The Hon. Kaye Darveniza	The Hon. Andrew Brideson
The Hon. John Eren	The Hon. Andrea Coote
The Hon. Geoff Hilton	The Hon. Richard Dalla-Riva
Ms Carolyn Hirsh	The Hon. David Davis
Mr Gavin Jennings	The Hon. Philip Davis
Mr John Lenders	The Hon. Damian Drum ( <i>Teller</i> )
The Hon. John McQuilten	The Hon. Bill Forwood
The Hon. Justin Madden	Ms Dianne Hadden
Ms Jenny Mikakos	The Hon. Peter Hall
The Hon. Robert Mitchell	The Hon. Wendy Lovell
The Hon. Sang Nguyen ( <i>Teller</i> )	The Hon. Gordon Rich-Phillips
Mr Noel Pullen ( <i>Teller</i> )	The Hon. Graeme Stoney
Ms Glenyys Romanes	The Hon. C.A. Strong
Mr Johan Scheffer	The Hon. John Vogels
Mr Robert Smith	
Mr Adem Somyurek	
The Hon. Theo Theophanous	
The Hon. Marsha Thomson	
Mr Matt Viney	

And so it was resolved in the affirmative.

Ordered — That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with amendments, and desiring their concurrence.

- 10 EDUCATION AND TRAINING REFORM BILL** — The Order of the Day having been read for the consideration of the Report of the Legislation Committee, Mr Matt Viney moved, That the Council adopt the report of the Legislation Committee on the Education and Training Reform Bill.

Debate ensued.

*Business having been interrupted at 2.03 p.m. pursuant to Sessional Orders —*

- 11 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

- 12 EDUCATION AND TRAINING REFORM BILL** — Debate continued on the question, That the Council adopt the report of the Legislation Committee on the Education and Training Reform Bill.

Question — put.

The Council divided.

AYES, 24

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell

NOES, 18

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter (*Teller*)  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson (*Teller*)  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. Peter Hall  
 The Hon. Wendy Lovell

The Hon. Sang Nguyen (*Teller*)  
 The Hon. Andrew Olexander  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith (*Teller*)  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative.

Bill committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**13 STATUTE LAW (FURTHER REVISION) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to revise further the Statute Law of Victoria* and desiring the agreement of the Council.

On the motion of Mr John Lenders, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**14 ABORIGINAL HERITAGE BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Business having been interrupted at 4.30 p.m. by the Acting President pursuant to Sessional Order 14 —*

Mr Gavin Jennings moved, That the sitting be continued.

Question — put.

The Council divided.

AYES, 23

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham (*Teller*)  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 The Hon. Andrew Olexander  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek (*Teller*)

NOES, 17

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop (*Teller*)  
 The Hon. Ron Bowden  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva (*Teller*)  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. Peter Hall  
 The Hon. Wendy Lovell  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels



The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

And so it was resolved in the affirmative.

Debate continued on the question, That the Bill be now read a second time.

The Honourable Damian Drum moved, as an amendment, That all the words after “That” be omitted with the view of inserting in their place “this House refuses to read this Bill a second time until a working party, in consultation with local government, recommends how permits refused under section 21U of the Commonwealth Act prior to the commencement day should be dealt with; and has considered the operation of the proposed Cultural Heritage Management Plans and recommended practical and effective ways to specify relevant activities”.

Debate ensued.

Question — That the words proposed to be omitted stand part of the question — put.  
 The Council divided.

AYES, 22

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines (*Teller*)  
 The Hon. John Eren  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 The Hon. Andrew Olexander  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith (*Teller*)  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

NOES, 16

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Richard Dalla-Riva (*Teller*)  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. Peter Hall (*Teller*)  
 The Hon. Wendy Lovell  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative — Amendment negatived.

Question — That the Bill be now read a second time — put.

The Council divided.

AYES, 22

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. John Eren (*Teller*)  
 The Hon. Geoff Hilton (*Teller*)  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. Justin Madden  
 Ms Jenny Mikakos

NOES, 16

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis (*Teller*)  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood (*Teller*)  
 Ms Dianne Hadden  
 The Hon. Peter Hall

The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 The Hon. Andrew Olexander  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

The Hon. Wendy Lovell  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative.

Bill read a second time.

Mr Gavin Jennings moved, by leave, That the Bill be now read a third time.

Question — That the Bill be now read a third time and that the Bill do pass — put.

The Council divided.

AYES, 22

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. John Eren  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh (*Teller*)  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. Justin Madden  
 Ms Jenny Mikakos (*Teller*)  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 The Hon. Andrew Olexander  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

NOES, 16

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. Peter Hall  
 The Hon. Wendy Lovell (*Teller*)  
 The Hon. Gordon Rich-Phillips (*Teller*)  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**15 EQUAL OPPORTUNITY AND TOLERANCE LEGISLATION (AMENDMENT) BILL —**

The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Equal Opportunity Act 1995 and the Racial and Religious Tolerance Act 2001 and for other purposes* and desiring the agreement of the Council.

On the motion of Mr John Lenders, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**16 TERRORISM (COMMUNITY PROTECTION) (FURTHER AMENDMENT) BILL —**

The President announced the receipt of a Message from the Assembly presenting a Bill *to make miscellaneous amendments to the Terrorism (Community Protection) Act 2003, to amend the Public Records Act 1973 to provide for certain records to be*

*withheld from public inspection, to amend the Freedom of Information Act 1982 to provide for certain documents to be exempt documents under that Act and for other purposes and desiring the agreement of the Council.*

On the motion of Mr John Lenders, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**17 DISABILITY BILL** — The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the amendments made in this Bill by the Council.

**18 ADJOURNMENT** — Mr John Lenders moved, That the House do now adjourn.  
Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 7.03 p.m., adjourned until Tuesday, 30 May 2006.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*



## LEGISLATIVE COUNCIL

### MINUTES OF THE PROCEEDINGS Nos. 164, 165 and 166

#### No. 164 — Tuesday, 30 May 2006

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that he had, on the following dates, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:  
On 9 May 2006 —  
*Aboriginal Heritage Act*  
*Drugs, Poisons and Controlled Substances (Aged Care Services) Act*  
*Drugs, Poisons and Controlled Substances (Prohibition of Display and Sale of Cocaine Kits) Act*  
*Land (St Kilda Triangle) Act*  
*Road Safety (Drugs) Act*  
*Sustainable Forests (Timber) (Amendment) Act*  
*Valuation of Land (Amendment) Act.*  
On 16 May 2006 —  
*Disability Act*  
*Education and Training Reform Act.*
- 3 **AUDITOR-GENERAL** — The President announced the receipt of a letter from the Public Accounts and Estimates Committee regarding the appointment of Mr Des Pearson as Auditor-General, as from 1 October 2006.
- 4 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.
- 5 **MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.
- 6 **PETITIONS** —  
**FLUORIDATION OF GIPPSLAND WATER SUPPLIES** — The Honourable Peter Hall presented a Petition bearing 94 signatures from certain citizens of Victoria praying that the Legislative Council of Victoria does not support the addition of fluoride to any Victorian water supply, including water in the Gippsland region, in view of current scientific doubts regarding its safety.  
Ordered to lie on the Table.

\* \* \* \* \*

**QUEENS ROAD INTERSECTION** — The Honourable Ron Bowden presented a Petition bearing 221 signatures from certain citizens of Victoria requesting that the Victorian Government direct VicRoads to investigate reinstating right hand turns into and out of the Queens Road and Western Port Highway intersection (between Pearcedale and Somerville).

Ordered to lie on the Table.

## 7 PAPERS —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — The Honourable Lidia Argondizzo presented Alert Digest No. 5 of 2006 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

**LAW REFORM COMMITTEE — WARRANT POWERS AND PROCEDURES** — Pursuant to the *Parliamentary Committees Act 2003*, the Clerk presented a copy of the Attorney-General's response to recommendations in the Law Reform Committee's Report into Warrant Powers and Procedures.

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**FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE — FUNERAL INDUSTRY** — Pursuant to the *Parliamentary Committees Act 2003*, the Clerk presented a copy of the Minister's response to recommendations in the Family and Community Development Committee's Report into the Funeral Industry.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Commonwealth Games Arrangements Act 2001 — Commonwealth Games Venue and Project Orders, pursuant to section 18 of the Act (ten papers).

Crown Land (Reserves) Act 1978 —

Minister's order of 23 April 2006 giving approval for the granting of a lease at Lorne Foreshore Reserves (three papers).

Minister's order of 27 April 2006 giving approval for the granting of a lease at Albert Park Reserve (three papers).

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3)(a)(iii) in relation to Statutory Rule No. 34.

Parliamentary Committees Act 2003 — Treasurer's response to recommendations in Public Accounts and Estimates Committee's Report on 2005-06 Budget Estimates.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:

Bayside Planning Scheme — Amendment C38.

Boroondara Planning Scheme — Amendment C17.

Brimbank Planning Scheme — Amendment C80 Part 1.

Campaspe Planning Scheme — Amendment C29.

Cardinia Planning Scheme — Amendment C64.

Casey Planning Scheme — Amendment C35 Part 1.

Darebin Planning Scheme — Amendment C10 Part 3.

Gannawarra Planning Scheme — Amendment C12.

Glenelg Planning Scheme — Amendment C25.

Greater Bendigo Planning Scheme — Amendment C70.

Greater Dandenong Planning Scheme — Amendment C77.

Greater Geelong Planning Scheme — Amendments C65, C100, C111 and C135.

Hume Planning Scheme — Amendments C11 Part 1, C50, C55 Parts 1 and 2.

Manningham Planning Scheme — Amendment C57.

Mansfield Planning Scheme — Amendment C6.

Melbourne Planning Scheme — Amendment C116.

Monash City Council — Amendment C62.

Planning and Environment Act 1987 — *continued*

Nillumbik Planning Scheme — Amendments C25 Part 1, C38 Part 1 and C39.

Northern Grampians Planning Scheme — Amendment C19.

Port Phillip Planning Scheme — Amendments C55 and C56.

Pyrenees Planning Scheme — Amendment C14.

Strathbogie Planning Scheme — Amendments C14 and C35.

Whitehorse Planning Scheme — Amendment C51.

Wyndham Planning Scheme — Amendment C79.

Rural Finance Act 1988 — Treasurer's directive of 25 March 2006 to the Rural Finance Corporation.

Snowy Hydro Limited — Report for the period 27 June 2004 to 2 July 2005.

Statutory Rules under the following Acts of Parliament:

Chattel Securities Act 1987 — No. 51.

Human Tissue Act 1982 — No. 50.

Magistrates' Court Act 1989 — Nos. 46, 48 and 55.

National Parks Act 1975 — No. 49.

Road Safety Act 1986 — Nos. 52 and 53.

Subordinate Legislation Act 1994 — No. 45.

Supreme Court Act 1986 — No. 43.

Supreme Court Act 1986 — Corporations (Ancillary Provisions) Act 2001 — No. 44.

Victorian Civil and Administrative Tribunal Act 1998 — No. 54.

Wrongs Act 1958 — No. 47.

Subordinate Legislation Act 1994 —

Ministers' exception certificates under section 8(4) in respect of Statutory Rule Nos. 42 to 44 and 51 to 55.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 32, 40, 41, 48 and 50.

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**PROCLAMATIONS** Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Clerk:

Courts Legislation (Judicial Conduct) Act 2005 — remaining provisions — 28 April 2006 (Gazette No. S119, 28 April 2006).

Sustainable Forests (Timber) Act 2004 — Part 2 and sections 109 and 138 — 18 May 2006 (Gazette No. G20, 18 May 2006).

**8 EQUAL OPPORTUNITY AND TOLERANCE LEGISLATION (AMENDMENT) BILL —**

The Order of the Day having been read for the second reading of this Bill, Ms Candy Broad (for Mr John Lenders) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

Ms Candy Broad moved, That the Bill be now read a second time.

On the motion of the Honourable Andrea Coote (for the Honourable C.A. Strong), the debate was adjourned until the next day of meeting.

**9 TERRORISM (COMMUNITY PROTECTION) (FURTHER AMENDMENT) BILL —**

The Order of the Day having been read for the second reading of this Bill, Ms Candy Broad (for Mr John Lenders) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

Ms Candy Broad moved, That the Bill be now read a second time.

On the motion of the Honourable Andrea Coote (for the Honourable C.A. Strong), the debate was adjourned until the next day of meeting.

- 10 STATUTE LAW (FURTHER REVISION) BILL** — The Order of the Day having been read for the second reading of this Bill, Ms Candy Broad (for Mr John Lenders) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

Ms Candy Broad moved, That the Bill be now read a second time.

On the motion of the Honourable Andrea Coote (for the Honourable C.A. Strong), the debate was adjourned until later this day.

- 11 MELBOURNE SAILORS' HOME (REPEAL) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 12 FINANCIAL MANAGEMENT (MISCELLANEOUS AMENDMENTS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 13 STATUTE LAW (FURTHER REVISION) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 14 ADJOURNMENT** — The Honourable Justin Madden moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 5.38 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
Clerk of the Legislative Council

## No. 165 — Wednesday, 31 May 2006

- 1 The President took the Chair and read the Prayer.

- 2 INFRINGEMENTS (CONSEQUENTIAL AND OTHER AMENDMENTS) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to provide for transitional arrangements for the Infringements Act 2006, to make other amendments to that Act, to amend the Children and Young Persons Act 1989, the Road Safety Act 1986, the Marine Act 1988, the Transport Act 1983, the EastLink Project Act 2004, the Melbourne City Link Act 1995, the Chattel Securities Act 1987, the Bail Act 1977, the Sentencing Act 1991, the Magistrates' Court Act 1989 and the Corrections Act 1986, to amend the Liquor Control Reform Act 1998 to provide for certain offences to be enforced by infringement notice and to make*

*consequential amendments to various Acts and for other purposes and desiring the agreement of the Council.*

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**3 JUSTICE LEGISLATION (FURTHER MISCELLANEOUS AMENDMENTS) BILL —**

The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Crimes Act 1958, the Crimes (Sexual Offences) Act 2006, the Major Crime Legislation (Office of Police Integrity) Act 2004, the Surveillance Devices (Amendment) Act 2004 and the Working with Children Act 2005 and for other purposes and desiring the agreement of the Council.*

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**4 VICTORIAN URBAN DEVELOPMENT AUTHORITY (AMENDMENT) BILL —** The

President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Victorian Urban Development Authority Act 2003 in relation to the levying of charges on development in a project area, to amend the Subdivision Act 1988 and the Building Act 1993 and for other purposes and desiring the agreement of the Council.*

On the motion of Mr John Lenders, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**5 PETITIONS —**

**NUMURKAH OCCUPATIONAL AND VOCATIONAL ADULT SERVICE BOARD OF MANAGEMENT —**

The Honourable Wendy Lovell presented a Petition bearing 588 signatures from certain citizens of Victoria requesting that the State Government immediately intervene to retain the current board of management of the Numurkah Occupational and Vocational Adult Service.

Ordered to lie on the Table.

\* \* \* \* \*

**LILYDALE BY-PASS —** The Honourable Graeme Stoney presented a Petition bearing 625 signatures from certain citizens of Victoria requesting that immediate action is taken to construct a Lilydale by-pass to overcome safety concerns and traffic congestion within the township.

Ordered to lie on the Table.

\* \* \* \* \*

**REPEAL OF RACIAL AND RELIGIOUS TOLERANCE ACT —** The Honourables Richard Dalla-Riva and Ms Glenyys Romanes each presented a Petition bearing 14 and 37 signatures, respectively, from certain citizens of Victoria requesting that the *Racial and Religious Tolerance Act 2001* be repealed.

Ordered to lie on the Table.

**6 PAPERS —**

**BUDGET PAPERS, 2006-07 —** Mr John Lenders moved, by leave, That there be laid before this House a copy of the following 2006-07 Budget Papers:

- (a) Treasurer's Speech (Budget Paper No. 1);
- (b) Strategy and Outlook (Budget Paper No. 2);
- (c) Service Delivery (Budget Paper No. 3); and
- (d) Statement of Finances (incorporating Quarterly Financial Report No. 3) (Budget Paper No. 4).

Question — put and resolved in the affirmative.

The said papers were thereupon presented by Mr John Lenders and ordered to lie on the Table.



Mr John Lenders moved, That the papers tabled pursuant to the foregoing Order be taken into consideration on the next day of meeting.

Question — put and resolved in the affirmative.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Auditor-General — Report on Planning for a capable Victoria Police workforce, May 2006.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:

Buloke Planning Scheme — Amendment C6.

Glenelg Planning Scheme — Amendment C29.

Golden Plains Planning Scheme — Amendment C18.

Hume Planning Scheme — Amendment C68.

Wellington Planning Scheme — Amendments C24 part 1 and C31.

Yarra Ranges Planning Scheme — Amendment C42.

**7 MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

**8 LOCAL GOVERNMENT FUNDING** — The Honourable John Vogels moved, That this House condemns the State Government for underfunding local government which has led to massive increases in council rates since 1999 and in particular, for its lack of transparency in documenting State Government grants to local government by deceptively distributing ever declining funds through various departments.

Debate ensued.

*Business having been interrupted at 2.03 p.m. pursuant to Sessional Orders —*

**9 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

**10 LOCAL GOVERNMENT FUNDING** — Debate continued on the question, That this House condemns the State Government for underfunding local government which has led to massive increases in council rates since 1999 and in particular, for its lack of transparency in documenting State Government grants to local government by deceptively distributing ever declining funds through various departments.

Question — put.

The Council divided.

AYES, 19

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. Peter Hall  
 The Hon. David Koch (*Teller*)  
 The Hon. Wendy Lovell  
 The Hon. Gordon Rich-Phillips (*Teller*)

NOES, 23

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten (*Teller*)  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell (*Teller*)  
 The Hon. Sang Nguyen  
 Mr Noel Pullen

The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

And so it passed in the negative.

**11 EQUAL OPPORTUNITY AND TOLERANCE LEGISLATION (AMENDMENT) BILL —**

The Order of the Day was read for the resumption of the debate on the question,  
 That the Bill be now read a second time.

Debate resumed.

The Honourable C.A. Strong announced that he proposed to move an amendment in  
 Committee and requested that it be circulated, pursuant to Sessional Order 36.

Accordingly, the amendment was circulated.

Debate continued.

The Honourable Peter Hall announced that he proposed to move amendments in  
 Committee and requested that they be circulated, pursuant to Sessional Order 36.

Accordingly, the amendments were circulated.

Debate continued.

Question — put.

The Council divided.

AYES, 35

The Hon. Lidia Argondizzo  
 The Hon. Andrew Brideson  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Andrea Coote  
 The Hon. Kaye Darveniza  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. John Eren  
 The Hon. Bill Forwood  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 The Hon. David Koch  
 Mr John Lenders  
 The Hon. Wendy Lovell  
 The Hon. John McQuilten (*Teller*)  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 The Hon. Andrew Olexander  
 Mr Noel Pullen  
 The Hon. Gordon Rich-Phillips  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek (*Teller*)  
 The Hon. Graeme Stoney

NOES, 8

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop (*Teller*)  
 The Hon. Ron Bowden (*Teller*)  
 The Hon. Richard Dalla-Riva  
 The Hon. Damian Drum  
 Ms Dianne Hadden  
 The Hon. Peter Hall

The Hon. C.A. Strong  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney  
 The Hon. John Vogels

And so it was resolved in the affirmative.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

The Acting President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted.

Mr John Lenders moved, That the Bill be now read a third time.

Question — That the Bill be now read a third time and that the Bill do pass — put.

The Council divided.

AYES, 35

The Hon. Lidia Argondizzo  
 The Hon. Andrew Brideson  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Andrea Coote  
 The Hon. Kaye Darveniza  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. John Eren  
 The Hon. Bill Forwood  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 The Hon. David Koch  
 Mr John Lenders  
 The Hon. Wendy Lovell  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 The Hon. Andrew Olexander  
 Mr Noel Pullen  
 The Hon. Gordon Rich-Phillips  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong (*Teller*)  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney (*Teller*)  
 The Hon. John Vogels

NOES, 8

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter (*Teller*)  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Richard Dalla-Riva (*Teller*)  
 The Hon. Damian Drum  
 Ms Dianne Hadden  
 The Hon. Peter Hall

And so it was resolved in the affirmative.

Bill read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**12 PLANNING AND ENVIRONMENT (GROWTH AREAS AUTHORITY) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Planning and Environment Act 1987 to establish the Growth Areas Authority and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**13 ADJOURNMENT** — Mr John Lenders moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 9.09 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 166 — Thursday, 1 June 2006

1 The President took the Chair and read the Prayer.

**2 PETITION — HAPPY JACK'S LIQUOR LICENCE** — The Honourable Damian Drum presented a Petition bearing 98 signatures from certain citizens of Victoria requesting that the Victorian Government recognise that Happy Jack's store, Lockwood South, is located in the tourist area of the central goldfields of Victoria, and should therefore be granted a liquor licence.

Ordered to lie on the Table.

**3 PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the direction of several Acts of Parliament, were laid upon the Table by the Clerk:

Auditor-General — Report on Access to specialist medical outpatient care, June 2006.

Mount Buller and Mount Stirling Alpine Resort Management Board — Report for the year ended 31 October 2005 (two papers).

Ombudsman — Review of the Freedom of Information Act, June 2006.

**4 MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

**5 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Honourable Members pursuant to Sessional Order 17.

**6 PLANNING AND ENVIRONMENT (GROWTH AREAS AUTHORITY) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Marsha Thomson (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Marsha Thomson moved, That the Bill be now read a second time.

On the motion of the Honourable David Davis the debate was adjourned until the next day of meeting.

**7 INFRINGEMENTS (CONSEQUENTIAL AND OTHER AMENDMENTS) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Marsha Thomson (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Marsha Thomson moved, That the Bill be now read a second time.

On the motion of the Honourable C.A. Strong, the debate was adjourned until later this day.

- 8 JUSTICE LEGISLATION (FURTHER MISCELLANEOUS AMENDMENTS) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Marsha Thomson (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Marsha Thomson moved, That the Bill be now read a second time.

On the motion of the Honourable C.A. Strong, the debate was adjourned until later this day.

- 9 VICTORIAN URBAN DEVELOPMENT AUTHORITY (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Marsha Thomson (for Mr John Lenders) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Marsha Thomson moved, That the Bill be now read a second time.

On the motion of the Honourable David Davis, the debate was adjourned until the next day of meeting.

- 10 TERRORISM (COMMUNITY PROTECTION) (FURTHER AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 11 JUSTICE LEGISLATION (FURTHER MISCELLANEOUS AMENDMENTS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

*Business having been interrupted at 2.03 p.m. pursuant to Sessional Orders —*

- 12 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

- 13 BUDGET PAPERS, 2006-07** — The Order of the Day having been read for the consideration of the Budget Papers, 2006-07, Mr John Lenders moved, That the Council take note of the Budget Papers, 2006-07.

Debate ensued.

On the motion of Mr Matt Viney, the debate was adjourned until the next day of meeting.

- 14 PRIMARY INDUSTRIES ACTS (MISCELLANEOUS AMENDMENTS) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Fisheries Act 1995 to make further provision for arrangements between the State and the Commonwealth for the management of offshore fisheries and to make further provision for regulation-making powers and to amend the Meat*

*Industry Act 1993 to make further provision for the sale of pet food and for other purposes and desiring the agreement of the Council.*

On the motion of Mr John Lenders (for the Honourable Theo Theophanous), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**15 PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk:

Eastlink Project Act 2004 — Orders in Council of 11 April 2006, pursuant to section 7(6) of the Act and a Statement of Variation, pursuant to section 21(3) of the Act (three papers).

*Business having been interrupted at 4.30 p.m. by the President pursuant to Sessional Order 14 —*

**16 ADJOURNMENT** — The President proposed the question, That the House do now adjourn.

Debate ensued.

And then the Council, at 4.50 p.m., adjourned until Tuesday, 6 June 2006.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*



## LEGISLATIVE COUNCIL

### MINUTES OF THE PROCEEDINGS Nos. 167, 168 and 169

#### No. 167 — Tuesday, 6 June 2006

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, this day, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:
  - Equal Opportunity and Tolerance Legislation (Amendment) Act*
  - Financial Management (Miscellaneous Amendments) Act*
  - Justice Legislation (Further Miscellaneous Amendments) Act*
  - Melbourne Sailors' Home (Repeal) Act*
  - Statute Law (Further Revision) Act*
  - Terrorism (Community Protection) (Further Amendment) Act.*
- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.
- 4 **MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.
- 5 **PETITIONS** —
  - QUEENS ROAD INTERSECTION** — The Honourable Ron Bowden presented a Petition bearing 247 signatures from certain citizens of Victoria requesting that the Victorian Government direct VicRoads to investigate reinstating right hand turns into and out of the Queens Road and Western Port Highway intersection (between Pearcedale and Somerville).

Ordered to lie on the Table.

\* \* \* \* \*

**SEVERE LANGUAGE DISORDER FUNDING PROGRAM** — The Honourable Wendy Lovell presented a Petition bearing 85 signatures from certain citizens of Victoria requesting that the State Government immediately reinstate the Severe Language Disorder Funding Program thereby improving Victorian children with Autism, Aspergers Syndrome or other language disorders access to quality speech pathology.

Ordered to lie on the Table.

- 6 **PAPERS** —
  - PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:
    - National Parks Act 1975 — Advice of National Parks Advisory Council to minister on several proposed excisions from existing parks.
    - Statutory Rules under the following Acts of Parliament:
      - Drugs, Poisons and Controlled Substances Act 1981 — No. 57.
      - Subordinate Legislation Act 1994 — No. 56.

**PROCLAMATION** — A Proclamation of the Governor in Council fixing an operative date in respect of the following Act was laid upon the Table by the Clerk:

Child Wellbeing and Safety Act 2005 — whole Act (other than Part 7 and section 48) — 30 May 2006 (*Gazette No. G22, 1 June 2006*).

**7 RIGHT OF REPLY** —

- **MR DOUGLAS CAMPBELL** — Pursuant to Standing Order 19.03, the President presented a Right of Reply from Mr Douglas Campbell, Policy Adviser, Office of the Leader of the Opposition, to statements made in the Council by the Honourable Andrew Olexander on 6 April 2006.

Ordered to lie on the Table and to be printed.

- **CR ROBERT GORDON** — Pursuant to Standing Order 19.03, the President informed the Council of her decision that no further action be taken in relation to a submission for a Right of Reply received from Cr Robert Gordon of Mitchell Shire Council.

**8 PRIMARY INDUSTRIES ACTS (MISCELLANEOUS AMENDMENTS) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr Gavin Jennings (for the Honourable Theo Theophanous) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

Mr Gavin Jennings moved, That the Bill be now read a second time.

On the motion of the Honourable Graeme Stoney (for the Honourable Philip Davis), the debate was adjourned until the next day of meeting.

**9 PLANNING AND ENVIRONMENT (GROWTH AREAS AUTHORITY) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put.

The Council divided.

AYES, 23

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen (*Teller*)  
 Mr Noel Pullen (*Teller*)  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

NOES, 19

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Gordon Rich-Phillips (*Teller*)  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels (*Teller*)



And so it was resolved in the affirmative — Bill read a second time.

The Honourable Justin Madden moved, by leave, That the Bill be now read a third time.

Question — That the Bill be now read a third time and that the Bill do pass — put.  
The Council divided.

AYES, 23

The Hon. Lidia Argondizzo  
Ms Candy Broad  
The Hon. Helen Buckingham (*Teller*)  
Ms Elaine Carbines (*Teller*)  
The Hon. Kaye Darveniza  
The Hon. John Eren  
The Hon. Geoff Hilton  
Ms Carolyn Hirsh  
Mr Gavin Jennings  
Mr John Lenders  
The Hon. John McQuilten  
The Hon. Justin Madden  
Ms Jenny Mikakos  
The Hon. Robert Mitchell  
The Hon. Sang Nguyen  
Mr Noel Pullen  
Ms Glenyys Romanes  
Mr Johan Scheffer  
Mr Robert Smith  
Mr Adem Somyurek  
The Hon. Theo Theophanous  
The Hon. Marsha Thomson  
Mr Matt Viney

NOES, 19

The Hon. Bruce Atkinson (*Teller*)  
The Hon. W.R. Baxter  
The Hon. Barry Bishop  
The Hon. Ron Bowden  
The Hon. Andrew Brideson (*Teller*)  
The Hon. Andrea Coote  
The Hon. Richard Dalla-Riva  
The Hon. David Davis  
The Hon. Philip Davis  
The Hon. Damian Drum  
The Hon. Bill Forwood  
Ms Dianne Hadden  
The Hon. Peter Hall  
The Hon. David Koch  
The Hon. Wendy Lovell  
The Hon. Gordon Rich-Phillips  
The Hon. Graeme Stoney  
The Hon. C.A. Strong  
The Hon. John Vogels

And so it was resolved in the affirmative.

Bill read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**10 INFRINGEMENTS (CONSEQUENTIAL AND OTHER AMENDMENTS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**11 VICTORIAN URBAN DEVELOPMENT AUTHORITY (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put.

The Council divided.

AYES, 22

The Hon. Lidia Argondizzo  
Ms Candy Broad  
The Hon. Helen Buckingham  
Ms Elaine Carbines

NOES, 19

The Hon. Bruce Atkinson  
The Hon. W.R. Baxter  
The Hon. Barry Bishop  
The Hon. Ron Bowden

The Hon. Kaye Darveniza (*Teller*)  
 The Hon. John Eren (*Teller*)  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Marsha Thomson  
 Mr Matt Viney

The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis (*Teller*)  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. Peter Hall  
 The Hon. David Koch (*Teller*)  
 The Hon. Wendy Lovell  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative.

Bill read a second time.

Mr John Lenders moved, by leave, That the Bill be now read a third time.

Question — That the Bill be now read a third time and that the Bill do pass — put.

The Council divided.

AYES, 22

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza (*Teller*)  
 The Hon. John Eren  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer (*Teller*)  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Marsha Thomson  
 Mr Matt Viney

NOES, 19

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum (*Teller*)  
 The Hon. Bill Forwood (*Teller*)  
 Ms Dianne Hadden  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative.

Bill read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**12 ENERGY LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL**— The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Electricity Industry Act 2000, the Gas Industry Act 2001, the Gas Safety Act 1997*

and the Local Government Act 1989 and for other purposes and desiring the agreement of the Council.

On the motion of Mr John Lenders (for the Honourable Theo Theophanous), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 13 BUDGET PAPERS, 2006-07** — The Order of the Day was read for the resumption of the debate on the question, That the Council take note of the Budget Papers, 2006-07.

Debate resumed.

*Business having been interrupted at 10.00 p.m. by the Deputy President pursuant to Sessional Order 14, the debate stood adjourned in the name of Mr Noel Pullen.*

- 14 ADJOURNMENT** — The President proposed the question, That the House do now adjourn.

*Member named and suspended* — The Honourable Bill Forwood having been named by the President for wilfully disregarding the authority of the Chair —

Ms Candy Broad moved, That the Honourable Bill Forwood be suspended from the service of the Council during the remainder of the sitting.

Question — put.

The Council divided.

AYES, 22

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 The Hon. Geoff Hilton (*Teller*)  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos (*Teller*)  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Marsha Thomson  
 Mr Matt Viney

NOES, 13

The Hon. Bruce Atkinson  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. Bill Forwood  
 The Hon. Peter Hall  
 The Hon. David Koch (*Teller*)  
 The Hon. Wendy Lovell (*Teller*)  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. John Vogels

And so it was resolved in the affirmative.

Debate ensued.

And then the Council, at 10.35 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
 Clerk of the Legislative Council

## No. 168 — Wednesday, 7 June 2006

- 1 The President took the Chair and read the Prayer.
- 2 **APPROPRIATION (PARLIAMENT 2006/2007) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *for the appropriation of certain sums out of the Consolidated Fund for the Parliament in respect of the financial year 2006/2007 and for other purposes* and desiring the agreement of the Council.

On the motion of Mr John Lenders, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 3 **PETITION — QUEENS ROAD INTERSECTION** — The Honourable Ron Bowden presented a Petition bearing 42 signatures from certain citizens of Victoria requesting that the Victorian Government direct VicRoads to investigate reinstating right hand turns into and out of the Queens Road and Western Port Highway intersection (between Pearcedale and Somerville).

Ordered to lie on the Table.

- 4 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Statutory Rules under the following Acts of Parliament:

Births, Deaths and Marriages Registration Act 1996 — No. 61.

Environment Protection Act 1970 — No. 59.

Planning and Environment Act 1987 — No. 60.

Prevention of Cruelty to Animals Act 1986 — No. 58.

Subordinate Legislation Act 1994 —

Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 56.

Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 58.

- 5 **MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

- 6 **ABORIGINAL COMMUNITY DISADVANTAGE** — The Honourable Wendy Lovell moved, That this House condemns the State Government for its failure to adequately address areas of disadvantage in the Aboriginal community and in particular its failure to implement long-term strategies to improve health standards, education standards, employment opportunities, and reduce the over representation of Aboriginals in the corrections system.

Debate ensued.

Question — put.

The Council divided.

AYES, 14

The Hon. Bruce Atkinson  
The Hon. Ron Bowden  
The Hon. Andrew Brideson  
The Hon. Andrea Coote  
The Hon. Richard Dalla-Riva  
The Hon. David Davis  
The Hon. Philip Davis  
Ms Dianne Hadden  
The Hon. David Koch  
The Hon. Wendy Lovell  
The Hon. Gordon Rich-Phillips (*Teller*)

NOES, 26

The Hon. Lidia Argondizzo  
The Hon. W.R. Baxter  
The Hon. Barry Bishop  
Ms Candy Broad  
The Hon. Helen Buckingham  
Ms Elaine Carbines  
The Hon. Kaye Darveniza  
The Hon. Damian Drum  
The Hon. John Eren  
The Hon. Peter Hall  
The Hon. Geoff Hilton

The Hon. Graeme Stoney  
The Hon. C.A. Strong (*Teller*)  
The Hon. John Vogels

Ms Carolyn Hirsh (*Teller*)  
Mr Gavin Jennings  
Mr John Lenders  
The Hon. John McQuilten  
The Hon. Justin Madden  
Ms Jenny Mikakos  
The Hon. Robert Mitchell (*Teller*)  
The Hon. Sang Nguyen  
Mr Noel Pullen  
Ms Glenyys Romanes  
Mr Johan Scheffer  
Mr Robert Smith  
Mr Adem Somyurek  
The Hon. Marsha Thomson  
Mr Matt Viney

And so it passed in the negative.

*Business having been interrupted at 2.03 p.m. pursuant to Sessional Orders —*

**7 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

**8 ENERGY LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

Mr John Lenders moved, That the Bill be now read a second time.

On the motion of the Honourable Philip Davis, the debate was adjourned until the next day of meeting.

**9 PRIMARY INDUSTRIES ACTS (MISCELLANEOUS AMENDMENTS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**10 BUDGET PAPERS, 2006-07** — The Order of the Day was read for the resumption of the debate on the question, That the Council take note of the Budget Papers, 2006-07.

Debate resumed.

On the motion of the Honourable Wendy Lovell, the debate was adjourned until the next day of meeting.

**11 STATE TAXATION (REDUCTIONS AND CONCESSIONS) BILL** — The Deputy President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Duties Act 2000, the First Home Owner Grant Act 2000, the Land Tax Act 2005 and the Pay-roll Tax Act 1971 to give effect to initiatives in the 2006–07 State budget and for other purposes* and desiring the agreement of the Council.

On the motion of Mr John Lenders, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 12 ADJOURNMENT** — Mr John Lenders moved, That the House do now adjourn.  
 Debate ensued.  
 Question — put and resolved in the affirmative.  
 And then the Council, at 9.40 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 169 — Thursday, 8 June 2006

- 1 The President took the Chair and read the Prayer.
- 2 **PETITION — BAXTER-TOORADIN, HAWKINS AND FULTONS ROAD INTERSECTION** — The Honourable Ron Bowden presented a Petition bearing 1648 signatures from certain citizens of Victoria requesting that the Victorian Government urgently upgrade the Baxter-Tooradin, Hawkins and Fultons Road intersection in the suburb of Baxter so that Hawkins Road and Fultons Road are aligned and that the railway crossing along Baxter-Tooradin Road is widened to safely accommodate pedestrian traffic.  
 Ordered to lie on the Table.
- 3 **PAPERS — GREATER GEELONG CITY COUNCIL INVESTIGATION** — Ms Candy Broad moved, by leave, That there be laid before this House a copy of the Report of the Inspector of Municipal Administration, relating to an investigation into Greater Geelong City Council, May 2006.  
 Question — put and resolved in the affirmative.  
 The said report was presented by Ms Candy Broad and ordered to lie on the Table.
- \* \* \* \* \*
- PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:  
 Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:  
     Bass Coast Planning Scheme — Amendment C47.  
     Benalla Planning Scheme — Amendment C14.  
     Golden Plains Planning Scheme — Amendment C28.  
     Greater Dandenong Planning Scheme — Amendment C59.  
     Hume Planning Scheme — Amendment C64.  
     Moynes Planning Scheme — Amendment C18.  
     South Gippsland Planning Scheme — Amendment C37.  
     Whittlesea Planning Scheme — Amendment C79.  
 Surveillance Devices Act 1999 — Report, 2005, from the Secretary of the Department of Sustainability and Environment pursuant to section 37 of the Act.
- 4 **MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.
- 5 **STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Honourable Members pursuant to Sessional Order 17.
- 6 **STATE TAXATION (REDUCTIONS AND CONCESSIONS) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden (for Mr John Lenders) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.  
 Question — put and resolved in the affirmative.

The Honourable Justin Madden moved, That the Bill be now read a second time.

On the motion of the Honourable Gordon Rich-Phillips the debate was adjourned until the next day of meeting.

- 7 APPROPRIATION (PARLIAMENT 2006/2007) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden (for Mr John Lenders) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Justin Madden moved, That the Bill be now read a second time.

On the motion of the Honourable Gordon Rich-Phillips, the debate was adjourned until later this day.

- 8 ENERGY LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 9 BUDGET PAPERS, 2006-07** — The Order of the Day was read for the resumption of the debate on the question, That the Council take note of the Budget Papers, 2006-07.

Debate resumed.

On the motion of the Honourable Andrew Brideson, the debate was adjourned until later this day.

- 10 APPROPRIATION (PARLIAMENT 2006/2007) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

On the motion of the Honourable Graeme Stoney (for the Honourable Philip Davis), the debate was adjourned until later this day.

*Business having been interrupted at 2.13 p.m. pursuant to Sessional Orders —*

- 11 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

- 12 APPROPRIATION (PARLIAMENT 2006/2007) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 13 BUDGET PAPERS, 2006-07** — The Order of the Day was read for the resumption of the debate on the question, That the Council take note of the Budget Papers, 2006-07.

Debate resumed.

On the motion of Ms. Dianne Hadden, the debate was adjourned until the next day of meeting.

**14 APPROPRIATION (2006/2007) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *for the appropriation of certain sums out of the Consolidated Fund for the ordinary annual services of the Government for the financial year 2006/2007 and for other purposes* and desiring the agreement of the Council.

On the motion of Mr John Lenders, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**15 TRANSFER OF LAND (ALPINE RESORTS) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Transfer of Land Act 1958 and the Alpine Resorts (Management) Act 1997 to make further provision in relation to leases and licences and for other purposes* and desiring the agreement of the Council.

On the motion of Mr John Lenders (for the Honourable Justin Madden), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

*Business having been interrupted at 4.30 p.m. by the President pursuant to Sessional Order 14 —*

**16 ADJOURNMENT** — The President proposed the question, That the House do now adjourn.

Debate ensued.

And then the Council, at 5.01 p.m., adjourned until Tuesday, 13 June 2006.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*





## LEGISLATIVE COUNCIL

### MINUTES OF THE PROCEEDINGS Nos. 170, 171 and 172

#### No. 170 — Tuesday, 13 June 2006

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, this day, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:  
*Energy Legislation (Miscellaneous Amendments) Act*  
*Infringements (Consequential and Other Amendments) Act*  
*Planning and Environment (Growth Areas Authority) Act*  
*Primary Industries Acts (Miscellaneous Amendments) Act*  
*Victorian Urban Development Authority (Amendment) Act.*
- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.
- 4 **MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.
- 5 **PETITION — REPEAL OF RACIAL AND RELIGIOUS TOLERANCE ACT** — The Honourable W.R. Baxter presented a Petition bearing 78 signatures from certain citizens of Victoria requesting that the *Racial and Religious Tolerance Act 2001* be repealed.  
Ordered to lie on the Table.

- 6 **PAPERS** —  
**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — The Honourable Lidia Argondizzo presented Alert Digest No. 6 of 2006 (including Appendices) from the Scrutiny of Acts and Regulations Committee.  
Ordered to lie on the Table and to be printed.

\* \* \* \* \*

- PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:  
Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3)(a)(iii) in relation to Statutory Rule No. 131/2005.  
Project Development and Construction Management Act 1994 — Order in Council of 9 May 2006 of an amendment to a nominated project application order.

\* \* \* \* \*

- PROCLAMATION** — A Proclamation of the Governor in Council fixing an operative date in respect of the following Act was laid upon the Table by the Clerk:  
Environment Effects (Amendment) Act 2005 — 30 June 2006 (*Gazette No. G23, 8 June 2006*).

- 7 BUSINESS OF THE HOUSE** — The Honourable Peter Hall moved, by leave, That General Business, Notice of Motion, No. 9 be listed on the Notice Paper as Notice of Motion, No. 1.

Question — put and carried in the affirmative.

- 8 GOVERNMENT BUSINESS PROGRAM** — Mr John Lenders moved, That, pursuant to Sessional Order 20, the following items of Government Business be considered and completed by 4.30 p.m. on Thursday, 15 June 2006:

- (a) motion to take note of the Budget Papers, 2006-07; and  
 (b) the Orders of the Day relating to the following Bills:  
     State Taxation (Reductions and Concessions) Bill  
     Appropriation (2006/2007) Bill  
     Transfer of Land (Alpine Resorts) Bill.

Debate ensued.

Question — put.

The Council divided.

AYES, 22

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen (*Teller*)  
 Mr Noel Pullen (*Teller*)  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Marsha Thomson  
 Mr Matt Viney

NOES, 18

The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum (*Teller*)  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels (*Teller*)

And so it was resolved in the affirmative.

- 9 APPROPRIATION (2006/2007) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

Mr John Lenders moved, That the Bill be now read a second time.

On the motion of the Honourable Bill Forwood, the debate was adjourned until later this day.

- 10 COGNATE DEBATE** — Mr John Lenders moved, by leave, That this House authorizes and requires the President to permit the second reading debate on the Appropriation (2006/2007) Bill to be taken concurrently with further debate on the motion to take note of the Budget Papers, 2006-07.

Question — put and resolved in the affirmative.

- 11 TRANSFER OF LAND (ALPINE RESORTS) BILL** — The Order of the Day having been read for the second reading of this Bill, Ms Candy Broad moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

Ms Candy Broad moved, That the Bill be now read a second time.

On the motion of the Honourable Wendy Lovell (for the Honourable David Davis), the debate was adjourned until the next day of meeting.

- 12 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 3 be postponed until later this day.

- 13 APPROPRIATION (2006/2007) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time [the motion to take note of the **Budget Papers, 2006-07** having been authorized to be debated concurrently pursuant to an Order of the Council this day].

Debate resumed.

On the motion of the Honourable Justin Madden (for the Honourable Sang Nguyen), the debate was adjourned until the next day of meeting.

- 14 ADJOURNMENT** — The Honourable Justin Madden moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 5.10 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 171 — Wednesday, 14 June 2006

- 1 The President took the Chair and read the Prayer.

- 2 VICTORIA RACING CLUB BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to provide for the functions, powers and responsibilities of Victoria Racing Club Limited in respect of Flemington Racecourse, to provide for the transfer of assets, rights and liabilities held by or on behalf of the Victoria Racing Club to Victoria Racing Club Limited, to repeal The Victoria Racing Club Act 1871 and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 3 BUILDING AND CONSTRUCTION INDUSTRY SECURITY OF PAYMENT (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Building and Construction Industry Security of Payment Act 2002 to make further provision with respect to payments for construction work and for the supply of related goods and services under construction contracts and for other purposes* and desiring the agreement of the Council.

On the motion of Mr Gavin Jennings, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 4 PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Auditor-General — Report on Results of financial statement audits for agencies with other than 30 June 2005 balance dates, and other audits, June 2006.

Forensic Leave Panel — Report, 2005.

**5 MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

**6 PRE-SCHOOL EDUCATION** — The Honourable Peter Hall moved, That this House calls on the Victorian Government to move the responsibility for pre-schools from the Department of Human Services to the Department of School Education.

Debate ensued.

Question — put.

The Council divided.

AYES, 17

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter (*Teller*)  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 Ms Dianne Hadden  
 The Hon. Peter Hall (*Teller*)  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

NOES, 21

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 The Hon. Geoff Hilton  
 Ms Carolyn Hirsh  
 Mr Gavin Jennings  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer (*Teller*)  
 Mr Robert Smith (*Teller*)  
 Mr Adem Somyurek  
 The Hon. Marsha Thomson  
 Mr Matt Viney

And so it passed in the negative.

*Business having been interrupted at 2.08 p.m. pursuant to Sessional Orders —*

**7 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

**8 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 1, be postponed until later this day.

**9 TRANSFER OF LAND (ALPINE RESORTS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

The Honourable David Davis moved, as an amendment, That all the words after "That" be omitted with the view of inserting in their place "this House refuses to read this Bill a second time until the Government provides a guarantee to the Victorian community and key stakeholders that no high level development will be undertaken on Mount Stirling and that Mount Stirling will remain a pristine area administered consistent with the recommendations of the Mount Stirling Environment Effects Statement of May 1996".

Debate ensued.

Question — That the words proposed to be omitted stand part of the question — put.  
The Council divided.

AYES, 22

The Hon. Lidia Argondizzo  
Ms Candy Broad  
The Hon. Helen Buckingham  
Ms Elaine Carbines  
The Hon. Kaye Darveniza  
The Hon. John Eren  
The Hon. Geoff Hilton  
Ms Carolyn Hirsh  
Mr Gavin Jennings  
Mr John Lenders  
The Hon. John McQuilten  
The Hon. Justin Madden  
Ms Jenny Mikakos  
The Hon. Robert Mitchell  
The Hon. Sang Nguyen  
Mr Noel Pullen  
Ms Glenyys Romanes  
Mr Johan Scheffer  
Mr Robert Smith  
Mr Adem Somyurek (*Teller*)  
The Hon. Marsha Thomson  
Mr Matt Viney (*Teller*)

NOES, 19

The Hon. Bruce Atkinson (*Teller*)  
The Hon. W.R. Baxter  
The Hon. Barry Bishop (*Teller*)  
The Hon. Ron Bowden  
The Hon. Andrew Brideson  
The Hon. Andrea Coote  
The Hon. Richard Dalla-Riva  
The Hon. David Davis  
The Hon. Damian Drum  
The Hon. Bill Forwood  
Ms Dianne Hadden  
The Hon. Peter Hall  
The Hon. David Koch  
The Hon. Wendy Lovell  
The Hon. Andrew Olexander  
The Hon. Gordon Rich-Phillips  
The Hon. Graeme Stoney  
The Hon. C.A. Strong  
The Hon. John Vogels

And so it was resolved in the affirmative — Amendment negatived.

Question — That the Bill be now read a second time — put and resolved in the affirmative.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Acting Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**10 STATE TAXATION (REDUCTIONS AND CONCESSIONS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

On the motion of the Honourable W.R. Baxter, the debate was adjourned until the next day of meeting.

**11 ADJOURNMENT** — Mr John Lenders moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 6.23 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 172 — Thursday, 15 June 2006

- 1 The President took the Chair and read the Prayer.
- 2 **PETITION — BURWOOD BUS SERVICE** — The Honourable David Davis presented a Petition bearing 336 signatures from certain citizens of Victoria requesting that the Burwood bus route 700 be restored to its original route, all Sunday bus services be restored, the reduction of Saturday bus services be reversed, full weekday bus services be restored and full night bus services be re-established.

Ordered to lie on the Table.

- 3 **PAPERS — ENVIRONMENT AND NATURAL RESOURCES COMMITTEE — ENERGY SERVICES INDUSTRY** — The Honourable Andrea Coote presented a Report from the Environment and Natural Resources Committee on the Energy Services Industry (including Appendices), together with Minutes of Evidence.

Ordered to lie on the Table and the Report to be printed.

The Honourable Andrea Coote moved, That the Council take note of the Report.

Debate ensued.

Question — put and resolved in the affirmative.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Auditor-General — Report on Protecting our environment and community from failing septic tanks, June 2006.

Commissioner for Environmental Sustainability — Report on Government procurement and environmental sustainability, 2006 (four papers).

Members of Parliament (Register of Interests) Act 1978 — Summary of Variations notified between 1 October 2005 and 14 June 2006.

Multicultural Affairs — Whole of Government Report, 2004-05.

- 4 **SITTING OF THE COUNCIL** — Mr John Lenders moved, That the Council, at its rising, adjourn until Tuesday, 18 July 2006.

Question — put and resolved in the affirmative.

- 5 **STANDING ORDERS COMMITTEE** — Mr John Lenders moved, by leave, That the Resolution of the Council of 24 May 2005, as amended on 23 November 2005, requiring the Standing Orders Committee to undertake a review of the Standing Orders and present its final report to the Council no later than 15 June 2006 be now amended to require the Committee to present the final report no later than 10 August 2006.

Question — put and resolved in the affirmative.

- 6 **MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

- 7 **STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Honourable Members pursuant to Sessional Order 17.

- 8 **VICTORIA RACING CLUB BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Justin Madden moved, That the Bill be now read a second time.

*And the President having ruled the Bill to be a Private Bill —*

The Honourable Justin Madden moved, That the Bill be dealt with as a Public Bill.

Question — put and resolved in the affirmative.

Debate ensued on the question, That the Bill be now read a second time.

Question — That the Bill be now read a second time — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 9 BUILDING AND CONSTRUCTION INDUSTRY SECURITY OF PAYMENT (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Marsha Thomson (for Mr Gavin Jennings) moved, That, pursuant to Sessional Order 34, the second reading speech (except for the statement under section 85 (5) of the *Constitution Act 1975*) be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Marsha Thomson moved, That the Bill be now read a second time.

The Honourable Marsha Thomson made a statement pursuant to section 85 (5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

On the motion of the Honourable Andrea Coote (for the Honourable David Davis), the debate was adjourned until the next day of meeting.

- 10 STATE TAXATION (REDUCTIONS AND CONCESSIONS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

The Honourable Marsha Thomson (for Mr John Lenders), announced that he proposed to move an amendment in Committee and requested that it be circulated, pursuant to Sessional Order 36.

Accordingly, the amendment was circulated.

Debate resumed.

Question — That the Bill be now read a second time — put and resolved in the affirmative.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

The Acting President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill with an amendment, the Report was adopted, and the Bill was read a third and passed.

Ordered — That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with an amendment and desiring their concurrence.

*Business having been interrupted at 2.03 p.m. pursuant to Sessional Orders —*

- 11 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

- 12 APPROPRIATION (2006/2007) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time [the motion to take note of the **Budget Papers 2006-07** having been authorized to be debated concurrently pursuant to an Order of the Council on 13 June 2006].

Question — That the Bill be now read a second time — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 13 BUDGET PAPERS, 2006-07** — The concurrent debate having concluded —  
Question — That the Council take note of the Budget Papers, 2006-07 — put and resolved in the affirmative.
- 14 TRANSPORT LEGISLATION (FURTHER AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Transport Act 1983 to provide for the accrediting of drivers of certain types of vehicles, to confer certain powers on the Director, to make other amendments to the Transport Act 1983, to amend the Rail Corporations Act 1996 with respect to the powers of Rail Track and to make other minor amendments to that Act, to make miscellaneous and minor, and transitional related, amendments to the Rail Safety Act 2006, to make minor amendments to the Transport Legislation (Further Miscellaneous Amendments) Act 2005 and the Public Transport Competition Act 1995 and for other purposes* and desiring the agreement of the Council.  
On the motion of Ms Candy Broad, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 15 ADJOURNMENT** — Mr John Lenders moved, That the House do now adjourn.  
Debate ensued.  
Question — put and resolved in the affirmative.  
And then the Council, at 3.27 p.m., adjourned until Tuesday, 18 July 2006.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*





## LEGISLATIVE COUNCIL

### MINUTES OF THE PROCEEDINGS Nos. 173, 174 and 175

#### No. 173 — Tuesday, 18 July 2006

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council —  
That he had, on 20 June 2006, given the Royal Assent to the undermentioned Acts presented to him by the Speaker of the Legislative Assembly:  
*Appropriation (2006/2007) Act*  
*Appropriation (Parliament 2006/2007) Act.*  
That he had, on 20 June 2006, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:  
*State Taxation (Reductions and Concessions) Act*  
*Transfer of Land (Alpine Resorts) Act*  
*Victoria Racing Club Act.*
- 3 **ACCIDENT COMPENSATION AND OTHER LEGISLATION (AMENDMENT) BILL** —  
The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Accident Compensation Act 1985, the Accident Compensation (WorkCover Insurance) Act 1993, the Emergency Services Superannuation Act 1986, the Transport Accident Act 1986, the Workers Compensation Act 1958 and the Wrongs Act 1958 and for other purposes* and desiring the agreement of the Council.  
On the motion of Mr John Lenders, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **LAND (FURTHER MISCELLANEOUS) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to revoke certain land reservations and Crown grants and for other purposes* and desiring the agreement of the Council.  
On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 5 **CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to protect and promote human rights, to make consequential amendments to certain Acts and for other purposes* and desiring the agreement of the Council.  
On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 6 **ELECTORAL AND PARLIAMENTARY COMMITTEES LEGISLATION (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Electoral Act 2002, the Constitution (Parliamentary Reform) Act 2003 and the Parliamentary Committees Act 2003, to consequentially amend the Constitution Act 1975 and the Magistrates' Court Act 1989 and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 7 LONG SERVICE LEAVE (PRESERVATION OF ENTITLEMENTS) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Long Service Leave Act 1992 and for other purposes* and desiring the agreement of the Council.

On the motion of Mr Gavin Jennings, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 8 GAMBLING REGULATION (FURTHER MISCELLANEOUS AMENDMENTS) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Gambling Regulation Act 2003 in relation to public lotteries and confidentiality, to consequentially amend the Tobacco (Amendment) Act 2005 and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 9 HEALTH LEGISLATION (INFERTILITY TREATMENT AND MEDICAL TREATMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Infertility Treatment Act 1995 and the Medical Treatment Act 1988 and for other purposes* and desiring the agreement of the Council.

On the motion of Mr Gavin Jennings, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 10 STATE TAXATION (REDUCTIONS AND CONCESSIONS) BILL** — The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the amendment made in this Bill by the Council.

- 11 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

- 12 MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

- 13 PETITION — EDUCATION AND TRAINING LEGISLATION** — The Honourable Sang Nguyen presented a Petition bearing 101 signatures from certain citizens of Victoria requesting that any new Education and Training Legislation should — (1) provide adequate public funding that is not restricted to 'Key Learning Areas'; (2) reject any proposed legal endorsement of compulsory fees or voluntary levies; (3) oppose corporate sponsorship and control by private interests; (4) ensure that public funding is not subject to or dependent upon private interests; and (5) ensure separate funding, administration and regulation of public schools from private schools.

Ordered to lie on the Table.

- 14 PAPERS** —

**RURAL AMBULANCE VICTORIA** — Mr Gavin Jennings moved, by leave, That there be laid before this House a copy of the State Services Authority's Interim Report on the Review of the Governance and Effectiveness of Rural Ambulance Victoria.

Question — put and resolved in the affirmative.

The said Report was presented by Mr Gavin Jennings and ordered to lie on the Table.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** —

**ALERT DIGEST** — The Honourable Lidia Argondizzo presented Alert Digest No. 7 of 2006 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

**REGULATIONS ANNUAL REVIEW** — The Honourable Andrew Brideson presented the Annual Review 2005 (including Appendices), from the Scrutiny of Acts and Regulations Committee on Regulations 2005.

Ordered to lie on the Table and to be printed.

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**RURAL AND REGIONAL SERVICES AND DEVELOPMENT COMMITTEE — REGIONAL TELECOMMUNICATIONS INFRASTRUCTURE FOR BUSINESS** —

The Honourable Robert Mitchell presented a Report from the Rural and Regional Services and Development Committee on Regional Telecommunications Infrastructure for Business (including Minority Reports, Appendices and an Extract from the Proceedings of the Committee), together with Minutes of Evidence.

Ordered to lie on the Table and the Report to be printed.

The Honourable Robert Mitchell moved, That the Council take note of the Report.

Debate ensued.

Question — put and resolved in the affirmative.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Auditor-General — Annual Plan, 2006-07.

Crown Land (Reserves) Act 1978 —

Minister's order of 30 May 2006 giving approval for the granting of a lease at Mentone and Mordialloc Beach Park Reserve (three papers).

Minister's order of 20 February 2006 giving approval for the granting of a lease at Point Leo Foreshore Reserve (three papers).

Minister's order of 11 May 2006 giving approval for the granting of a lease at Westerfolds Park Reserve (three papers).

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3)(iii) in relation to Statutory Rule No. 41/2006.

Melbourne Cricket Ground Trust — Minister's report of failure to submit report for 2005-06 to the Minister within the prescribed period and the reasons therefor.

Murray-Darling Basin Act 1993 — Schedule H — Application of Murray-Darling Basin Agreement to Australian Capital Territory, pursuant to section 28(b) of the Act.

National Parks Act 1975 — Minister's notice of 14 June 2006 of consent for petroleum exploration within the Lower Glenelg National Park.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:

Ballarat Planning Scheme — Amendment C94.

Bass Coast Planning Scheme — Amendments C27 Part 1 and C45.

Baw Baw Planning Scheme — Amendment C34.

Bayside Planning Scheme — Amendment C51.

Benalla Planning Scheme — Amendment C15.

Boroondara Planning Scheme — Amendments C51, C56 and C57.

Campaspe Planning Scheme — Amendments C37 and C39.

Cardinia Planning Scheme — Amendments C58 and C78.

Casey Planning Scheme — Amendment C81.

Central Goldfields Planning Scheme — Amendment C6.

Corangamite Planning Scheme — Amendment C14.

Glen Eira Planning Scheme — Amendment C51.

Glenelg Planning Scheme — Amendment C23.

Greater Bendigo Planning Scheme — Amendments C34, C72 and C76.

Greater Dandenong Planning Scheme — Amendment C72.

Greater Geelong Planning Scheme — Amendment C91.

Greater Shepparton Planning Scheme — Amendment C27.

- Planning and Environment Act 1987 — *continued*.  
 Hume Planning Scheme — Amendments C60, C63 and C70.  
 Indigo Planning Scheme — Amendment C33.  
 Kingston Planning Scheme — Amendment C46 Part 2.  
 Macedon Ranges Planning Scheme — Amendment C28.  
 Manningham Planning Scheme — Amendment C56 Parts 1 and 2.  
 Maroondah Planning Scheme — Amendment C47.  
 Melbourne Planning Scheme — Amendments C61 and C107.  
 Moonee Valley Planning Scheme — Amendment C60.  
 Mornington Peninsula Planning Scheme — Amendments C74 Part 1 and C76.  
 Nillumbik Planning Scheme — Amendment C30.  
 Port Phillip Planning Scheme — Amendments C23 and C32.  
 South Gippsland Planning Scheme — Amendments C23 and C38.  
 Wangaratta Planning Scheme — Amendment C23.  
 Warrnambool Planning Scheme — Amendments C21 and C39.  
 Yarra Planning Scheme — Amendment C62.
- State Concessions Act 2004 — Concessions pursuant to section 7 of the Act (five papers).
- Statutory Rules under the following Acts of Parliament:  
 Building Act 1993 — Nos. 68 and 79.  
 Crimes (Assumed Identities) Act 2004 — No. 74.  
 Crimes (Family Violence) Act 1987 — No. 78.  
 Drugs, Poisons and Controlled Substances Act 1981 — No. 70.  
 Environment Protection Act 1970 — No. 65.  
 Evidence Act 1958 — No. 77.  
 Firearms Act 1996 — No. 81.  
 Fisheries Act 1995 — No. 63.  
 Gambling Regulation Act 2003 — No. 71.  
 Infringements Act 2006 — Nos. 75 and 76.  
 Magistrates' Court Act 1989 — Nos. 69, 72, 83 and 87.  
 Planning and Environment Act 1987 — No. 85.  
 Plant Health and Plant Products Act 1995 — No. 62.  
 Prostitution Control Act 1994 — No. 64.  
 Road Safety Act 1986 — No. 82.  
 Surveillance Devices Act 1999 — No. 73.  
 Sustainable Forests (Timber) Act 2004 — No. 84.  
 Terrorism (Community Protection) Act 2003 — No. 80.  
 Transfer of Land Act 1958 — Nos. 66 and 67.  
 Transport Act 1983 — No. 86.
- Subordinate Legislation Act 1994 —  
 Minister's exception certificates under section 8(4) in respect of Statutory Rule Nos. 67, 69, 72, 79, 83, 85 and 87.  
 Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 63, 65, 70, 71 and 78.  
 Minister's infringements offence consultation certificate under section 6A(3) in respect of Statutory Rule No. 86.

\* \* \* \* \*

**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Clerk:

- Crimes (Assumed Identities) Act 2004 — 1 July 2006 (*Gazette No. G26, 29 June 2006*).
- Equal Opportunity and Tolerance Legislation (Amendment) Act 2006 — 30 June 2006 (*Gazette No. G26, 29 June 2006*).

- Evidence (Witness Identity Protection) Act 2004 — 1 July 2006 (*Gazette No. G26, 29 June 2006*).
- Firearms (Further Amendment) Act 2005 — remaining provisions of Part 2 (other than sections 11, 15, 27, 33, 48, 54 and 59) and Part 5 — 1 July 2006 (*Gazette No. G26, 29 June 2006*).
- Guardianship and Administration (Further Amendment) Act 2006 — 15 July 2006 (*Gazette No. G27, 6 July 2006*).
- Infringements Act 2006 — 1 July 2006 (*Gazette No. G26, 29 June 2006*).
- Infringements (Consequential and Other Amendments) Act 2006 — 1 July 2006 (*Gazette No. G26, 29 June 2006*).
- Investigative, Enforcement and Police Powers Acts (Amendment) Act 2005 — Part 9 — 1 July 2006 (*Gazette No. G26, 29 June 2006*).
- Major Crime Legislation (Office of Police Integrity) Act 2004 — section 12 and Parts 6 and 7 — 1 July 2006 (*Gazette No. G26, 29 June 2006*).
- Public Sector Employment (Award Entitlements) Act 2006 — 3 July 2006 (*Gazette No. G25, 22 June 2006*).
- Surveillance Devices (Amendment) Act 2004 — 1 July 2006 (*Gazette No. G26, 29 June 2006*).
- Transport Legislation (Further Miscellaneous Amendments) Act 2005 — Division 1 of Part 9 and section 34 — 31 July 2006 (*Gazette No. G27, 6 July 2006*).

- 15 TRANSPORT LEGISLATION (FURTHER AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden (for Ms Candy Broad) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Justin Madden moved, That the Bill be now read a second time.

On the motion of the Honourable Ron Bowden, the debate was adjourned until later this day.

- 16 BUILDING AND CONSTRUCTION INDUSTRY SECURITY OF PAYMENT (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 17 EVIDENCE (DOCUMENT UNAVAILABILITY) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Evidence Act 1958 and the Victorian Civil and Administrative Tribunal Act 1998 in relation to documents that are unavailable in civil proceedings and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 18 ACCIDENT COMPENSATION AND OTHER LEGISLATION (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John

Lenders moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

Mr John Lenders moved, That the Bill be now read a second time.

On the motion of the Honourable Bruce Atkinson, the debate was adjourned until the next day of meeting.

- 19 LAND (FURTHER MISCELLANEOUS) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

Mr John Lenders moved, That the Bill be now read a second time.

On the motion of the Honourable Graeme Stoney (for the Honourable David Davis), the debate was adjourned until the next day of meeting.

- 20 ELECTORAL AND PARLIAMENTARY COMMITTEES LEGISLATION (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

Mr John Lenders moved, That the Bill be now read a second time.

On the motion of the Honourable C.A. Strong, the debate was adjourned until the next day of meeting.

- 21 HEALTH LEGISLATION (INFERTILITY TREATMENT AND MEDICAL TREATMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr Gavin Jennings moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

Mr Gavin Jennings moved, That the Bill be now read a second time.

On the motion of the Honourable Graeme Stoney (for the Honourable David Davis), the debate was adjourned until the next day of meeting.

- 22 TRANSPORT LEGISLATION (FURTHER AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 23 ADJOURNMENT** — Mr John Lenders moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 6.36 p.m. adjourned until tomorrow.

W.R. TUNNECLIFFE  
Clerk of the Legislative Council

## No. 174 — Wednesday, 19 July 2006

- 1 The President took the Chair and read the Prayer.
- 2 **DRUGS, POISONS AND CONTROLLED SUBSTANCES (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Drugs, Poisons and Controlled Substances Act 1981 in relation to definitions and offences, including new offences, in Part V of that Act, the scheduling of drugs in Schedule Eleven to that Act, search warrants, the disposal or destruction of drugs of dependence and other things in certain circumstances and to provide for authorised police employees to perform specified functions under the Act and for other purposes* and desiring the agreement of the Council.  
On the motion of the Honourable Theo Theophanous, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 3 **COURTS LEGISLATION (NEIGHBOURHOOD JUSTICE CENTRE) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Magistrates' Court Act 1989, the Children and Young Persons Act 1989 and the Children, Youth and Families Act 2005 to establish Neighbourhood Justice Divisions in the Magistrates' Court and the Children's Court and for other purposes* and desiring the agreement of the Council.  
On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 4 **COURTS LEGISLATION (JURISDICTION) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to make miscellaneous amendments to the County Court Act 1958, the Crimes Act 1958, the Crimes (Criminal Trials) Act 1999, the Magistrates' Court Act 1989, the Public Prosecutions Act 1994 and the Sentencing Act 1991, to repeal the Courts (Further Amendment) Act 1986 and for other purposes* and desiring the agreement of the Council.  
On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 5 **PETITIONS** —
- CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES BILL** — The Honourable Richard Dalla-Riva presented a Petition bearing 14 signatures from certain citizens of Victoria requesting that the Charter of Human Rights and Responsibilities Bill be defeated by the Legislative Council.  
Ordered to lie on the Table.  
\* \* \* \* \*
- TRAFFIC LIGHTS ON WESTERN PORT HIGHWAY** — The Honourable Ron Bowden presented a Petition bearing 21 signatures from certain citizens of Victoria requesting that the Victorian Government prevent the installation of traffic lights along the Western Port Highway at Lyndhurst (Dandenong/Hastings Road).  
Ordered to lie on the Table.  
\* \* \* \* \*
- QUEENS ROAD INTERSECTION RIGHT HAND TURNS** — The Honourable Ron Bowden presented a Petition bearing 25 signatures from certain citizens of Victoria requesting that the Victorian Government direct VicRoads to investigate reinstating right hand turns into and out of the Queens Road and Western Port Highway intersection (between Pearcedale and Somerville).  
Ordered to lie on the Table.  
\* \* \* \* \*
- FLUORIDATION OF VICTORIAN WATER SUPPLIES** — Ms. Dianne Hadden presented a Petition bearing 18 signatures from certain citizens of Victoria praying that the Legislative Council of Victoria does not support the addition of fluoride to any

Victorian water supply, including water in the Central Highlands and Grampians Wimmera Mallee regions, in view of current scientific doubts regarding its safety.

Ordered to lie on the Table.

\* \* \* \* \*

**LABURNUM STATION RAILWAY LINE** — The Honourable Bruce Atkinson presented a Petition bearing 949 signatures from certain citizens of Victoria praying that the Minister for Transport amend the plans for a third railway line through Laburnum Station on the Belgrave-Lilydale Line to reflect the needs of the residents in the Blackburn and Laburnum area.

Ordered to lie on the Table.

**6 PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Auditor-General —

Report on Review of major public cemeteries, July 2006.

Report on Vocational education and training: Meeting the skills needs of the manufacturing industry, July 2006.

Interpretation of Legislation Act 1984 —

Notice pursuant to section 32(3)(a)(iii) in relation to Waste Management Policy (Used Packaging Materials).

Notice pursuant to section 32(4)(a)(iii) in relation to Waste Management Policy (Ships' Ballast Water) and 32(3)(a)(iii) in relation to Environment Protection (Ships' Ballast Water) Regulations 2006.

Ombudsman — Conditions for persons in custody, July 2006.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:

Ballarat Planning Scheme — Amendments C82 and C91.

Bass Coast Planning Scheme — Amendment C58.

Brimbank Planning Scheme — Amendment C79.

Darebin Planning Scheme — Amendment C65.

Greater Geelong Planning Scheme — Amendment C101 (Part 1).

Knox Planning Scheme — Amendments C47 and C51.

Mornington Peninsula Planning Scheme — C72.

Nillumbik Planning Scheme — C45.

Statutory Rules under the following Acts of Parliament:

Electoral Act 2002 — No. 89.

Subordinate Legislation Act 1994 — No. 88.

Subordinate Legislation Act 1994 — Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 89.

**7 MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

**8 HEALTH PROFESSIONALS FUNDING** — The Honourable John Vogels moved, That this House condemns the State Government for continuing to under-resource Statewide health needs in the provision of hospital and health service personnel, particularly the positions of medical practitioners, and allied health professionals including podiatry, physiotherapy and public dentistry, which has left many communities at crisis point in the delivery of these essential medical services.

Debate ensued.

Question — put.

The Council divided.

AYES, 17

The Hon. W.R. Baxter  
The Hon. Barry Bishop  
The Hon. Ron Bowden

NOES, 21

The Hon. Lidia Argondizzo  
Ms Candy Broad  
The Hon. Helen Buckingham (*Teller*)



The Hon. Andrew Brideson ( <i>Teller</i> )	Ms Elaine Carbines ( <i>Teller</i> )
The Hon. Andrea Coote	The Hon. Kaye Darveniza
The Hon. Richard Dalla-Riva ( <i>Teller</i> )	The Hon. John Eren
The Hon. David Davis	The Hon. Geoff Hilton
The Hon. Philip Davis	Mr Gavin Jennings
The Hon. Damian Drum	Mr John Lenders
The Hon. Bill Forwood	The Hon. John McQuilten
Ms Dianne Hadden	The Hon. Justin Madden
The Hon. Peter Hall	Ms Jenny Mikakos
The Hon. Wendy Lovell	The Hon. Robert Mitchell
The Hon. Gordon Rich-Phillips	The Hon. Sang Nguyen
The Hon. Graeme Stoney	Ms Glenyys Romanes
The Hon. C.A. Strong	Mr Johan Scheffer
The Hon. John Vogels	Mr Robert Smith
	Mr Adem Somyurek
	The Hon. Theo Theophanous
	The Hon. Marsha Thomson
	Mr Matt Viney

And so it passed in the negative.

*Business having been interrupted at 2.05 p.m. pursuant to Sessional Orders —*

- 9 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.
- 10 EVIDENCE (DOCUMENT UNAVAILABILITY) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.  
Question — put and resolved in the affirmative.  
Mr John Lenders moved, That the Bill be now read a second time.  
On the motion of the Honourable C.A. Strong, the debate was adjourned until the next day of meeting.
- 11 CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.  
Question — put and resolved in the affirmative.  
Mr John Lenders moved, That the Bill be now read a second time.  
On the motion of the Honourable C.A. Strong, the debate was adjourned until the next day of meeting.
- 12 LONG SERVICE LEAVE (PRESERVATION OF ENTITLEMENTS) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for Mr Gavin Jennings) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.  
Question — put and resolved in the affirmative.  
Mr John Lenders moved, That the Bill be now read a second time.  
On the motion of the Honourable C.A. Strong, the debate was adjourned until the next day of meeting.
- 13 GAMBLING REGULATION (FURTHER MISCELLANEOUS AMENDMENTS) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.  
Question — put and resolved in the affirmative.

Mr John Lenders moved, That the Bill be now read a second time.

On the motion of the Honourable Graeme Stoney (for the Honourable Bruce Atkinson), the debate was adjourned until the next day of meeting.

**14 ELECTORAL AND PARLIAMENTARY COMMITTEES LEGISLATION (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**15 CHILDREN, YOUTH AND FAMILIES (CONSEQUENTIAL AND OTHER AMENDMENTS) BILL** — The Acting President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Children, Youth and Families Act 2005 and the Children and Young Persons Act 1989, to amend other Acts as a consequence of the enactment of the Children, Youth and Families Act 2005, to repeal the Adoption (Amendment) Act 1991 and for other purposes* and desiring the agreement of the Council.

On the motion of Ms Candy Broad (for Mr Gavin Jennings), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**16 ACCIDENT COMPENSATION AND OTHER LEGISLATION (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

The Honourable Bruce Atkinson moved, as an amendment, That all the words after “That” be omitted with the view of inserting in their place “this Bill be withdrawn and re-drafted until there has been full consultation with industry associations representing employers”.

Debate ensued.

Question — That the words proposed to be omitted stand part of the question — put.

The Council divided.

AYES, 20

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza (*Teller*)  
 The Hon. John Eren (*Teller*)  
 The Hon. Geoff Hilton  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 The Hon. Andrew Olexander  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson

NOES, 18

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden (*Teller*)  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis (*Teller*)  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. Peter Hall  
 The Hon. Wendy Lovell  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

Mr Matt Viney

And so it was resolved in the affirmative — Amendment negatived.

Question — That the Bill be now read a second time — put and resolved in the affirmative.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Acting Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**17 HEALTH LEGISLATION (INFERTILITY TREATMENT AND MEDICAL TREATMENT)**

**BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**18 CORRECTIONS AND OTHER JUSTICE LEGISLATION (AMENDMENT) BILL** — The

President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Corrections Act 1986, the Serious Sex Offenders Monitoring Act 2005, the Firearms Act 1996 and the Firearms (Further Amendment) Act 2005 and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Marsha Thomson (for the Honourable Theo Theophanous), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**19 LAND (FURTHER MISCELLANEOUS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**20 NATIONAL PARKS AND CROWN LAND (RESERVES) ACTS (AMENDMENT)**

**BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the National Parks Act 1975 to make further provision for parks under that Act, to amend the Crown Land (Reserves) Act 1978 to make further provision for reserves under that Act, to make other amendments to those Acts, to amend the Heritage Rivers Act 1992 and the Mineral Resources Development Act 1990 and for other purposes* and desiring the agreement of the Council.

On the motion of Mr John Lenders (for Ms Candy Broad), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**21 ADJOURNMENT** — Mr John Lenders moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 10.03 p.m., adjourned until tomorrow.

## No. 175 — Thursday, 20 July 2006

- 1 The President took the Chair and read the Prayer.
- 2 **HEALTH SERVICES (SUPPORTED RESIDENTIAL SERVICES) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Health Services Act 1988 and for other purposes* and desiring the agreement of the Council.  
On the motion of Mr Gavin Jennings, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 3 **PAPERS** —  
**CHILDREN'S COURT OF VICTORIA** — The Honourable Justin Madden presented by command of the Governor, the Report of the Children's Court of Victoria for the year 2004-05.  
Ordered to lie on the Table.  
**STANDING ORDERS COMMITTEE — REVIEW OF THE JOINT STANDING ORDERS** — On behalf of the President (Chair), Ms Glenyys Romanes presented a Report from the Standing Orders Committee on a Review of the Joint Standing Orders of the Parliament of Victoria (including Appendices).  
Ordered to lie on the Table and to be printed.  
Ms Glenyys Romanes moved, That the Council take note of the Report.  
Debate ensued.  
Question — put and resolved in the affirmative.  
\* \* \* \* \*
- PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:  
Auditor-General — Report on Making travel safer: Victoria's speed enforcement program, July 2006.  
Terrorism (Community Protection) Act 2003 — Report on Powers under the Act for 2005-06 pursuant to sections 13ZR and 21M of the Act.
- 4 **SITTING OF THE COUNCIL** — Mr John Lenders moved, That the Council, at its rising, adjourn until Tuesday, 8 August 2006.  
Question — put and resolved in the affirmative.
- 5 **MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.
- 6 **STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Honourable Members pursuant to Sessional Order 17.
- 7 **DRUGS, POISONS AND CONTROLLED SUBSTANCES (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Theo Theophanous moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.  
Question — put and resolved in the affirmative.  
The Honourable Theo Theophanous moved, That the Bill be now read a second time.  
On the motion of the Honourable David Davis, the debate was adjourned until the next day of meeting.
- 8 **COURTS LEGISLATION (NEIGHBOURHOOD JUSTICE CENTRE) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Theo Theophanous (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Theo Theophanous moved, That the Bill be now read a second time.

On the motion of the Honourable C.A. Strong, the debate was adjourned until the next day of meeting.

- 9 COURTS LEGISLATION (JURISDICTION) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Theo Theophanous (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Theo Theophanous moved, That the Bill be now read a second time.

On the motion of the Honourable C.A. Strong, the debate was adjourned until the next day of meeting.

- 10 NATIONAL PARKS AND CROWN LAND (RESERVES) ACTS (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Theo Theophanous (for Ms Candy Broad) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Theo Theophanous moved, That the Bill be now read a second time.

On the motion of the Honourable David Davis, the debate was adjourned until the next day of meeting.

- 11 CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

The Honourable C.A. Strong moved, as an amendment, That all the words after “That” be omitted with the view of inserting in their place “this House refuses to read this Bill a second time until the views of all Victorians on the proposed charter are determined by referendum”.

Debate ensued.

*Business having been interrupted at 2.03 p.m. pursuant to Sessional Orders —*

- 12 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

- 13 CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES BILL** — Debate continued on the question, That the Bill be now read a second time and on the reasoned amendment moved by the Honourable C.A. Strong, That all the words after “That” be omitted with the view of inserting in their place “this House refuses to read this Bill a second time until the views of all Victorians on the proposed charter are determined by referendum”.

Question — That the words proposed to be omitted stand part of the question — put.

The Council divided.

AYES, 21

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 The Hon. Geoff Hilton (*Teller*)  
 Mr Gavin Jennings  
 Mr John Lenders

NOES, 18

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis

The Hon. John McQuilten (*Teller*)  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

The Hon. Damian Drum  
 The Hon. Bill Forwood (*Teller*)  
 Ms Dianne Hadden  
 The Hon. Peter Hall  
 The Hon. Wendy Lovell (*Teller*)  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative — Amendment negated.

Question — That the Bill be now read a second time — put.

The Council divided.

AYES, 21

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 The Hon. Geoff Hilton  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos (*Teller*)  
 The Hon. Robert Mitchell (*Teller*)  
 The Hon. Sang Nguyen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

NOES, 18

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum (*Teller*)  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. Peter Hall  
 The Hon. Wendy Lovell  
 The Hon. Gordon Rich-Phillips (*Teller*)  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative.

Bill read a second time.

Mr John Lenders moved, by leave, That the Bill be now read a third time.

Question — That the Bill be now read a third time and that the Bill do pass — put.

The Council divided.

AYES, 21

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 The Hon. Geoff Hilton  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden

NOES, 18

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood

Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen (*Teller*)  
 Ms Glenyys Romanes  
 Mr Johan Scheffer (*Teller*)  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

Ms Dianne Hadden  
 The Hon. Peter Hall (*Teller*)  
 The Hon. Wendy Lovell  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong (*Teller*)  
 The Hon. John Vogels

And so it was resolved in the affirmative.

Bill read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 14 CHILDREN, YOUTH AND FAMILIES (CONSEQUENTIAL AND OTHER AMENDMENTS) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for Mr Gavin Jennings) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

Mr John Lenders moved, That the Bill be now read a second time.

On the motion of the Honourable Andrea Coote, the debate was adjourned until the next day of meeting.

- 15 CORRECTIONS AND OTHER JUSTICE LEGISLATION (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Theo Theophanous) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

Mr John Lenders moved, That the Bill be now read a second time.

On the motion of the Honourable Andrea Coote (for the Honourable Richard Dalla-Riva), the debate was adjourned until the next day of meeting.

- 16 LONG SERVICE LEAVE (PRESERVATION OF ENTITLEMENTS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put.

The Council divided.

AYES, 28

The Hon. Lidia Argondizzo  
 The Hon. Ron Bowden  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. Kaye Darveniza  
 The Hon. Philip Davis  
 The Hon. John Eren  
 The Hon. Geoff Hilton  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden

NOES, 4

The Hon. W.R. Baxter (*Teller*)  
 The Hon. Barry Bishop (*Teller*)  
 The Hon. Damian Drum  
 The Hon. Peter Hall

Ms Jenny Mikakos  
The Hon. Robert Mitchell  
The Hon. Sang Nguyen  
The Hon. Gordon Rich-Phillips  
Ms Glenyys Romanes  
Mr Johan Scheffer  
Mr Robert Smith (*Teller*)  
Mr Adem Somyurek  
The Hon. C.A. Strong  
The Hon. Theo Theophanous  
The Hon. Marsha Thomson  
Mr Matt Viney  
The Hon. John Vogels (*Teller*)

And so it was resolved in the affirmative.

Bill read a second time.

Ordered — That the Bill be committed to a Committee of the whole on the next day of meeting.

*Business having been interrupted by the President at 4.30 p.m. pursuant to Sessional Order 14—*

**17 ADJOURNMENT** — The President proposed the question, That the House do now adjourn.

Debate ensued.

And then the Council, at 4.45 p.m., adjourned until Tuesday, 8 August 2006.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*





## LEGISLATIVE COUNCIL

### MINUTES OF THE PROCEEDINGS Nos. 176, 177 and 178

#### No. 176 — Tuesday, 8 August 2006

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 25 July 2006, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:  
*Accident Compensation and Other Legislation (Amendment) Act*  
*Building and Construction Industry Security of Payment (Amendment) Act*  
*Charter of Human Rights and Responsibilities Act*  
*Electoral and Parliamentary Committees Legislation (Amendment) Act*  
*Health Legislation (Infertility Treatment and Medical Treatment) Act*  
*Land (Further Miscellaneous) Act*  
*Transport Legislation (Further Amendment) Act.*
- 3 **SNOWY HYDRO CORPORATISATION (PARLIAMENTARY APPROVAL) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill to amend the Snowy Hydro Corporatisation Act 1997 to prevent the sale of shares in Snowy Hydro Limited held by the State of Victoria without the approval of both Houses of Parliament and for other purposes and desiring the agreement of the Council.  
On the motion of Ms. Candy Broad, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 4 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.
- 5 **MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.
- 6 **PAPERS** —  
**OUTER SUBURBAN / INTERFACE SERVICES AND DEVELOPMENT COMMITTEE — BUILDING NEW COMMUNITIES** — The Honourable Lidia Argondizzo presented a Report from the Outer Suburban / Interface Services and Development Committee on Building New Communities (including Appendices), together with Minutes of Evidence.  
Ordered to lie on the Table and the Report to be printed.  
The Honourable Lidia Argondizzo moved, That the Council take note of the Report.  
Debate ensued.  
Question — put and resolved in the affirmative.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — The Honourable Lidia Argondizzo presented Alert Digest No. 8 of 2006 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Asset Confiscation Operations — Activities Summary and Report to Attorney-General, 2004-05.

EastLink Project Act 2004 — Order in Council of 12 July 2006 pursuant to section 7(6) of the Act.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3)(a)(iii) in relation to Statutory Rule No. 154/2005.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:

Ararat Planning Scheme — Amendment C7.

Bayside Planning Scheme — Amendment C39 Part 1.

Casey Planning Scheme — Amendments C76 and C87.

Central Goldfields Planning Scheme — Amendment C9.

Greater Bendigo Planning Scheme — Amendment C83.

Greater Shepparton Planning Scheme — Amendment C66.

Kingston Planning Scheme — Amendments C33, C57 and C61.

Knox Planning Scheme — Amendment C53.

Melbourne Planning Scheme — Amendment C119.

Mildura Planning Scheme — Amendment C36.

Moonee Valley Planning Scheme — Amendment C72.

Moyne Planning Scheme — Amendment C3.

Murrindindi Planning Scheme — Amendment C14 and C18.

Stonnington Planning Scheme — Amendment C49.

Strathbogie Planning Scheme — Amendment C34.

Whittlesea Planning Scheme — Amendments C37 and C78.

Wyndham Planning Scheme — Amendments C65 and C77.

Yarra Ranges Planning Scheme — Amendments C34 and C54.

Statutory Rules under the following Acts of Parliament:

Administration and Probate Act 1958 — No. 90.

Consumer Credit (Victoria) Act 1995 — No. 95.

Rail Safety Act 2006 — No. 96.

Retirement Villages Act 1986 — No. 93.

Second-Hand Dealers and Pawnbrokers Act 1989 — No. 94.

Subordinate Legislation Act 1994 — No. 92.

Supreme Court Act 1986 — Nos. 97 and 98.

Zoological Parks and Gardens Act 1995 — No. 91.

Subordinate Legislation Act 1994 —

Ministers' exception certificates under section 8(4) in respect of Statutory Rule Nos. 91, 92 and 97.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 75, 76, 93, 94 and 95.

Water Act 1989 — Katunga Water Supply Protection Area Groundwater Management Plan 2006.

\* \* \* \* \*

**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Clerk:

Rail Safety Act 2006 — Section 147 — 25 July 2006 — Remaining provisions (except sections 122 and 123) — 1 August 2006 (*Gazette No. S181, 25 July 2006*).

Transport Legislation (Safety Investigations) Act 2006 — 1 August 2006 (*Gazette No. G30, 27 July 2006*).

Victoria Racing Club Act 2006 — 1 August 2006 (*Gazette No. G30, 27 July 2006*).

Water (Resource Management) Act 2005 — Remaining provisions (except sections 58 and 69) — 3 August 2006 (*Gazette No. S191, 2 August 2006*).

- 7 HEALTH SERVICES (SUPPORTED RESIDENTIAL SERVICES) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr Gavin Jennings moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

Mr Gavin Jennings moved, That the Bill be now read a second time.

On the motion of the Honourable Graeme Stoney (for the Honourable David Davis), the debate was adjourned until the next day of meeting.

- 8 LONG SERVICE LEAVE (PRESERVATION OF ENTITLEMENTS) BILL** — The Order of the Day having been read for the committal of this Bill to a Committee of the whole, the President left the Chair.

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the House adopted the Report, and the Bill was read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 9 GAMBLING REGULATION (FURTHER MISCELLANEOUS AMENDMENTS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — That the Bill be now read a second time — put.

The Council divided.

AYES, 26

The Hon. Lidia Argondizzo  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. Damian Drum  
 The Hon. John Eren  
 The Hon. Peter Hall  
 The Hon. Geoff Hilton  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Andrew Olexander  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek (*Teller*)  
 The Hon. Theo Theophanous

NOES, 14

The Hon. Bruce Atkinson (*Teller*)  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. David Koch (*Teller*)  
 The Hon. Wendy Lovell  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

The Hon. Marsha Thomson  
Mr Matt Viney (*Teller*)

And so it was resolved in the affirmative.

Bill read a second time.

The Honourable Justin Madden moved, by leave, That the Bill be now read a third time.

Question — That the Bill be now read a third time and that the Bill do pass — put.

The Council divided.

AYES, 26

The Hon. Lidia Argondizzo  
The Hon. W.R. Baxter  
The Hon. Barry Bishop  
Ms Candy Broad  
The Hon. Helen Buckingham (*Teller*)  
Ms Elaine Carbines  
The Hon. Kaye Darveniza  
The Hon. Damian Drum (*Teller*)  
The Hon. John Eren  
The Hon. Peter Hall  
The Hon. Geoff Hilton  
Mr Gavin Jennings  
Mr John Lenders  
The Hon. John McQuilten  
The Hon. Justin Madden  
Ms Jenny Mikakos  
The Hon. Robert Mitchell  
The Hon. Andrew Olexander  
Mr Noel Pullen  
Ms Glenyys Romanes  
Mr Johan Scheffer  
Mr Robert Smith  
Mr Adem Somyurek  
The Hon. Theo Theophanous  
The Hon. Marsha Thomson  
Mr Matt Viney

NOES, 14

The Hon. Bruce Atkinson  
The Hon. Ron Bowden (*Teller*)  
The Hon. Andrew Brideson (*Teller*)  
The Hon. Richard Dalla-Riva  
The Hon. David Davis  
The Hon. Philip Davis  
The Hon. Bill Forwood  
Ms Dianne Hadden  
The Hon. David Koch  
The Hon. Wendy Lovell  
The Hon. Gordon Rich-Phillips  
The Hon. Graeme Stoney  
The Hon. C.A. Strong  
The Hon. John Vogels

And so it was resolved in the affirmative.

Bill read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**10 DRUGS, POISONS AND CONTROLLED SUBSTANCES (AMENDMENT) BILL —**

The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**11 MINERAL RESOURCES DEVELOPMENT (SUSTAINABLE DEVELOPMENT) BILL —**

The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Mineral Resources Development Act 1990 and the Environment Protection Act 1970 and to make consequential amendments to other Acts and for other purposes* and desiring the agreement of the Council.

On the motion of Mr John Lenders (for the Honourable Theo Theophanous), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**12 ENERGY LEGISLATION (HARDSHIP, METERING AND OTHER MATTERS) BILL —**

The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Electricity Industry Act 2000, the Energy Safe Victoria Act 2005, the Gas Industry Act 2001 and the Pipelines Act 2005 and for other purposes* and desiring the agreement of the Council.

On the motion of Mr John Lenders (for the Honourable Theo Theophanous), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**13 COURTS LEGISLATION (NEIGHBOURHOOD JUSTICE CENTRE) BILL —**

The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — That the Bill be now read a second time — put.

The Council divided.

AYES, 27

The Hon. Lidia Argondizzo  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines (*Teller*)  
 The Hon. Kaye Darveniza (*Teller*)  
 The Hon. Damian Drum  
 The Hon. John Eren  
 Ms Dianne Hadden  
 The Hon. Peter Hall  
 The Hon. Geoff Hilton  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Andrew Olexander  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

NOES, 14

The Hon. Bruce Atkinson  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva (*Teller*)  
 The Hon. David Davis (*Teller*)  
 The Hon. Philip Davis  
 The Hon. Bill Forwood  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative.

Bill read a second time.

The Honourable Justin Madden moved, by leave, That the Bill be now read a third time.

Question — That the Bill be now read a third time and that the Bill do pass — put.

The Council divided.

## AYES, 27

The Hon. Lidia Argondizzo  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. Damian Drum  
 The Hon. John Eren (*Teller*)  
 Ms Dianne Hadden (*Teller*)  
 The Hon. Peter Hall  
 The Hon. Geoff Hilton  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Andrew Olexander  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

And so it was resolved in the affirmative.

Bill read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 14 CORONERS AND HUMAN TISSUE ACTS (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Coroners Act 1985 and the Human Tissue Act 1982 and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

*Business having been interrupted by the President at 10.05 p.m. pursuant to Sessional Order 14* —

- 15 ADJOURNMENT** — The President proposed the question, That the House do now adjourn.

Debate ensued.

And then the Council, at 10.39 p.m., adjourned until tomorrow.

## NOES, 14

The Hon. Bruce Atkinson  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Bill Forwood (*Teller*)  
 The Hon. David Koch (*Teller*)  
 The Hon. Wendy Lovell  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

W.R. TUNNECLIFFE  
 Clerk of the Legislative Council

## No. 177 — Wednesday, 9 August 2006

1 The President took the Chair and read the Prayer.

2 **PETITIONS —**

**BAXTER-TOORADIN, HAWKINS AND FULTONS ROAD INTERSECTION** — The Honourable Ron Bowden presented a Petition bearing 17 signatures from certain citizens of Victoria requesting that the Victorian Government urgently upgrade the Baxter-Tooradin, Hawkins and Fultons Road intersection in the suburb of Baxter so that Hawkins Road and Fultons Road are aligned and that the railway crossing along Baxter-Tooradin Road is widened to safely accommodate pedestrian traffic.

Ordered to lie on the Table.

\* \* \* \* \*

**QUEENS ROAD INTERSECTION RIGHT HAND TURNS** — The Honourable Ron Bowden presented a Petition bearing 46 signatures from certain citizens of Victoria requesting that the Victorian Government direct VicRoads to investigate reinstating right hand turns into and out of the Queens Road and Western Port Highway intersection (between Pearcedale and Somerville).

Ordered to lie on the Table.

\* \* \* \* \*

**WESTERN PORT HIGHWAY ROUNDABOUT** — The Honourable Ron Bowden presented a Petition bearing 65 signatures from certain citizens of Victoria requesting that the Victorian Government install a roundabout at the North Road – Western Port Highway intersection to enable safer access to Western Port Highway for motorists and local residents.

Ordered to lie on the Table.

\* \* \* \* \*

3 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Freedom of Information Act 1982 — Statement of reasons pursuant to section 65AB(2) of the Act.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(4)(a)(iii) in relation to the Building Code of Australia 2006.

Statutory Rules under the following Acts of Parliament:

Estate Agents Act 1980 — No. 100.

Retirement Villages Act 1986 — No. 99.

\* \* \* \* \*

4 **MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

5 **MEMBER FOR IVANHOE** — The Honourable Bill Forwood moved, That this House expresses its grave concern at the —

(1) actions of the Member for Ivanhoe in —

(a) sending more than 20 official ALP Ivanhoe State Electorate Campaign Committee (SECC) invoices to the Bell Street Mall Traders Association marked "Campaign Contribution" in the period from 1997 to 2005; and

(b) invoicing the Mall Traders for \$700 in May 2005 through the SECC, and then as an authorised committee member of the Mall Traders first requesting a Trader's cheque for \$700 and then himself being the first signatory on cheque number 000892, paying an ALP invoice he himself had originally raised; and the

(2) lack of action taken by the Parliament and the Government to investigate and resolve this matter and other electorate office issues;

and calls on the Member for Ivanhoe to —

- (1) explain to the community what services the ALP Ivanhoe SECC provided to the Mall Traders to warrant the payment of thousands of dollars of Banyule City Council ratepayers' funds to the ALP;
- (2) explain why he permitted the use of his Electorate Office by the Mall Traders co-ordinator, Cassandra Kemp, a long time ALP member; and
- (3) explain why no funds were reimbursed to the Department of Parliamentary Services as a result of the use of his Parliamentary funded electorate office by the Mall Traders co-ordinator, despite the receipt of thousands of dollars of Banyule City Council ratepayers' funds by the ALP Ivanhoe SECC.

Debate ensued.

Question — put.

The Council divided.

AYES, 19

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell (*Teller*)  
 The Hon. Gordon Rich-Phillips (*Teller*)  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

NOES, 21

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 The Hon. Geoff Hilton (*Teller*)  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten (*Teller*)  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

And so it passed in the negative.

- 6 **BUSINESS POSTPONED** — Ordered — That the consideration of the remaining Notices of Motion and Orders of the Day, General Business, be postponed until the next day of meeting.
- 7 **CORONERS AND HUMAN TISSUE ACTS (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.  
 Question — put and resolved in the affirmative.  
 Mr John Lenders moved, That the Bill be now read a second time.  
 On the motion of the Honourable Andrea Coote (for the Honourable David Davis), the debate was adjourned until the next day of meeting.
- 8 **SNOWY HYDRO CORPORATISATION (PARLIAMENTARY APPROVAL) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for Ms Candy Broad) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.



Question — put and resolved in the affirmative.

Mr John Lenders moved, That the Bill be now read a second time.

On the motion of the Honourable Andrea Coote (for the Honourable Philip Davis), the debate was adjourned until the next day of meeting.

**9 MINERAL RESOURCES DEVELOPMENT (SUSTAINABLE DEVELOPMENT)**

**BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Theo Theophanous) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

Mr John Lenders moved, That the Bill be now read a second time.

On the motion of the Honourable Andrea Coote (for the Honourable Philip Davis), the debate was adjourned until the next day of meeting.

**10 ENERGY LEGISLATION (HARDSHIP, METERING AND OTHER MATTERS) BILL** —

The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Theo Theophanous) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

Mr John Lenders moved, That the Bill be now read a second time.

On the motion of the Honourable Andrea Coote (for the Honourable Philip Davis), the debate was adjourned until the next day of meeting.

**11 EVIDENCE (DOCUMENT UNAVAILABILITY) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**12 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 6 to 8 inclusive, be postponed until later this day.

**13 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

**14 CORRECTIONS AND OTHER JUSTICE LEGISLATION (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**15 HEALTH SERVICES (SUPPORTED RESIDENTIAL SERVICES) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**16 COURTS LEGISLATION (JURISDICTION) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**17 WORLD SWIMMING CHAMPIONSHIPS (AMENDMENT) BILL** — The Acting President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the World Swimming Championships Act 2004 to provide for the management and regulation of venues and areas to be used for the World Swimming Championships, to facilitate the carrying out of works for events and the conduct of events, including crowd management, to provide for other related matters associated with the World Swimming Championships and for other purposes* and desiring the concurrence of the Council.

On the motion of the Honourable Marsha Thomson (for the Honourable Justin Madden), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**18 CHILDREN, YOUTH AND FAMILIES (CONSEQUENTIAL AND OTHER AMENDMENTS) BILL**— The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**19 JOINT STANDING ORDERS** — The Acting President announced the receipt of a Message from the Assembly acquainting the Council that they had adopted the Joint Standing Orders and Joint Rules of Practice as recommended by the Standing Orders Committee, with amendments, to take effect from the start of the 56<sup>th</sup> Parliament and desiring the agreement of the Council.

Ordered — That the Message be taken into consideration on the next day of meeting.

**20 NATIONAL PARKS AND CROWN LAND (RESERVES) ACTS (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

On the motion of the Honourable W.R. Baxter (for the Honourable Peter Hall), the debate was adjourned until the next day of meeting.

**21 ADJOURNMENT** — The Honourable Marsha Thomson moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 9.08 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 178 — Thursday, 10 August 2006

1 The President took the Chair and read the Prayer.

2 **PETITIONS —**

**STUD ROAD DUPLICATION** — The Honourable Bruce Atkinson presented a Petition bearing 4 signatures from certain citizens of Victoria praying for the immediate duplication of Stud Road, Bayswater, between Boronia Road and Mountain Highway.

Ordered to lie on the Table.

\* \* \* \* \*

**CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES BILL** — The Honourable David Koch presented a Petition bearing 14 signatures from certain citizens of Victoria requesting that the Charter of Human Rights and Responsibilities Bill be defeated by the Legislative Council.

Ordered to lie on the Table.

3 **PAPERS —**

**MINISTERIAL INTERVENTION IN PLANNING MATTERS** — The Honourable Justin Madden moved, by leave, That there be laid before this House a copy of a Statement on Ministerial Intervention in Planning Matters for the period May 2005 to April 2006.

Question — put and resolved in the affirmative.

The said Report was presented by the Honourable Justin Madden and ordered to lie on the Table.

\* \* \* \* \*

**ECONOMIC DEVELOPMENT COMMITTEE — STANDARDBRED BREEDING INDUSTRY** — Mr Noel Pullen presented a Report from the Economic Development Committee on the Standardbred Breeding Industry and Associated Industry Issues (including Appendices).

Ordered to lie on the Table and to be printed.

Mr Noel Pullen moved, That the Council take note of the Report.

Debate ensued.

Question — put and resolved in the affirmative.

\* \* \* \* \*

4 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

EastLink Project Act 2004 — Statements of Variation, pursuant to section 21(3) of the Act (two papers).

Essential Services Commission — Final Report on the Grain Handling Access Regime, June 2006.

Murray-Darling Basin Act 1993 — Revised Schedule C — Basin Salinity Management Strategy — Revised Schedule E — Transferring Water Entitlements and Allocations pursuant to section 28 (b) of the Act (two papers).

Parliamentary Committees Act 2003 — Government response to recommendations in the Public Accounts and Estimates Committee's Reports on a Legislative Framework for Independent Officers of Parliament.

Surveyor-General — Report on the Administration of the *Survey Co-ordination Act 1958* for 2005-06.

5 **SITTING OF THE COUNCIL** — Ms Candy Broad moved, That the Council, at its rising, adjourn until Tuesday, 22 August 2006.

Question — put and resolved in the affirmative.

- 6 MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.
- 7 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Honourable Members pursuant to Sessional Order 17.
- 8 STANDING ORDERS COMMITTEE** — The Honourable Theo Theophanous moved, That the Resolution of the Council of 15 June 2006, requiring the Standing Orders Committee to undertake a review of the Standing Orders and present its final report to the Council no later than 10 August 2006 be now amended to require the Committee to present the final report no later than 24 August 2006.  
Question — put and resolved in the affirmative.
- 9 MINISTERIAL STATEMENT — LOCAL GOVERNMENT: RECOGNITION, REFORM AND PARTNERSHIP** — Ms Candy Broad made a Ministerial Statement in relation to governments working together for stronger communities and better services.  
The Honourable John Vogels moved, That the Council take note of the Ministerial Statement.  
Debate ensued.  
Question — put and resolved in the affirmative.
- 10 WORLD SWIMMING CHAMPIONSHIPS (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr Gavin Jennings (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.  
Question — put and resolved in the affirmative.  
Mr Gavin Jennings moved, That the Bill be now read a second time.  
On the motion of the Honourable Bruce Atkinson, the debate was adjourned until the next day of meeting.
- 11 NATIONAL PARKS AND CROWN LAND (RESERVES) ACTS (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.  
Debate resumed.  
Question — put and resolved in the affirmative.  
Bill read a second time and, by leave, read a third time and passed.  
Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 12 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03.  
**ENERGY DISCONNECTION POLICIES** — The Honourable Theo Theophanous having given an answer to a question without notice relating to energy disconnection and hardship policies —  
Ms Dianne Hadden moved, That the Minister's answer be taken into consideration on the next day of meeting.  
Question — put and resolved in the affirmative.  
**QUESTIONS** — Questions without notice continued and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.
- 13 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 3, be postponed until the next day of meeting.
- 14 SNOWY HYDRO CORPORATISATION (PARLIAMENTARY APPROVAL) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.  
Debate resumed.

The Honourable Peter Hall announced that he proposed to move amendments in Committee and requested that they be circulated pursuant to Sessional Order 36.

Accordingly, the amendments were circulated.

Debate continued.

*Business having been interrupted by the Deputy President at 4.30 p.m. pursuant to Sessional Order 14, the debate stood adjourned in the name of the Honourable W.R. Baxter.*

**15 ENVIRONMENT PROTECTION (AMENDMENT) BILL** — The Deputy President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Environment Protection Act 1970 to make further provision for the protection of the environment and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Justin Madden (for Ms Candy Broad), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**16 VICTIMS' CHARTER BILL** — The Deputy President announced the receipt of a Message from the Assembly presenting a Bill *to recognise principles governing the response to victims of crime by the criminal justice system and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**17 VICTORIAN RENEWABLE ENERGY BILL** — The Deputy President announced the receipt of a Message from the Assembly presenting a Bill *to promote the development of renewable energy generation through the establishment of a scheme that provides for the creation and acquisition of renewable energy certificates and requires the surrender of renewable energy certificates and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Justin Madden (for the Honourable Theo Theophanous), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**18 ADJOURNMENT** — The Deputy President proposed the question, That the House do now adjourn.

Debate ensued.

And then the Council, at 4.55 p.m., adjourned until Tuesday, 22 August 2006.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS Nos. 179, 180 and 181

### No. 179 — Tuesday, 22 August 2006

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 15 August 2006, given the Royal Assent to the undermentioned Acts presented to him by the Deputy Clerk of the Legislative Council for and in the absence of the Clerk of the Parliaments:  
*Children, Youth and Families (Consequential and Other Amendments) Act*  
*Corrections and Other Justice Legislation (Amendment) Act*  
*Courts Legislation (Jurisdiction) Act*  
*Courts Legislation (Neighbourhood Justice Centre) Act*  
*Drugs, Poisons and Controlled Substances (Amendment) Act*  
*Evidence (Document Unavailability) Act*  
*Gambling Regulation (Further Miscellaneous Amendments) Act*  
*Health Services (Supported Residential Services) Act*  
*Long Service Leave (Preservation of Entitlements) Act*  
*National Parks and Crown Land (Reserves) Acts (Amendment) Act.*
- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.
- 4 **MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.
- 5 **PETITION — CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES BILL** — The Honourable W.R. Baxter presented a Petition bearing 32 signatures from certain citizens of Victoria requesting that the Charter of Human Rights and Responsibilities Bill be defeated by the Legislative Council.  
Ordered to lie on the Table.
- 6 **PAPERS** —  
**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — The Honourable Lidia Argondizzo presented Alert Digest No. 9 of 2006 (including Appendices) from the Scrutiny of Acts and Regulations Committee.  
Ordered to lie on the Table and to be printed.

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**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Crown Land (Reserves) Act 1978 — Minister's orders of 22 and 23 July 2006 giving approval for the granting of leases at Geelong Botanical Gardens and Recreation Reserve (six papers).

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:

Planning and Environment Act 1987 — *continued*.

Ballarat Planning Scheme — Amendment C100.

Benalla Planning Scheme — Amendment C17.

Cardinia Planning Scheme — Amendment C75.

Golden Plains Planning Scheme — Amendment C21.

Greater Bendigo Planning Scheme — Amendment C65.

Greater Dandenong Planning Scheme — Amendment C46.

Melbourne Planning Scheme — Amendment C113.

Mildura Planning Scheme — Amendment C33.

Mornington Planning Scheme — Amendment C68 Part 1.

Mount Alexander Planning Scheme — Amendment C35.

Port of Melbourne Planning Scheme — Amendment L38.

Southern Grampians Planning Scheme — Amendment C12.

Stonnington Planning Scheme — Amendment C60.

Surf Coast Planning Scheme — Amendment C30.

Warrnambool Planning Scheme — Amendment C49.

Whitehorse Planning Scheme — Amendment C50 Part 1.

Whittlesea Planning Scheme — Amendment C67.

Wyndham Planning Scheme — Amendment C75.

Psychologists Registration Board of Victoria —

Minister's report of failure to submit report for 2005 to the Minister within the prescribed period and the reasons therefor.

Minister's report of receipt of 2005 report.

Statutory Rules under the following Acts of Parliament:

Domestic (Feral and Nuisance) Animals Act 1994 — No. 101.

Supreme Court Act 1986 — No. 102.

Subordinate Legislation Act 1994 — Minister's certificate of exemption under section 9(6) in respect of Statutory Rule No. 101.

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**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid upon the table by the Clerk:

Transport Legislation (Further Amendment) Act 2006 — Section 16, section 17, section 20 (except sub-sections (2)(b) and (3)), section 21 (except sub-section (2)(b)), section 24(3) (except paragraphs (b) and (c)), section 25 (except sub-section (2)(b)), section 26 (except sub-sections (2) and (3)(b)), section 27, section 28 (except sub-sections (2) and (3)(b)), section 31(1), section 31(2), section 35(1) and section 35(3) of that Act and Schedule 1 — 8 August 2006 (*Gazette No. S199, 8 August 2006*).

Transport Legislation (Further Miscellaneous Amendments) Act 2005 — Section 41 and sections 43 to 47 — 8 August 2006 (*Gazette No. S199, 8 August 2006*).

Veterans Act 2005 — Remaining provisions — 21 August 2006 (*Gazette No. G33, 17 August 2006*).

**7 ENVIRONMENT PROTECTION (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr Gavin Jennings (for Ms Candy Broad) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

Mr Gavin Jennings moved, That the Bill be now read a second time.

On the motion of the Honourable Graeme Stoney (for the Honourable David Davis), the debate was adjourned until the next day of meeting.

**8 VICTIMS' CHARTER BILL** — The Order of the Day having been read for the second reading of this Bill, Mr Gavin Jennings (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

Mr Gavin Jennings moved, That the Bill be now read a second time.

On the motion of the Honourable Bruce Atkinson (for the Honourable Richard Dalla-Riva), the debate was adjourned until the next day of meeting.

- 9 VICTORIAN RENEWABLE ENERGY BILL** — The Order of the Day having been read for the second reading of this Bill, Mr Gavin Jennings (for the Honourable Theo Theophanous) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

Mr Gavin Jennings moved, That the Bill be now read a second time.

On the motion of the Honourable Graeme Stoney (for the Honourable Philip Davis), the debate was adjourned until the next day of meeting.

- 10 JOINT STANDING ORDERS** — The Order of the Day having been read for the consideration of the Message from the Assembly relating to the adoption of the Joint Standing Orders and Joint Rules of Practice and seeking the agreement of the Council —

Mr John Lenders moved, That the Council concur with the Assembly and agree to adopt the Joint Standing Orders and Joint Rules of Practice as recommended by the Standing Orders Committee, with the amendments made by the Legislative Assembly, to take effect from the commencement of the 56<sup>th</sup> Parliament.

Debate ensued.

Question — put and resolved in the affirmative.

- 11 SNOWY HYDRO CORPORATISATION (PARLIAMENTARY APPROVAL) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 12 ENERGY LEGISLATION (HARDSHIP, METERING AND OTHER MATTERS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 13 COPTIC ORTHODOX CHURCH (VICTORIA) PROPERTY TRUST BILL** — The Acting President announced the receipt of a Message from the Assembly presenting a Bill *to establish a corporate trustee for the Coptic Orthodox Church within the Diocese of Melbourne and Affiliated Regions to hold property for the benefit of the Coptic Orthodox Church in that Diocese, to provide for the vesting of certain property in the trustee, to cancel the incorporation of certain associations and for other purposes and desiring the agreement of the Council.*



On the motion of the Honourable Theo Theophanous (for the Honourable Justin Madden), the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 14 CORONERS AND HUMAN TISSUE ACTS (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 15 MELBOURNE UNIVERSITY (VICTORIAN COLLEGE OF THE ARTS) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to provide for the integration of the Victorian College of the Arts with the University of Melbourne, to repeal the Victorian College of the Arts Act 1981, to amend the Melbourne University Act 1958 and for other purposes* and desiring the agreement of the Council.

On the motion of Ms Candy Broad (for the Honourable Theo Theophanous), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 16 COPTIC ORTHODOX CHURCH (VICTORIA) PROPERTY TRUST BILL** — The Order of the Day having been read for the second reading of this Bill, Ms Candy Broad (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

Ms Candy Broad moved, That the Bill be now read a second time.

On the motion of the Honourable Richard Dalla-Riva, the debate was adjourned until the next day of meeting.

- 17 WORLD SWIMMING CHAMPIONSHIPS (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 18 ADJOURNMENT** — The Honourable Justin Madden moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 10.12 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
Clerk of the Legislative Council

**No. 180 — Wednesday, 23 August 2006**

- 1 The President took the Chair and read the Prayer.
- 2 **TRANSPORT (TAXI-CAB ACCREDITATION AND OTHER AMENDMENTS) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Transport Act 1983 to provide for the accreditation of certain participants in the taxi-cab industry, to enable the penalties for transport infringements and ticket infringements to vary depending on how they are issued and to authorise certain public transport ticket conditions, to make minor amendments to the Transport Legislation (Further Amendment) Act 2006 and for other purposes* and desiring the agreement of the Council.  
On the motion of Mr John Lenders (for Ms Candy Broad) the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 3 **PETITIONS** —  
**TRAFFIC LIGHTS ON WESTERN PORT HIGHWAY** — The Honourable Ron Bowden presented a Petition bearing 14 signatures from certain citizens of Victoria requesting that the Victorian Government prevent the installation of traffic lights along the Western Port Highway at Lyndhurst (Dandenong/Hastings Road).  
Ordered to lie on the Table.  

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**TRANSPORT AND STORAGE OF TOXIC WASTE** — The Honourable Wendy Lovell presented a Petition bearing 111 signatures from certain citizens of Victoria requesting that the State Government immediately withdraw its plan for transporting waste along the Calder Highway and further withdraw its proposal to store toxic waste at Hattah-Nowingi and explore alternative safer, more economically and environmentally feasible solutions.  
Ordered to lie on the Table.
- 4 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:  
Auditor-General — Report on Results of special audits and other investigations, August 2006.  
Melbourne City Link Act 1995 — Melbourne City Link Twenty-second Amending Deed, 22 August 2006, pursuant to section 15(2) of the Act.  
Office of the Victorian Privacy Commissioner — Report on Mr C's Case: Report of an investigation pursuant to Part 6 of the Information Privacy Act 2000 into Victoria Police and Department of Justice in relation to the security of personal information in the Law Enforcement Assistance Program (LEAP) and E\*Justice databases, July 2006.
- 5 **MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.
- 6 **GAMBLING REGULATION (LIMITATION OF NUMBER OF GAMING MACHINES) BILL** — On the motion of the Honourable Philip Davis, leave was given to bring in a Bill *to amend the Gambling Regulation Act 2003 and for other purposes*, and the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 7 **ABUSE OF CHILDREN IN STATE CARE** — The Honourable Andrea Coote moved, That this House notes the bi-partisan approach taken by the Legislative Assembly in acknowledging the abuse of Victorian children in State care.  
Debate ensued.  
Question — put and resolved in the affirmative.

*Business having been interrupted at 2.02 p.m. pursuant to Sessional Orders —*

**8 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

**9 MELBOURNE UNIVERSITY (VICTORIAN COLLEGE OF THE ARTS) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Theo Theophanous) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

Mr John Lenders moved, That the Bill be now read a second time.

On the motion of the Honourable Graeme Stoney (for the Honourable Andrew Brideson), the debate was adjourned until the next day of meeting.

**10 MINERAL RESOURCES DEVELOPMENT (SUSTAINABLE DEVELOPMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**11 ENVIRONMENT PROTECTION (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

The Honourable Peter Hall moved, as an amendment, That all the words after “That” be omitted with the view of inserting in their place “this House refuses to read this Bill a second time until the Government decides on long term plans to accommodate the disposal of all forms of industrial waste”.

Debate ensued.

On the motion of the Honourable Barry Bishop, the debate was adjourned until the next day of meeting.

**12 STANDING ORDERS COMMITTEE — REVIEW OF THE STANDING ORDERS** — By leave, on behalf of the President (Chair), Ms Glenyys Romanes presented the Final Report from the Standing Orders Committee on a Review of the Standing Orders, (including Appendices and Extracts from the Proceedings of the Committee).

Ordered to lie on the Table and to be printed.

Ms Glenyys Romanes moved, That the Council take note of the Report.

Debate ensued.

Question — put and resolved in the affirmative.

**13 HERITAGE RIVERS (FURTHER PROTECTION) BILL** — The Deputy President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Heritage Rivers Act 1992 to prohibit the construction in heritage river areas of new impoundments, barriers and structures that impede the passage of water fauna, to amend the provisions relating to management plans for heritage river areas and natural catchment areas in that Act and for other purposes* and desiring the agreement of the Council.

On the motion of Mr John Lenders (for Ms Candy Broad), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**14 ADJOURNMENT** — Mr John Lenders moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 10.15 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
Clerk of the Legislative Council

## No. 181 — Thursday, 24 August 2006

1 The President took the Chair and read the Prayer.

**2 CATCHMENT AND LAND PROTECTION (FURTHER AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Catchment and Land Protection Act 1994 and for other purposes* and desiring the agreement of the Council.

On the motion of Ms Candy Broad, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**3 PETITIONS** —

**REPEAL OF RACIAL AND RELIGIOUS TOLERANCE ACT** — The Honourable Wendy Lovell presented a Petition bearing 32 signatures from certain citizens of Victoria requesting that the *Racial and Religious Tolerance Act 2001* be repealed.

Ordered to lie on the Table.

\* \* \* \* \*

**CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES BILL** — The Honourable Wendy Lovell presented a Petition bearing 32 signatures from certain citizens of Victoria requesting the Charter of Human Rights and Responsibilities Bill be defeated by the Legislative Council.

Ordered to lie on the Table.

**4 PAPERS** —

**SUPREME COURT JUDGES REPORT, 2004-05** — The Honourable Justin Madden presented, by command of His Excellency the Governor, the Report of the Supreme Court Judges for the year 2004-05.

Ordered to lie on the Table.

\* \* \* \* \*

**DRUGS AND CRIME PREVENTION COMMITTEE — BENZODIAZEPINES AND OTHER PHARMACEUTICAL DRUGS** — Mr Johan Scheffer presented an Interim Report from the Drugs and Crime Prevention Committee on the Misuse/Abuse of Benzodiazepines and Other Forms of Pharmaceutical Drugs in Victoria (including Appendices), together with Minutes of Evidence.

Ordered to lie on the Table and the Report to be printed.

Mr Johan Scheffer moved, That the Council take note of the Report.

Debate ensued.

Question — put and resolved in the affirmative.

\* \* \* \* \*

**ROAD SAFETY COMMITTEE — DRIVER DISTRACTION** — The Honourable Barry Bishop presented a Report from the Road Safety Committee on Driver Distraction (including Appendices) together with Minutes of Evidence.

Ordered to lie on the Table and the Report to be printed.

The Honourable Barry Bishop moved, That the Council take note of the Report.

Debate ensued.

Question — put and resolved in the affirmative.

\* \* \* \* \*

- 5 PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Auditor-General — Report on Condition of public sector residential aged care facilities, August 2006.

Parliamentary Committees Act 2003 — Minister's response to recommendations in Education and Training Committee's Inquiry into the promotion of mathematics and science education.

- 6 SITTING OF THE COUNCIL** — Mr John Lenders moved, That the Council, at its rising, adjourn until Tuesday, 12 September 2006.

Question — put and resolved in the affirmative.

- 7 MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

- 8 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Honourable Members pursuant to Sessional Order 17.

- 9 BUSINESS POSTPONED** — Ordered — That the consideration of the Notice of Motion, Business to take Precedence, be postponed until the next day of meeting.

- 10 HERITAGE RIVERS (FURTHER PROTECTION) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden (for Ms Candy Broad) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Justin Madden moved, That the Bill be now read a second time.

On the motion of the Honourable Andrea Coote (for the Honourable Graeme Stoney), the debate was adjourned until the next day of meeting.

- 11 TRANSPORT (TAXI-CAB ACCREDITATION AND OTHER AMENDMENTS) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden (for Ms Candy Broad) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Justin Madden moved, That the Bill be now read a second time.

On the motion of the Honourable Ron Bowden, the debate was adjourned until the next day of meeting.

- 12 ENVIRONMENT PROTECTION (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time, and on the amendment That all the words after "That" be omitted with the view of inserting in their place "this House refuses to read this Bill a second time until the Government decides on long term plans to accommodate the disposal of all forms of industrial waste".

Debate resumed.

Question — That the words proposed to be omitted stand part of the question — put.

The Council divided.

AYES, 22

The Hon. Lidia Argondizzo  
Ms Candy Broad

NOES, 18

The Hon. Bruce Atkinson  
The Hon. W.R. Baxter

The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 The Hon. Geoff Hilton  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos (*Teller*)  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen (*Teller*)  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 The Hon. Peter Hall (*Teller*)  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong (*Teller*)  
 The Hon. John Vogels

And so it was resolved in the affirmative — Amendment negatived.

Question — That the Bill be now read a second time — put.

The Council divided.

AYES, 36

The Hon. Lidia Argondizzo  
 The Hon. Bruce Atkinson  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. Kaye Darveniza  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. John Eren  
 The Hon. Bill Forwood  
 The Hon. Geoff Hilton  
 Mr Gavin Jennings  
 The Hon. David Koch  
 Mr John Lenders  
 The Hon. Wendy Lovell  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 The Hon. Gordon Rich-Phillips  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith (*Teller*)  
 Mr Adem Somyurek

NOES, 4

The Hon. W.R. Baxter (*Teller*)  
 The Hon. Barry Bishop (*Teller*)  
 The Hon. Damian Drum  
 The Hon. Peter Hall

The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney (*Teller*)  
 The Hon. John Vogels

And so it was resolved in the affirmative.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Acting Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**13 VICTIMS' CHARTER BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

The Honourable Richard Dalla-Riva moved, as an amendment, That all the words after "That" be omitted with the view of inserting in their place "this House refuses to read this Bill a second time until victims of crime groups, the Sentencing Advisory Council and the Adult Parole Board are consulted with a view to enabling victims of crime to be notified and given the opportunity to make a submission to the Adult Parole Board prior to releasing any prisoner on home detention".

Debate ensued.

Question — That the words proposed to be omitted stand part of the question — put.

The Council divided.

AYES, 16

The Hon. Lidia Argondizzo  
 The Hon. Kaye Darveniza  
 The Hon. Geoff Hilton  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell (*Teller*)  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer (*Teller*)  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Marsha Thomson  
 Mr Matt Viney

NOES, 12

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. Philip Davis  
 The Hon. Peter Hall  
 The Hon. Wendy Lovell  
 The Hon. C.A. Strong (*Teller*)  
 The Hon. John Vogels (*Teller*)

And so it was resolved in the affirmative — Amendment negated.

Question — That the Bill be now read a second time — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

*Business having been interrupted at 2.08 p.m. pursuant to Sessional Orders —*

- 14 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.
- 15 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 5, be postponed until later this day.
- 16 MELBOURNE UNIVERSITY (VICTORIAN COLLEGE OF THE ARTS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.  
Debate resumed.  
Question — put and resolved in the affirmative.  
Bill read a second time and, by leave, read a third time and passed.  
Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 17 COPTIC ORTHODOX CHURCH (VICTORIA) PROPERTY TRUST BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.  
*And the Deputy President having ruled the Bill to be a Private Bill —*  
Mr Gavin Jennings moved, That the Bill be dealt with as a Public Bill.  
Question — put and resolved in the affirmative.  
Debate resumed.  
Question — That the Bill be now read a second time — put and resolved in the affirmative.  
Bill read a second time and, by leave, read a third time and passed.  
Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 18 OWNERS CORPORATIONS BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to provide for the management, powers and functions of owners corporations and for appropriate mechanisms for the resolution of disputes relating to owners corporations, to amend the Subdivision Act 1988 in relation to the creation of owners corporations, to amend other Acts and for other purposes* and desiring the agreement of the Council.  
On the motion of Mr Gavin Jennings (for the Honourable Justin Madden), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 19 ADJOURNMENT** — Mr John Lenders moved, That the House do now adjourn.  
Debate ensued.  
Question — put and resolved in the affirmative.  
And then the Council, at 4.17 p.m., adjourned until Tuesday, 12 September 2006.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*





## LEGISLATIVE COUNCIL

### MINUTES OF THE PROCEEDINGS Nos. 182, 183 and 184

#### No. 182 — Tuesday, 12 September 2006

- 1 The President took the Chair and read the Prayer.
- 2 **THE LATE HONOURABLE NEIL BENJAMIN TRESIZE, AM** — Mr John Lenders moved, That this House expresses its sincere sorrow at the death, on 20 August 2006, of the Honourable Neil Benjamin Trezise, AM, and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a Member of the Legislative Assembly for the electoral district of Geelong West from 1964 to 1967 and Geelong North from 1967 to 1992 and as Minister for Youth, Sport and Recreation from 1982 to 1985 and Minister for Sport and Recreation from 1985 to 1992.

And other Honourable Members and the President having addressed the House —

The question was put and, Honourable Members signifying their assent by rising in their places, unanimously resolved in the affirmative.

- 3 **ADJOURNMENT** — Mr John Lenders moved, That as a further mark of respect to the memory of the late Honourable Neil Benjamin Trezise, AM, the House do now adjourn for one hour.

Question — put and resolved in the affirmative.

And then the Council, at 3.12 p.m. adjourned until this day at 4.12 p.m.

- 
- 1 The President took the Chair.
  - 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 29 August 2006, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:

*Coptic Orthodox Church (Victoria) Property Trust Act*

*Coroners and Human Tissue Acts (Amendment) Act*

*Energy Legislation (Hardship, Metering and Other Matters) Act*

*Environment Protection (Amendment) Act*

*Melbourne University (Victorian College of the Arts) Act*

*Mineral Resources Development (Sustainable Development) Act*

*Snowy Hydro Corporatisation (Parliamentary Approval) Act*

*Victims' Charter Act*

*World Swimming Championships (Amendment) Act.*

- 3 **SURVEILLANCE DEVICES (WORKPLACE PRIVACY) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Surveillance Devices Act 1999 so as to enhance its operation in workplaces and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 4 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.
- 5 MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.
- 6 PETITION — RACIAL AND RELIGIOUS TOLERANCE ACT** — The Honourable W.R. Baxter presented a Petition bearing 29 signatures from certain citizens of Victoria requesting that the *Racial and Religious Tolerance Act 2001* be repealed.  
Ordered to lie on the Table.
- 7 PAPERS —**  
**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — The Honourable Lidia Argondizzo presented Alert Digest No. 10 of 2006 (including Appendices) from the Scrutiny of Acts and Regulations Committee.  
Ordered to lie on the Table and to be printed.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Crown Land (Reserves) Act 1978 — Minister's order of 4 September 2006 giving approval for the granting of a lease at Whitehorse Reserve.

International Fibre Centre Limited — Minister's report of receipt of 2005 report.

Planning and Environment Act 1987 —

Notices of Approval of the following amendments to planning schemes:

Alpine Resorts Planning Scheme — Amendment C15.

East Gippsland Planning Scheme — Amendment C46.

Frankston Planning Scheme — Amendment C42.

Maribyrnong Planning Scheme — Amendment C55.

Melton Planning Scheme — Amendment C55.

Nillumbik Planning Scheme — Amendment C46.

Port Phillip Planning Scheme — Amendment C46.

Swan Hill Planning Scheme — Amendment C11.

Victoria Planning Provisions — Amendments VC40 and VC41.

Warrnambool Planning Scheme — Amendment C37.

West Wimmera Planning Scheme — Amendment C8.

Whitehorse Planning Scheme — Amendment C54.

Yarra Ranges Planning Scheme — Amendment C53.

Urban Growth Boundary — Notices of Approval of the following amendments to planning schemes:

Frankston Planning Scheme — Amendment C35.

Whittlesea Planning Scheme — Amendments C86 and C91.

Wyndham Planning Scheme — Amendment C71.

Statutory Rules under the following Acts of Parliament:

Agricultural and Veterinary Chemicals (Control of Use) Act 1992 — No. 113.

Bail Act 1977 — No. 104.

Co-operative Housing Societies Act 1958 — No. 112.

Estate Agents Act 1980 — Nos. 105 and 106.

Extractive Industries Development Act 1995 — No. 111.

Fisheries Act 1995 — No. 109.

Infringements Act 2006 — No. 103.

Intellectually Disabled Persons' Services Act 1986 — No. 116.

Land Act 1958 — No. 118.

Livestock Disease Control Act 1994 — No. 114.

Mineral Resources Development Act 1990 — No. 110.

Parliamentary Salaries and Superannuation Act 1968 — No. 107.

Statutory Rules — *continued.*

Plant Health and Plant Products Act 1995 — No. 115.

Valuation of Land Act 1960 — No. 117.

Veterans Act 2005 — No. 108.

Subordinate Legislation Act 1994 —

Ministers' certificates of exemption under section 9(6) in respect of Statutory Rule Nos. 8, 103, 104, 105, 106, 107, 108, 109, 111, 113, 114, 115 and 117.

Minister's certificate of exception under section 8(4) in respect of Statutory Rule No. 102.

\* \* \* \* \*

**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Clerk:

Crimes (Sexual Offences) Act 2006 — Section 35 — 22 August 2006 (*Gazette No. S214, 22 August 2006*).

Planning and Environment (Growth Areas Authority) Act 2006 — 1 September 2006 (*Gazette No. G35, 31 August 2006*).

Werribee South Land Act 1991 — 8 September 2006 (*Gazette No. G36, 7 September 2006*).

**8 BUSINESS POSTPONED** — Ordered — That the consideration of the Notice of Motion, Business to take Precedence, be postponed until the next day of meeting.

**9 OWNERS CORPORATIONS BILL**— The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Justin Madden moved, That the Bill be now read a second time.

On the motion of the Honourable Andrea Coote (for the Honourable Wendy Lovell), the debate was adjourned until the next day of meeting.

**10 CATCHMENT AND LAND PROTECTION (FURTHER AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Justin Madden (for Ms Candy Broad) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Justin Madden moved, That the Bill be now read a second time.

On the motion of the Honourable Andrea Coote (for the Honourable David Davis), the debate was adjourned until the next day of meeting.

**11 VICTORIAN RENEWABLE ENERGY BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

On the motion of the Honourable John Vogels, the debate was adjourned until the next day of meeting.

*Business having been interrupted by the President at 9.57 p.m. pursuant to Sessional Orders —*

**12 ADJOURNMENT** — The President proposed the question, That the House do now adjourn.

Debate ensued.

And then the Council, at 10.10 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
Clerk of the Legislative Council

## No. 183 — Wednesday, 13 September 2006

- 1 The President took the Chair and read the Prayer.
- 2 **CHARITIES (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Charities Act 1978 to make further provision for charitable trusts, to amend the Religious Successory and Charitable Trusts Act 1958 and the Property Law Act 1958 and for other purposes* and desiring the agreement of the Council.  
On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 3 **CONVEYANCERS BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to regulate the carrying out of conveyancing work, to repeal Part 7.1 of the Legal Profession Act 2004, to make consequential amendments to other Acts and for other purposes* and desiring the agreement of the Council.  
On the motion of the Honourable Justin Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 4 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:  
National Parks Act 1975 — Report in relation to Point Nepean National Park, pursuant to section 17(2A) of the Act.  
Parliamentary Committees Act 2003 — Minister's response to recommendations in the Environment and Natural Resources Committee's report on the Inquiry into the Energy Services Industry.  
Statutory Rules under the following Acts of Parliament:  
Children and Young Persons Act 1989 — No. 119.  
Tobacco Act 1987 — No. 120.  
Subordinate Legislation Act 1994 — Minister's certificate of exemption under section 9(6) in respect of Statutory Rule No. 120.
- 5 **MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.
- 6 **BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, General Business, and Orders of the Day, General Business, Nos. 1 and 2, be postponed until later this day.
- 7 **GAMBLING REGULATION (LIMITATION OF NUMBER OF GAMING MACHINES) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Philip Davis moved, by leave, That the second reading speech be incorporated into Hansard.  
Question — put and resolved in the affirmative.  
The Honourable Philip Davis moved, That the Bill be now read a second time.  
On the motion of the Honourable Kaye Darveniza, the debate was adjourned until the next day of meeting.
- 8 **CIVIL UNIONS BILL** — On the motion of the Honourable Andrew Olexander, leave was given to bring in a Bill *to provide for civil unions, to make consequential amendments to certain Acts and for other purposes*, and the said Bill was read a first time and ordered to be printed and, by leave, to be read a second time forthwith.  
Accordingly, the Honourable Andrew Olexander moved, by leave, That the second reading speech be incorporated into Hansard.  
Question — put and resolved in the affirmative.  
The Honourable Andrew Olexander moved, That the Bill be now read a second time.

On the motion of the Honourable Geoff Hilton, the debate was adjourned until the next day of meeting.

- 9 MANAGEMENT OF VICTORIA'S WATER RESOURCES** — The Honourable W.R. Baxter moved, That this House condemns the Government for its mismanagement of Victoria's water resources, its failure to plan for prolonged drought, its knee-jerk and ill-conceived proposal to pipe water from Northern Victoria across the Great Dividing Range to Ballarat and calls for the immediate implementation of bold water saving measures, including recycling waste water and capturing storm event run-off and that these initiatives be funded from the \$1.6 billion the Government has extracted from water authorities by way of 'dividends' since coming to office.

Debate ensued.

Question — put.

The Council divided.

AYES, 19

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. Philip Davis  
 The Hon. Damian Drum (*Teller*)  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. Peter Hall (*Teller*)  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Andrew Olexander  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

NOES, 20

Ms Candy Broad  
 The Hon. Helen Buckingham (*Teller*)  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 The Hon. Geoff Hilton  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen (*Teller*)  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

And so it passed in the negative.

*Business having been interrupted at 2.02 p.m. pursuant to Sessional Orders —*

- 10 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.
- 11 BUSINESS POSTPONED** — Ordered — That the consideration of the Notice of Motion, Business to take Precedence, be postponed until the next day of meeting.
- 12 SURVEILLANCE DEVICES (WORKPLACE PRIVACY) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.
- Question — put and resolved in the affirmative.
- Mr John Lenders moved, That the Bill be now read a second time.
- On the motion of the Honourable C.A. Strong, the debate was adjourned until the next day of meeting.
- 13 VICTORIAN RENEWABLE ENERGY BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.
- Debate resumed.

Question — put.

The Council divided.

AYES, 22

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines (*Teller*)  
 The Hon. Kaye Darveniza (*Teller*)  
 The Hon. John Eren  
 The Hon. Geoff Hilton  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

NOES, 19

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden (*Teller*)  
 The Hon. Andrew Brideson (*Teller*)  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted.

The Honourable Theo Theophanous moved, That the Bill be now read a third time.

Question — That the Bill be now read a third time and that the Bill do pass — put.

The Council divided.

AYES, 22

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren (*Teller*)  
 The Hon. Geoff Hilton  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen (*Teller*)  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous

NOES, 19

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva (*Teller*)  
 The Hon. David Davis (*Teller*)  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

The Hon. Marsha Thomson  
Mr Matt Viney

And so it was resolved in the affirmative.

Bill read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 14 HERITAGE RIVERS (FURTHER PROTECTION) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put.

The Council divided.

AYES, 32

The Hon. Lidia Argondizzo  
The Hon. Bruce Atkinson  
The Hon. Ron Bowden  
The Hon. Andrew Brideson  
Ms Candy Broad  
The Hon. Helen Buckingham  
Ms Elaine Carbines  
The Hon. Andrea Coote  
The Hon. Richard Dalla-Riva  
The Hon. Kaye Darveniza  
The Hon. Philip Davis  
The Hon. John Eren  
The Hon. Bill Forwood  
Ms Dianne Hadden (*Teller*)  
The Hon. Geoff Hilton  
Mr Gavin Jennings  
The Hon. David Koch  
Mr John Lenders  
The Hon. Wendy Lovell  
The Hon. Justin Madden  
Ms Jenny Mikakos  
The Hon. Robert Mitchell  
Mr Noel Pullen (*Teller*)  
The Hon. Gordon Rich-Phillips  
Ms Glenyys Romanes  
Mr Johan Scheffer  
The Hon. Graeme Stoney  
The Hon. C.A. Strong  
The Hon. Theo Theophanous  
The Hon. Marsha Thomson  
Mr Matt Viney  
The Hon. John Vogels

NOES, 4

The Hon. W.R. Baxter (*Teller*)  
The Hon. Barry Bishop (*Teller*)  
The Hon. Damian Drum  
The Hon. Peter Hall

And so it was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 15 CITY OF MELBOURNE AND DOCKLANDS ACTS (GOVERNANCE) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the City of Melbourne Act 2001 to return the docklands area to the municipal district of the City of Melbourne and to establish a Docklands*

*Co-ordination Committee and to amend the Docklands Act 1991 and other Acts and for other purposes and desiring the agreement of the Council.*

On the motion of Ms Candy Broad, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**16 TRANSPORT (TAXI-CAB ACCREDITATION AND OTHER AMENDMENTS) BILL —**

The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

The Honourable Ron Bowden announced that he proposed to move an amendment in Committee and requested that it be circulated, pursuant to Sessional Order 36.

Accordingly, the amendment was circulated.

Debate continued.

Question — put and resolved in the affirmative.

Ordered — That the Bill be committed to a Committee of the whole on the next day of meeting.

*Business having been interrupted by the President at 10.00 p.m. pursuant to Sessional Orders —*

**17 ADJOURNMENT —** The President proposed the question, That the House do now adjourn.

Debate ensued.

And then the Council, at 10.19 p.m. adjourned until tomorrow.

W.R. TUNNECLIFFE  
Clerk of the Legislative Council

**No. 184 — Thursday, 14 September 2006**

1 The President took the Chair and read the Prayer.

2 **ROAD LEGISLATION (PROJECTS AND ROAD SAFETY) BILL —** The President announced the receipt of a Message from the Assembly presenting a Bill *to make further miscellaneous amendments to the Road Safety Act 1986, to amend the Land Acquisition and Compensation Act 1986, the Chattel Securities Act 1987, the Planning and Environment Act 1987, the Children and Young Persons Act 1989, the Sentencing Act 1991, the Melbourne City Link Act 1995, the Alpine Resorts (Management) Act 1997, the Road Management Act 2004, the Children and Young Persons (Miscellaneous Amendments) Act 2005, the Children, Youth and Families Act 2005 and the Infringements Act 2006 and for other purposes and desiring the agreement of the Council.*

On the motion of Ms Candy Broad, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

3 **FUNERALS BILL —** The President announced the receipt of a Message from the Assembly presenting a Bill *to provide for the regulation of the funeral industry, to re-enact provisions relating to the regulation of pre-paid funeral contracts, to provide for Codes of Practice, to repeal the Funerals (Pre-Paid Money) Act 1993, to amend the Fair Trading Act 1999 and for other purposes and desiring the agreement of the Council.*

On the motion of the Honourable Marsha Thomson, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

4 **PETITIONS — FLUORIDATION OF VICTORIAN WATER SUPPLIES —** Ms Dianne Hadden presented a Petition bearing 16 signatures from certain citizens of Victoria



praying that the Legislative Council of Victoria does not support the addition of fluoride to any Victorian water supply, including water in the Central Highlands and Grampians Wimmera Mallee regions, in view of current scientific doubts regarding its safety.

Ordered to lie on the Table.

\* \* \* \* \*

**MOORABOOL SHIRE DE-AMALGAMATION** — Ms Dianne Hadden presented a Petition bearing 61 signatures from certain citizens of Victoria requesting that the Legislative Council of Victoria consider the de-amalgamation of the Shire of Moorabool due to the disproportion in demographics, Wards and Councillor representation, lack of central administration and Council meeting point, economic inequity and disparity between the smaller residential Bacchus Marsh area and the larger rural areas in the north and west of the present Shire structure.

Ordered to lie on the Table.

\* \* \* \* \*

**PARENTAL ACCESS** — Ms Dianne Hadden presented a Petition bearing 1 signature from a certain citizen of Victoria praying that the Minister for Children and her Parliamentary Secretary intercede on behalf of a sole parent, whose identity is known by the Secretary of the Department of Human Services, with a request that the Secretary broker access between that sole parent and her son at the earliest opportunity.

Ordered to lie on the Table.

\* \* \* \* \*

**FLUORIDATION OF VICTORIAN WATER SUPPLIES** — The Honourable Peter Hall presented a Petition bearing 147 signatures from certain citizens of Victoria praying that the Legislative Council of Victoria does not support the addition of fluoride to any Victorian water supply, including water in the Gippsland region, in view of current scientific doubts regarding its safety.

Ordered to lie on the Table.

\* \* \* \* \*

**GUNBOWER ISLAND STATE FOREST** — The Honourable Wendy Lovell presented a Petition bearing 2528 signatures from certain citizens of Victoria praying that the status of the Gunbower Island State Forest and other red gum forests or parts thereof along the Murray River Flood Plain remains unchanged, and that — (1) these areas remain multi-use state forests; (2) access to forestry and firewood gathering continue; (3) local communities have input into the management of these areas; and (4) the Department of Sustainability and Environment be funded to a level that allows them to — (a) address pest animal and plant problems; (b) provide sufficient rubbish bins at forest exits; (c) improve and maintain access roads to protect forest areas from off-road driving; (d) employ more staff to look after forest areas; and (e) develop an ongoing education campaign to inform the public of their responsibilities while visiting and camping in forest areas.

Ordered to lie on the Table.

\* \* \* \* \*

## 5 PAPERS —

**MAGISTRATES' COURT REPORT, 2005-06** — The Honourable Justin Madden presented, by command of His Excellency the Governor, the Report of the Magistrates' Court for the year 2005-06.

Ordered to lie on the Table.

\* \* \* \* \*

**LAW REFORM COMMITTEE — CORONERS ACT 1985** — The Honourable Richard Dalla-Riva presented a Report from the Law Reform Committee on the *Coroners Act 1985*, (including Appendices), together with Minutes of Evidence.

Ordered to lie on the Table and the Report to be printed.

The Honourable Richard Dalla-Riva moved, That the Council take note of the Report.

Debate ensued.

Question — put and resolved in the affirmative.

\* \* \* \* \*

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — BUDGET ESTIMATES, 2006-07** — The Honourable Bill Forwood presented a Report from the Public Accounts and Estimates Committee on the 2006-07 Budget Estimates, (including a Minority Report and Appendices), together with Minutes of Evidence.

Ordered to lie on the Table and the Report to be printed.

The Honourable Bill Forwood moved, That the Council take note of the Report.

Debate ensued.

Question — put and resolved in the affirmative.

\* \* \* \* \*

**6 PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Auditor-General — Report on Government advertising, September 2006.

Auditor-General's Office — Report, 2005-06.

Members of Parliament (Register of Interests) Act 1978 — Summary of Returns, June 2006 and Summary of Variations notified between 15 June 2006 and 13 September 2006.

Parliamentary Committees Act 2003 — Minister's response to recommendations in Drugs and Crime Prevention Committee's report on the Inquiry into Strategies to Reduce Harmful Alcohol Consumption.

Police Appeals Board — Report, 2005-06.

Project Development and Construction Management Act 1994 — Orders in Council of 5 September 2006 of nomination and application orders (three papers).

Victorian Civil and Administrative Tribunal — Report, 2005-06.

**7 SITTING OF THE COUNCIL** — Mr John Lenders moved, That the Council, at its rising, adjourn until Tuesday, 3 October 2006 at 9.30 a.m.

Question — put and resolved in the affirmative.

**8 MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

**9 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Honourable Members pursuant to Sessional Order 17.

**10 BUSINESS POSTPONED** — Ordered — That the consideration of the Notice of Motion, Business to take Precedence, be postponed until later this day.

**11 CITY OF MELBOURNE AND DOCKLANDS ACTS (GOVERNANCE) BILL** — The Order of the Day having been read for the second reading of this Bill, Ms Candy Broad moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

Ms Candy Broad moved, That the Bill be now read a second time.

On the motion of the Honourable Andrea Coote (for the Honourable John Vogels), the debate was adjourned until the next day of meeting.

**12 CONVEYANCERS BILL** — The Order of the Day having been read for the second reading of this Bill, Ms Candy Broad (for the Honourable Marsha Thomson) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

Ms Candy Broad moved, That the Bill be now read a second time.

On the motion of the Honourable Wendy Lovell, the debate was adjourned until the next day of meeting.

- 13 CHARITIES (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Ms Candy Broad (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

Ms Candy Broad moved, That the Bill be now read a second time.

On the motion of the Honourable C.A. Strong, the debate was adjourned until the next day of meeting.

- 14 ROAD LEGISLATION (PROJECTS AND ROAD SAFETY) BILL** — The Order of the Day having been read for the second reading of this Bill, Ms Candy Broad moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

Ms Candy Broad moved, That the Bill be now read a second time.

On the motion of the Honourable Ron Bowden, the debate was adjourned until the next day of meeting.

- 15 FUNERALS BILL** — The Order of the Day having been read for the second reading of this Bill, Ms Candy Broad (for the Honourable Marsha Thomson) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

Ms Candy Broad moved, That the Bill be now read a second time.

On the motion of the Honourable Wendy Lovell, the debate was adjourned until the next day of meeting.

- 16 TRANSPORT (TAXI-CAB ACCREDITATION AND OTHER AMENDMENTS) BILL** — The Order of the Day having been read for the committal of this Bill to a Committee of the whole, the Acting President left the Chair.

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 16 OWNERS CORPORATIONS BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

*Business having been interrupted at 2.12 p.m. pursuant to Sessional Orders —*

- 17 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

- 18 CATCHMENT AND LAND PROTECTION (FURTHER AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

The Honourable David Davis moved, as an amendment, That all the words after “That” be omitted with the view of inserting in their place “this Bill be withdrawn and redrafted to include comprehensive provisions to control weeds and pests on public land as well as private land and to enforce provisions in the Bill on public land as well as private land”.

Debate ensued.

Question — That the words proposed to be omitted stand part of the question — put.

The Council divided.

AYES, 21

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 The Hon. Geoff Hilton  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten (*Teller*)  
 The Hon. Justin Madden  
 Ms Jenny Mikakos (*Teller*)  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

NOES, 17

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood (*Teller*)  
 Ms Dianne Hadden  
 The Hon. David Koch (*Teller*)  
 The Hon. Wendy Lovell  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong

And so it was resolved in the affirmative — Amendment negated.

Question — That the Bill be now read a second time — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

*Business having been interrupted at 4.35 p.m. by the President pursuant to Sessional Order 14 —*

Mr John Lenders moved, That the sitting be continued.

Question — put and resolved in the affirmative.

- 19 SURVEILLANCE DEVICES (WORKPLACE PRIVACY) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 20 SENTENCING (SUSPENDED SENTENCES) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Sentencing*

*Act 1991 with respect to suspended sentences of imprisonment and for other purposes and desiring the agreement of the Council.*

On the motion of Mr John Lenders (for the Honourable Justin Madden), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**21 JUSTICE LEGISLATION (FURTHER AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Associations Incorporation Act 1981, the Attorney-General and Solicitor-General Act 1972, the Casino Control Act 1991, the City of Melbourne Act 2001, the Classification (Publications, Films and Computer Games) (Enforcement) Act 1995, the Confiscation Act 1997, the Corrections and Sentencing Acts (Home Detention) Act 2003, the Council of Law Reporting in Victoria Act 1967, the Credit (Administration) Act 1984, the Drugs, Poisons and Controlled Substances (Amendment) Act 2006, the Equal Opportunity Act 1995, the Estate Agents Act 1980, the Fair Trading Act 1999, the Gambling Regulation Act 2003, the Infringements Act 2006, the Introduction Agents Act 1997, the Judicial College of Victoria Act 2001, the Juries Act 2000, the Legal Profession Act 2004, the Magistrates' Court Act 1989, the Motor Car Traders Act 1986, the Professional Standards Act 2003, the Second-Hand Dealers and Pawnbrokers Act 1989, the Sex Offenders Registration Act 2004, the Travel Agents Act 1986, the Victorian Civil and Administrative Tribunal Act 1998, the Victorian Law Reform Commission Act 2000 and the Working with Children Act 2005 and for other purposes and desiring the agreement of the Council.*

On the motion of Mr John Lenders (for the Honourable Justin Madden), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**22 CRIMES (SEXUAL OFFENCES) (FURTHER AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Crimes Act 1958 in relation to jury warnings, the Evidence Act 1958 in relation to the giving of evidence in proceedings that relate to a charge for a sexual offence, and the Magistrates' Court Act 1989 to provide for a Sexual Offences List and the Crimes (Sexual Offences) Act 2006 in relation to transitional arrangements and for other purposes and desiring the agreement of the Council.*

On the motion of Mr John Lenders (for the Honourable Justin Madden), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**23 STANDING ORDERS** — Mr John Lenders moved, That —

- (1) the draft Standing Orders, recommended by the Standing Orders Committee in its Final Report on a Review of the Standing Orders, August 2006, be adopted as the Standing Orders of the Legislative Council; and
- (2) the new Standing Orders come into operation on the first sitting day of the next Parliament.

Debate ensued.

The Honourable Philip Davis moved, as an amendment, That in paragraph (1), after "Legislative Council" there be inserted "except proposed Standing Order 5.04 relating to Time Limits and proposed Chapter 11 relating to the Government Business Program".

Debate ensued.

Question — That the words and expressions proposed to be inserted be so inserted — put.

The Council divided.

AYES, 16

The Hon. Bruce Atkinson

NOES, 20

The Hon. Lidia Argondizzo

The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. David Koch  
 The Hon. Wendy Lovell (*Teller*)  
 The Hon. Gordon Rich-Phillips (*Teller*)  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong

Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell (*Teller*)  
 The Hon. Sang Nguyen (*Teller*)  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

And so it passed in the negative.

Question — That —

- (1) the draft Standing Orders, recommended by the Standing Orders Committee in its Final Report on a Review of the Standing Orders, August 2006, be adopted as the Standing Orders of the Legislative Council; and
- (2) the new Standing Orders come into operation on the first sitting day of the next Parliament.

— put.

The Council divided.

AYES, 18

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 Mr John Lenders  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen (*Teller*)  
 Ms Glenyys Romanes  
 Mr Johan Scheffer (*Teller*)  
 Mr Robert Smith  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

NOES, 16

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter (*Teller*)  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong (*Teller*)

And so it was resolved in the affirmative.

**24 ADJOURNMENT** — Mr John Lenders moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 6.43 p.m. adjourned until Tuesday, 3 October 2006 at 9.30 a.m.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*



## LEGISLATIVE COUNCIL

### MINUTES OF THE PROCEEDINGS Nos. 185, 186 and 187

#### No. 185 — Tuesday, 3 October 2006

- 1 The President took the Chair and read the Prayer.
- 2 **THE LATE MR CHARLES FREDERICK VAN BUREN** — Mr John Lenders moved, That this House expresses its sincere sorrow at the death, on 11 September 2006, of Charles Frederick Van Buren, and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a Member of the Legislative Council for the Eumemmerring Province from 1985 to 1992.

And other Honourable Members and the President having addressed the House —  
The question was put and, Honourable Members signifying their assent by rising in their places, unanimously resolved in the affirmative.

- 3 **ASSENT TO ACTS** — The President read a Message from the Lieutenant-Governor informing the Council that she had, on 19 September 2006, given the Royal Assent to the undermentioned Acts presented to her by the Clerk of the Parliaments:

*Catchment and Land Protection (Further Amendment) Act*

*Heritage Rivers (Further Protection) Act*

*Owners Corporations Act*

*Surveillance Devices (Workplace Privacy) Act*

*Transport (Taxi-cab Accreditation and Other Amendments) Act*

*Victorian Renewable Energy Act.*

- 4 **PETITIONS** —

**RIVERSDALE ROAD PROPOSED DEVELOPMENT** — The Honourable David Davis presented a Petition bearing 127 signatures from certain citizens of Victoria requesting that the proposed development at 932-936 Riversdale Road, Surrey Hills, does not proceed, and that — (1) the flawed Melbourne 2030 strategy, which is imposing high rise, high density developments across our established suburbs, be withdrawn; (2) greater power be given to local planning policies and local decision making by stopping the sidelining of local government; and (3) the role of the Victorian Civil and Administrative Tribunal in local planning decisions be reduced.

Ordered to lie on the Table.

\* \* \* \* \*

**TRAFFIC LIGHTS AT WESTERN PORT HIGHWAY** — The Honourable Ron Bowden presented a Petition bearing 16 signatures from certain citizens of Victoria requesting that the Victorian Government prevent residential subdivision developments and the installation of traffic lights along the Western Port Highway between Dandenong and the Frankston-Cranbourne Road.

Ordered to lie on the Table.



**SHARED SUPPORTED ACCOMMODATION PLACES** — The Honourable Wendy Lovell presented a Petition bearing 23 signatures from certain citizens of Victoria requesting that the State Government act immediately to resolve the shortage of shared supported accommodation facilities for disabled adults in the Goulburn Valley and north east Victoria.

Ordered to lie on the Table.

## 5 PAPERS —

**MINISTER FOR FINANCE'S RESPONSE TO AUDITOR-GENERAL'S REPORTS** — Mr John Lenders moved, by leave, That there be laid before this House a copy of the Response by the Minister for Finance to the Auditor-General's Reports tabled during 2005-06.

Question — put and resolved in the affirmative.

The said paper was presented by Mr John Lenders and ordered to lie on the Table.

\* \* \* \* \*

**PREMIER'S DRUG PREVENTION COUNCIL** — Mr John Lenders moved, by leave, That there be laid before this House a copy of the Premier's Drug Prevention Council Annual Report 2005-06.

Question — put and resolved in the affirmative.

The said report was presented by Mr John Lenders and ordered to lie on the Table.

\* \* \* \* \*

**COMMONWEALTH GAMES FINANCIAL REPORT** — The Honourable Justin Madden moved, by leave, That there be laid before this House a copy of the Commonwealth Games Special Purpose Financial Report for the period ended 31 August 2006.

Question — put and resolved in the affirmative.

The said report was presented by the Honourable Justin Madden and ordered to lie on the Table.

\* \* \* \* \*

**RURAL AND REGIONAL SERVICES AND DEVELOPMENT COMMITTEE — RETAINING YOUNG PEOPLE IN RURAL TOWNS AND COMMUNITIES** — The Honourable Robert Mitchell presented a Report from the Rural and Regional Services and Development Committee on Retaining Young People in Rural Towns and Communities (including Appendices), together with Minutes of Evidence.

Ordered to lie on the Table and the Report to be printed.

The Honourable Robert Mitchell moved, That the Council take note of the Report.

Debate ensued.

Question — put and resolved in the affirmative.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — The Honourable Lidia Argondizzo presented Alert Digest No. 11 of 2006 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

2007 World Swimming Championships Corporation — Report, 2005-06.

Adult Parole Board of Victoria — Report, 2005-06.

Agriculture Victoria Services Pty Ltd — Report, 2005-06.

Architects Registration Board of Victoria — Minister's report of receipt of 2005-06 report.

- Barwon Regional Waste Management Group — Minister's report of receipt of 2005-06 report.
- Budget Sector — Financial Report, 2005-06, incorporating the Quarterly Financial Report No. 4 for the period ended 30 June 2006.
- Building Commission — Report, 2005-06.
- Central Murray Regional Waste Management Group — Minister's report of receipt of 2005-06 report.
- Commissioner for Environmental Sustainability — Minister's report of receipt of 2005-06 report.
- Consumer Affairs Victoria — Report, 2005-06.
- Consumer Utilities Advocacy Centre Ltd — Report, 2005-06.
- Crown Land (Reserves) Act 1978 —  
Minister's order of 7 September 2006 giving approval for the granting of a lease at Wombat Hill Botanic Gardens Reserves (three papers).  
Minister's order of 7 September 2006 giving approval for the granting of a lease at Geelong Botanical Gardens and Recreation Reserve (three papers).
- Dairy Food Safety Victoria — Minister's report of receipt of 2005-06 report.
- Dandenong Development Board — Minister's report of receipt of 2005-06 report.
- Duties Act 2000 — Treasurer's reports of approved exemptions made on corporate consolidations and reconstructions for 2005-06 (two papers).
- Eastern Regional Waste Management Group — Report, 2005-06.
- Environment Protection Authority — Report, 2005-06.
- Essential Services Commission — Report, 2005-06.
- Fisheries Co-Management Council — Report, 2005-06.
- Gippsland Regional Waste Management Group — Minister's report of receipt of 2005-06 report.
- Glenelg Hopkins Catchment Management Authority — Report, 2005-06 (three papers).
- Goulburn Broken Catchment Management Authority — Report, 2005-06.
- Goulburn Valley Regional Waste Management Group — Minister's report of receipt of 2005-06 report.
- Grampians Regional Waste Management Group — Minister's report of receipt of 2005-06 report.
- Highlands Regional Waste Management Group — Minister's report of receipt of 2005-06 report.
- Mallee Catchment Management Authority — Report, 2005-06.
- Melbourne and Olympic Parks Trust — Report, 2005-06.
- Melbourne Cricket Ground Trust — Report for the year ended 31 March 2006.
- Melbourne Market Authority — Report, 2005-06 (two papers).
- Mildura Regional Waste Management Group — Minister's report of receipt of 2005-06 report.
- Mornington Peninsula Regional Waste Management Group — Minister's report of receipt of 2005-06 report.
- Murray Valley Wine Grape Industry Development Committee — Minister's report of receipt of 2005-06 report.
- National Parks Advisory Council — Report, 2005-06.
- North East Catchment Management Authority — Report, 2005-06 (two papers).
- North East Victorian Regional Waste Management Group — Minister's report of receipt of 2005-06 report.
- Northern Regional Waste Management Group — Minister's report of receipt of 2005-06 report.
- Parks Victoria — Report, 2005-06.
- Parliamentary Committees Act 2003 — Minister's response to recommendations in Public Accounts and Estimates Committee's Report on 2004-05 Budget Outcomes.

- Phillip Island Nature Park Board of Management — Report, 2005-06 (three papers).
- Phytogene Pty Ltd — Minister's report of receipt of 2005-06 report.
- Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:
- Bass Coast Planning Scheme — Amendment C63.
  - Baw Baw Planning Scheme — Amendments C32 and C36.
  - Boroondara Planning Scheme — Amendment C52.
  - Cardinia Planning Scheme — Amendment C83.
  - Colac Otway Planning Scheme — Amendment C8.
  - Corangamite Planning Scheme — Amendment C13.
  - Gannawarra Planning Scheme — Amendment C9.
  - Greater Geelong Planning Scheme — Amendment C105.
  - Greater Shepparton Planning Scheme — Amendment C74.
  - Hepburn Planning Scheme — Amendments C15 and C37.
  - Hume Planning Scheme — Amendment C38 Parts 1 and 2.
  - Loddon Planning Scheme — Amendment C13.
  - Maroondah Planning Scheme — Amendment C50.
  - Mildura Planning Scheme — Amendment C37.
  - Moreland Planning Scheme — Amendment C55.
  - Surf Coast Planning Scheme — Amendment C26 Part 1.
  - Wangaratta Planning Scheme — Amendment C26 Part 1.
  - West Wimmera Planning Scheme — Amendment C10.
  - Whitehorse Planning Scheme — Amendment C70.
  - Wodonga Planning Scheme — Amendment C51.
  - Yarra Ranges Planning Scheme — Amendment C16 Part 2.
- Plumbing Industry Commission — Report, 2005-06.
- Port Phillip and Western Port Catchment Management Authority — Report, 2005-06.
- Premier and Cabinet Department — Report, 2005-06.
- Prevention of Cruelty to Animals Act 1986 — Code of Accepted Farming Practice for the Welfare of Sheep (Victoria) (Revision No. 2).
- Primary Industries Department — Report, 2005-06 (two papers).
- PrimeSafe — Minister's report of receipt of 2005-06 report.
- Public Records Office Victoria — Report, 2005-06.
- Residential Tenancies Bond Authority — Report, 2005-06.
- South Eastern Regional Waste Management Group — Minister's report of receipt of 2005-06 report.
- South Western Regional Waste Management Group — Minister's report of receipt of 2005-06 report.
- State Sport Centres Trust — Report, 2005-06.
- State Trustees Limited — Report, 2005-06 (including financial statements of the Common Funds).
- Statutory Rules under the following Acts of Parliament:
- Country Fire Authority Act 1958 — No. 123.
  - Fisheries Act 1995 — No. 122.
  - National Parks Act 1975 — No. 121.
  - Transport Act 1983 — No. 124.
- Subordinate Legislation Act 1994 —
- Ministers' exception certificate under section 8(4) in respect of Statutory Rule Nos. 116 and 121.
  - Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 121 and 122.
- Trust For Nature — Minister's report of receipt of 2005-06 report.
- Veterinary Practitioners Registration Board of Victoria — Minister's report of receipt of 2005-06 report.

Victorian Broiler Industry Negotiation Committee — Minister's report of receipt of 2005-06 report.  
 Victorian Catchment Management Council — Report, 2005-06.  
 Victorian Coastal Council — Report, 2005-06.  
 Victorian Commission for Gambling Regulation — Report, 2005-06.  
 Victorian Environmental Assessment Council — Report, 2005-06.  
 Victorian Funds Management Corporation — Report, 2005-06.  
 Victorian Government Purchasing Board — Report, 2005-06.  
 Victorian Institute of Sport — Report, 2005-06 (two papers).  
 Victorian Managed Insurance Authority — Report, 2005-06.  
 Victorian Multicultural Commission — Report, 2005-06.  
 Victorian Strawberry Industry Development Committee — Minister's report of receipt of 2005-06 report.  
 Victorian WorkCover Authority — Report, 2005-06.  
 West Gippsland Catchment Management Authority — Report, 2005-06.  
 Wildlife Act 1975 — Notice of control of hunting, No. 2/2006, 23 September 2006.  
 Wimmera Catchment Management Authority — Report, 2005-06.  
 Yarra Bend Park Trust — Report, 2005-06.  
 Zoological Parks and Gardens Board of Victoria — Report, 2005-06 (two papers).

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**PROCLAMATIONS** — A Proclamation of the Governor in Council fixing an operative date in respect of the following Act was laid upon the Table by the Clerk:

Environment Protection (Amendment) Act 2006 — Part 4, except sections 42 and 44 — 13 September 2006 (*Gazette No. s243, 13 September 2006*).

**6 VALEDICTORY STATEMENTS** — Mr John Lenders moved, by leave, That Standing and Sessional Orders be suspended to the extent necessary to enable Members to make valedictory statements for a maximum of 15 minutes each on the motion for the adjournment of the Council until a day and hour to be fixed by the President to be proposed by the Leader of the Government after the conclusion of the Government Business Program.

Question — put and resolved in the affirmative.

**7 GOVERNMENT BUSINESS PROGRAM** — Mr John Lenders moved, That, pursuant to Sessional Order 20, the Orders of the Day, Government Business, relating to the following Bills be considered and completed by 4.30 p.m. on Thursday, 5 October 2006:

City of Melbourne and Docklands Acts (Governance) Bill  
 Conveyancers Bill  
 Crimes (Sexual Offences) (Further Amendment) Bill  
 Charities (Amendment) Bill  
 Road Legislation (Projects and Road Safety) Bill  
 Funerals Bill  
 Sentencing (Suspended Sentences) Bill  
 Justice Legislation (Further Amendment) Bill.

Debate ensued.

Question — put.

The Council divided.

AYES, 22

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren

NOES, 18

The Hon. Bruce Atkinson (*Teller*)  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden (*Teller*)  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote

The Hon. Geoff Hilton  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith (*Teller*)  
 Mr Adem Somyurek (*Teller*)  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative.

- 8 BUSINESS OF THE COUNCIL** — The Honourable Philip Davis moved, by leave, That Standing and Sessional Orders be suspended to the extent necessary to enable the resumption of the debate on the second reading of the Gambling Regulation (Limitation of Number of Gaming Machines) Bill to take precedence over all other General Business on Wednesday, 4 October 2006.

Question — put and resolved in the affirmative.

- 9 URBAN GROWTH BOUNDARY** — The Honourable Justin Madden moved, That pursuant to section 46AH of the *Planning and Environment Act 1987*, the following three amendments to modify the Urban Growth Boundary be ratified:

Frankston Planning Scheme — No C35.

Wyndham Planning Scheme — No C71.

Whittlesea Planning Scheme — Nos. C86 and C91.

The Honourable David Davis moved, That the debate be adjourned for two weeks.

Debate ensued.

Question — put.

The Council divided.

AYES, 18

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson (*Teller*)  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva (*Teller*)  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

NOES, 22

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham (*Teller*)  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 The Hon. Geoff Hilton  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek

The Hon. Theo Theophanous  
The Hon. Marsha Thomson  
Mr Matt Viney (*Teller*)

And so it passed in the negative.

Debate continued on the question, That pursuant to section 46AH of the *Planning and Environment Act 1987*, the following three amendments to modify the Urban Growth Boundary be ratified:

Frankston Planning Scheme — No C35.

Wyndham Planning Scheme — No C71.

Whittlesea Planning Scheme — Nos. C86 and C91.

Question — put and resolved in the affirmative.

- 10 SENTENCING (SUSPENDED SENTENCES) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr Gavin Jennings (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

Mr Gavin Jennings moved, That the Bill be now read a second time.

On the motion of the Honourable Andrea Coote (for the Honourable C.A. Strong), the debate was adjourned until the next day of meeting.

- 11 JUSTICE LEGISLATION (FURTHER AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr Gavin Jennings (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

Mr Gavin Jennings moved, That the Bill be now read a second time.

On the motion of the Honourable C.A. Strong, the debate was adjourned until the next day of meeting.

- 12 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 3, be postponed until later this day.

- 13 CRIMES (SEXUAL OFFENCES) (FURTHER AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr Gavin Jennings (for the Honourable Justin Madden) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

Mr Gavin Jennings moved, That the Bill be now read a second time.

On the motion of the Honourable C.A. Strong, the debate was adjourned until later this day.

- 14 CITY OF MELBOURNE AND DOCKLANDS ACTS (GOVERNANCE) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 15 CONVEYANCERS BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Business having been interrupted at 2.06 p.m. pursuant to Sessional Orders —*

- 16 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.
- 17 MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.
- 18 CONVEYANCERS BILL** — Debate continued on the question, That the Bill be now read a second time.  
Question — put and resolved in the affirmative.  
Bill read a second time and, by leave, read a third time and passed.  
Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 19 CRIMES (SEXUAL OFFENCES) (FURTHER AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.  
Debate resumed.  
Question — put and resolved in the affirmative.  
Bill read a second time and, by leave, read a third time and passed.  
Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 20 CHARITIES (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.  
Debate resumed.  
On the motion of the Honourable Barry Bishop (for the Honourable Damian Drum), the debate was adjourned until later this day.
- 21 ROAD LEGISLATION (PROJECTS AND ROAD SAFETY) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.  
Debate resumed.  
Question — put and resolved in the affirmative.  
Bill read a second time and, by leave, read a third time and passed.  
Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 22 HUMAN SERVICES (COMPLEX NEEDS) (AMENDMENT) BILL** — The Acting President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Human Services (Complex Needs) Act 2003 and for other purposes* and desiring the agreement of the Council.  
On the motion of the Honourable Theo Theophanous (for Mr Gavin Jennings), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 23 FUNERALS BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.  
Debate resumed.  
Question — put and resolved in the affirmative.  
Bill read a second time and, by leave, read a third time and passed.  
Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 24 STATE TAXATION LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — The Acting President announced the receipt of a Message from the Assembly presenting a Bill *to make miscellaneous amendments to the Duties Act 2000, the Land Tax Act 2005, the Pay-roll Tax Act 1971, the Public Authorities (Dividends) Act*

1983, the Taxation Administration Act 1997 and the Valuation of Land Act 1960 and for other purposes and desiring the agreement of the Council.

On the motion of the Honourable Marsha Thomson (for Mr. John Lenders), the Bill was read a first time and ordered to be printed and, by leave, to be read a second time forthwith.

Accordingly, the Honourable Marsha Thomson moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Marsha Thomson moved, That the Bill be now read a second time.

On the motion of the Honourable Gordon Rich-Phillips, the debate was adjourned until the next day of meeting.

**25 CHARITIES (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**26 ADJOURNMENT** — The Honourable Theo Theophanous moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 9.56 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
Clerk of the Legislative Council

## No. 186 — Wednesday, 4 October 2006

1 The President took the Chair and read the Prayer.

**2 PUBLIC SECTOR ACTS (FURTHER WORKPLACE PROTECTION AND OTHER MATTERS) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Public Administration Act 2004 and certain other Acts consequentially on that Act, to amend the Audit Act 1994, the Commonwealth Games Arrangements Act 2001, the Commonwealth Powers (Industrial Relations) Act 1996, the Ombudsman Act 1973, the Parliamentary Administration Act 2005 and the Public Sector Employment (Award Entitlements) Act 2006 and for other purposes* and desiring the agreement of the Council.

On the motion of Mr Gavin Jennings, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

**3 PETITIONS** —

**MOORABOOL SHIRE DE-AMALGAMATION** — Ms Dianne Hadden presented a Petition bearing 680 signatures from certain citizens of Victoria requesting that the Legislative Council of Victoria consider the de-amalgamation of the Shire of Moorabool due to the disproportion in demographics, Wards and Councillor representation, lack of central administration and Council meeting point, economic inequity and disparity between the smaller residential Bacchus Marsh area and the larger rural areas in the north and west of the present Shire structure.

Ordered to lie on the Table.



**STATE FORESTS MULTI-USE MANAGEMENT** — The Honourable Wendy Lovell presented a Petition bearing 1208 signatures from certain citizens of Victoria praying that the status of the Gunbower Island State Forest, Barmah State Forest or other red gum forests or parts thereof along the Murray River Flood Plain remains unchanged, and that — (1) these areas remain multi-use state forests; (2) access to commercial timber harvesting and firewood gathering continue; (3) local communities have input into the management of these areas; and (4) the Department of Sustainability and Environment be funded to a level that allows them to — (a) address pest animal and plant problems; (b) provide sufficient rubbish bins at forest exits; (c) improve and maintain access roads to protect forest areas from off-road driving; (d) employ more staff to look after forest areas; and (e) develop an ongoing education campaign to inform the public of their responsibilities while visiting and camping in forest areas.

Ordered to lie on the Table.

#### 4 PAPERS —

**COUNTY COURT JUDGES** — The Honourable Justin Madden presented by Command of the Governor, the Report of the County Court Judges for the year 2005-06.

The said Report was presented by the Honourable Justin Madden and ordered to lie on the Table.

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**MELBOURNE 2006 COMMONWEALTH GAMES CORPORATION** — The Honourable Justin Madden moved, by leave, That there be laid before this House a copy of the Melbourne 2006 Commonwealth Games Corporation Overall Summary Report for the period 15 July 1999 to 31 August 2006.

Question — put and resolved in the affirmative.

The said report was presented by the Honourable Justin Madden and ordered to lie on the Table.

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**PUBLIC ADVOCATE'S OFFICE** — Mr John Lenders moved, by leave, That there be laid before this House a copy of the Annual Report of the Office of the Public Advocate for 2005-06.

Question — put and resolved in the affirmative.

The said report was presented by Mr John Lenders and ordered to lie on the Table.

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**PARLIAMENTARY DEPARTMENTS** — Ms Glenyys Romanes moved, by leave, That there be laid before this House a copy of the reports of —

- (1) the Clerk on the operations of the Department of the Legislative Council for the year 2005-06; and
- (2) the Secretary on the operations of the Department of Parliamentary Services for the year 2005-06.

Question — put and resolved in the affirmative.

The said reports were presented by Ms Glenyys Romanes and ordered to lie on the Table.

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**ROAD SAFETY COMMITTEE — INCIDENCE AND PREVENTION OF PEDESTRIAN ACCIDENTS** — The Honourable Graeme Stoney presented a Report from the Road Safety Committee on its Review of the Inquiry into the Incidence and Prevention of Pedestrian Accidents (including Appendices), together with Minutes of Evidence.

Ordered to lie on the Table and the Report to be printed.

The Honourable Graeme Stoney moved, That the Council take note of the Report. Debate ensued.

Question — put and resolved in the affirmative.

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**EDUCATION AND TRAINING COMMITTEE — EFFECTS OF TELEVISION AND MULTIMEDIA ON EDUCATION IN VICTORIA** — The Honourable Helen Buckingham presented a Report from the Education and Training Committee on the Effects of Television and Multimedia on Education in Victoria (including Appendices and an Extract from the Proceedings of the Committee), together with Minutes of Evidence.

Ordered to lie on the Table and the Report to be printed.

The Honourable Helen Buckingham moved, That the Council take note of the Report.

Debate ensued.

Question — put and resolved in the affirmative.

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**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — PRIVATE INVESTMENT IN PUBLIC INFRASTRUCTURE** — The Honourable Bill Forwood presented a Report from the Public Accounts and Estimates Committee on Private Investment in Public Infrastructure (including Appendices), together with Minutes of Evidence.

Ordered to lie on the Table and the Report to be printed.

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**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Accident Compensation Conciliation Service — Report, 2005-06.

Adult, Community and Further Education Board — Report, 2005-06.

Australian Grand Prix Corporation — Report, 2005-06.

City West Water Limited — Report, 2005-06.

Corangamite Catchment Management Authority — Report, 2005-06.

Country Fire Authority — Report, 2005-06.

East Gippsland Catchment Management Authority — Report, 2005-06.

Education and Training Department — Report, 2005-06.

Emerald Tourist Railway Board — Report, 2005-06.

Emergency Services Superannuation Board — Report, 2005-06.

Energy Safe Victoria — Report for the period 10 August 2005 to 30 June 2006.

Equal Opportunity Commission — Report, 2005-06.

Fed Square Pty Ltd — Report, 2005-06.

Film Victoria — Report, 2005-06.

Fisheries Act 1995 — Report on the Disbursement of Recreational Fishing Licence Revenue from the Recreational Fishing Licence Trust Account, 2005-06.

Freedom of Information Act 1982 — Report of the Attorney-General on the operation of the Act, 2005-06.

Geelong Performing Arts Centre Trust — Report, 2005-06.

Greyhound Racing Victoria — Report, 2005-06.

Harness Racing Victoria — Report, 2005-06.

Infrastructure Department — Report, 2005-06.

Judicial College of Victoria — Report, 2005-06.

Justice Department — Report, 2005-06.

Legal Practice Board — Report for the period 1 July 2005 to 11 December 2005.

Legal Practitioners' Liability Committee — Report, 2005-06.

Library Board of Victoria — Report, 2005-06.

Melbourne 2006 Commonwealth Games Corporation — Report, 2005-06.

Melbourne Convention and Exhibition Trust — Report, 2005-06.

Melbourne Water Corporation — Report, 2005-06.

Members of Parliament (Register of Interests) Act 1978 — Cumulative Summary of Returns, 30 September 2006.

Metropolitan Fire and Emergency Services Board — Report, 2005-06.

Murray Valley Citrus Marketing Board — Minister's report of receipt of 2005-06 report.

Museums Board of Victoria — Report, 2005-06.

National Gallery of Victoria — Report, 2005-06.

National Parks Act 1975 — Report on working of the Act, 2005-06.

North Central Catchment Management Authority — Report, 2005-06.

Parliamentary Contributory Superannuation Fund — Report, 2005-06.

Police — Office of the Chief Commissioner — Report, 2005-06 (two papers).

Port of Hastings Corporation — Report, 2005-06.

Port of Melbourne Corporation — Report, 2005-06.

Prince Henry's Institute of Medical Research — Report, 2005-06.

Professional Standards Council Victoria — Report, 2005-06.

Public Prosecutions Office — Report, 2005-06.

Public Transport Ticketing Body — Report, 2005-06.

Queen Victoria Women's Centre Trust — Report, 2005-06.

Regional Development Victoria — Report, 2005-06.

Roads Corporation (VicRoads) — Report, 2005-06.

Rolling Stock (VL-1) Pty Ltd — Report, 2005-06.

Rolling Stock (VL-2) Pty Ltd — Report, 2005-06.

Rolling Stock (VL-3) Pty Ltd — Report, 2005-06.

Rolling Stock Holdings (Victoria) Pty Ltd — Report, 2005-06.

Rolling Stock Holdings (Victoria-VL) Pty Ltd — Report, 2005-06.

Rural Finance Corporation of Victoria — Report, 2005-06.

Sentencing Advisory Council — Report, 2005-06.

Shrine of Remembrance Trustees — Minister's report of receipt of 2005-06 report.

Small Business Commissioner's Office — Report, 2005-06.

South East Water Limited — Report, 2005-06.

Southern and Eastern Integrated Transport Authority — Report, 2005-06.

Southern Cross Station Authority (formerly Spencer Street Station Authority) — Report 2005-06.

Special Investigations Monitor's Office — Report, 2005-06.

State Electricity Commission of Victoria — Report, 2005-06.

State Services Authority — Report, 2005-06.

Surveyors Registration Board of Victoria — Minister's report of receipt of 2005-06 report.

Sustainability and Environment Department — Report, 2005-06.

Terrorism (Community Protection) Act 2003 — Report 2005-06, from the Chief Commissioner of Police, pursuant to section 13(3) of the Act.

Tourism Victoria — Report, 2005-06.

Transport Accident Commission — Report, 2005-06.

Treasury Corporation of Victoria — Report, 2005-06.

Tricontinental Holdings Limited — Report for the year ended 31 December 2005.

V/Line Passenger Corporation — Report, 2005-06.

V/Line Passenger Pty Ltd — Report, 2005-06.

VicForests — Report, 2005-06.

Victoria Legal Aid — Report, 2005-06.

Victoria State Emergency Service Authority — Report, 2005-06.

Victoria Trade and Investment Office Pty Ltd — Report, 2005-06.

Victorian Arts Centre Trust — Report, 2005-06.

Victorian Communities Department — Report, 2005-06.

Victorian Curriculum and Assessment Authority — Report, 2005-06.

Victorian Electoral Commission — Report, 2005-06.

Victorian Energy Networks Corporation — Report, 2005-06.

Victorian Industry Participation Policy — Report, 2005-06.

Victorian Institute of Forensic Medicine — Report, 2005-06.

Victorian Learning and Employment Skills Commission — Report, 2005-06.

Victorian Privacy Commissioner's Office — Report, 2005-06.  
 Victorian Qualifications Authority — Report, 2005-06.  
 Victorian Rail Heritage Operations Pty Ltd — Report, 2005-06.  
 Victorian Rail Track — Report, 2005-06.  
 Victorian Regional Channels Authority — Report, 2005-06 (two papers).  
 Victorian Urban Development Authority — Report, 2005-06.  
 VITS LanguageLink — Minister's report of receipt of 2005-06 report.  
 Yarra Valley Water Limited — Report, 2005-06.  
 Young Farmers' Finance Council — Report, 2005-06.

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**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Clerk:

Environment Protection (Amendment) Act 2006 — Sections 42 and 44 — 1 October 2006 (*Gazette No. G39, 28 September 2006*).

Transport Legislation (Further Amendment) Act 2006 — Section 32 — 30 October 2006 (*Gazette No. G39, 28 September 2006*).

**5 MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

**6 GAMBLING REGULATION (LIMITATION OF NUMBER OF GAMING MACHINES) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put.

The Council divided.

AYES, 15

The Hon. Bruce Atkinson  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis (*Teller*)  
 The Hon. Philip Davis  
 The Hon. Bill Forwood (*Teller*)  
 Ms Dianne Hadden  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

NOES, 25

The Hon. Lidia Argondizzo  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines (*Teller*)  
 The Hon. Kaye Darveniza (*Teller*)  
 The Hon. Damian Drum  
 The Hon. John Eren  
 The Hon. Peter Hall  
 The Hon. Geoff Hilton  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

And so it passed in the negative.

**7 HUMAN SERVICES (COMPLEX NEEDS) (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr Gavin Jennings moved,

That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

Mr Gavin Jennings moved, That the Bill be now read a second time.

On the motion of the Honourable Graeme Stoney (for the Honourable Andrea Coote), the debate was adjourned until later this day.

- 8 PUBLIC SECTOR ACTS (FURTHER WORKPLACE PROTECTION AND OTHER MATTERS) BILL** — The Order of the Day having been read for the second reading of this Bill, Mr Gavin Jennings moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

Mr Gavin Jennings moved, That the Bill be now read a second time.

On the motion of the Honourable C.A. Strong, the debate was adjourned until later this day.

- 9 SENTENCING (SUSPENDED SENTENCES) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Business having been interrupted at 2.03 p.m. pursuant to Sessional Orders —*

- 10 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

- 11 SENTENCING (SUSPENDED SENTENCES) BILL** — Debate continued on the question, That the Bill be now read a second time.

Question — put and resolved in the affirmative.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Chair of Committees having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 12 SERIOUS SEX OFFENDERS MONITORING (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Serious Sex Offenders Monitoring Act 2005 in relation to the instructions or directions that may be given by the Adult Parole Board under that Act and for other purposes* and desiring the agreement of the Council.

On the motion of the Honourable Theo Theophanous, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 13 JUSTICE LEGISLATION (FURTHER AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put.

The Council divided.

AYES, 22

The Hon. Lidia Argondizzo  
Ms Candy Broad  
The Hon. Helen Buckingham  
Ms Elaine Carbines

NOES, 19

The Hon. Bruce Atkinson  
The Hon. W.R. Baxter  
The Hon. Barry Bishop  
The Hon. Ron Bowden

The Hon. Kaye Darveniza  
 The Hon. John Eren (*Teller*)  
 The Hon. Geoff Hilton (*Teller*)  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum (*Teller*)  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. Peter Hall  
 The Hon. David Koch (*Teller*)  
 The Hon. Wendy Lovell  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative.

Bill read a second time

The Honourable Justin Madden moved, by leave, That the Bill be now read a third time.

Question — That the Bill be now read a third time and that the Bill do pass — put.

The Council divided.

AYES, 22

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 The Hon. Geoff Hilton  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten (*Teller*)  
 The Hon. Justin Madden  
 Ms Jenny Mikakos (*Teller*)  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

NOES, 19

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. Peter Hall (*Teller*)  
 The Hon. David Koch  
 The Hon. Wendy Lovell (*Teller*)  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative.

Bill read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**14 WATER (GOVERNANCE) BILL** — The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Water Act 1989 to make provision for water corporations and to make other amendments to that Act, to*

*amend the Catchment and Land Protection Act 1994 to make further provision for Catchment Management Authorities and to make other amendments to that Act, to repeal the Melbourne and Metropolitan Board of Works Act 1958 and the Melbourne Water Corporation Act 1992 and to make further amendments to the Conservation, Forests and Lands Act 1987, the Limitation of Actions Act 1958, the Public Authorities (Dividends) Act 1983, the Road Management Act 2004, the Water Industry Act 1994, the Valuation of Land Act 1960, the Water (Resource Management) Act 2005 and the Werribee South Land Act 1991 and desiring the agreement of the Council.*

On the motion of Ms Candy Broad, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

**15 STATE TAXATION LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL —**

The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**16 SERIOUS SEX OFFENDERS MONITORING (AMENDMENT) BILL —** The Order of the Day having been read for the second reading of this Bill, the Honourable Marsha Thomson (for the Honourable Theo Theophanous) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

The Honourable Marsha Thomson moved, That the Bill be now read a second time.

On the motion of the Honourable Andrea Coote (for the Honourable C.A. Strong), the debate was adjourned until later this day.

**17 HUMAN SERVICES (COMPLEX NEEDS) (AMENDMENT) BILL —** The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**18 WATER (GOVERNANCE) BILL —** The Order of the Day having been read for the second reading of this Bill, Mr John Lenders (for Ms Candy Broad) moved, That, pursuant to Sessional Order 34, the second reading speech be incorporated into Hansard.

Question — put and resolved in the affirmative.

Mr John Lenders moved, That the Bill be now read a second time.

On the motion of the Honourable Andrea Coote (for the Honourable Graeme Stoney), the debate was adjourned until later this day.

**19 SERIOUS SEX OFFENDERS MONITORING (AMENDMENT) BILL —** The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**20 PUBLIC SECTOR ACTS (FURTHER WORKPLACE PROTECTION AND OTHER MATTERS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

Question — put.

The Council divided.

AYES, 22

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 The Hon. Geoff Hilton  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell (*Teller*)  
 The Hon. Sang Nguyen (*Teller*)  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

NOES, 19

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell (*Teller*)  
 The Hon. Gordon Rich-Phillips (*Teller*)  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative.

Bill read a second time.

Mr Gavin Jennings moved, by leave, That the Bill be now read a third time.

Question — That the Bill be now read a third time and that the Bill do pass — put.

The Council divided.

AYES, 22

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 The Hon. Geoff Hilton  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen (*Teller*)  
 Ms Glenyys Romanes  
 Mr Johan Scheffer (*Teller*)  
 Mr Robert Smith  
 Mr Adem Somyurek

NOES, 19

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong (*Teller*)  
 The Hon. John Vogels (*Teller*)



The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

And so it was resolved in the affirmative.

Bill read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

*Business having been interrupted by the President at 9.57 p.m. pursuant to Sessional Orders —*

**21 ADJOURNMENT** — The President proposed the question, That the House do now adjourn.

Debate ensued.

And then the Council, at 10.39 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
 Clerk of the Legislative Council

## No. 187 — Thursday, 5 October 2006

1 The President took the Chair and read the Prayer.

2 **PETITIONS** —

**HATTAH/NOWINGI TOXIC WASTE FACILITY** — The Honourables Barry Bishop and Damian Drum each presented a Petition bearing 676 and 891 signatures, respectively, from certain citizens of Victoria requesting that the Legislative Council abandon the proposal to place a toxic waste facility in the Mildura region.

Ordered to lie on the Table.

\* \* \* \* \*

**OAKLEIGH POOL RESTORATION** — The Honourable Andrea Coote presented a Petition bearing 663 signatures from certain citizens of Victoria praying that the Oakleigh Pool be restored to acceptable safety and operational standards and that the State Government act immediately to provide financial assistance to restore the Oakleigh Pool.

Ordered to lie on the Table.

\* \* \* \* \*

**MT ERIN SECONDARY COLLEGE LAND ACQUISITION** — The Honourable Ron Bowden presented a Petition bearing 78 signatures from certain citizens of Victoria requesting that the State Government acquire the land located at 24 Bruce Drive, Somerville, adjacent to the Somerville Campus of Mt Erin Secondary College, and incorporate that land as part of the Secondary College for educational purposes.

Ordered to lie on the Table.

\* \* \* \* \*

**GEELONG BYPASS DEVELOPMENT** — The Honourable John Eren presented a Petition bearing 94 signatures from certain citizens of Victoria praying that the proposed BP and APCO Service Centre developments to the Northern and Southern side of the Geelong Bypass do not go ahead.

Ordered to lie on the Table.

**DANDENONG CREEK TRAIL REST AREAS** — The Honourable Bruce Atkinson presented a Petition bearing 146 signatures from certain citizens of Victoria praying

that the Government assists with the provision of rest areas for the elderly and other Dandenong Creek Trail users, between Boronia Road and Bayswater Road.

Ordered to lie on the Table.

\* \* \* \* \*

**STUD ROAD DUPLICATION** — The Honourable Bruce Atkinson presented a Petition bearing 452 signatures from certain citizens of Victoria praying for the duplication of Stud Road, Bayswater, between Boronia Road and Mountain Highway.

Ordered to lie on the Table.

\* \* \* \* \*

**GUNBOWER ISLAND STATE FOREST** — The Honourable Wendy Lovell presented a Petition bearing 52 signatures from certain citizens of Victoria praying that the status of the Gunbower Island State Forest and other red gum forests or parts thereof along the Murray River Flood Plain remains unchanged, and that — (1) these areas remain multi-use state forests; (2) access to forestry and firewood gathering continue; (3) local communities have input into the management of these areas; and (4) the Department of Sustainability and Environment be funded to a level that allows them to — (a) address pest animal and plant problems; (b) provide sufficient rubbish bins at forest exits; (c) improve and maintain access roads to protect forest areas from off-road driving; (d) employ more staff to look after forest areas; and (e) develop an ongoing education campaign to inform the public of their responsibilities while visiting and camping in forest areas.

Ordered to lie on the Table.

\* \* \* \* \*

**PERSECUTION OF FALUN GONG** — Ms Jenny Mikakos presented a Petition bearing 1108 signatures from certain citizens of Victoria requesting that the Legislative Council — (1) recommends to the Federal Government that it — (a) prevents Australian citizens from travelling to China for organ transplants; (b) prevents companies, institutions and individuals providing goods and services to China's organ transplant programs; (c) demands an end to the persecution of Falun Gong practitioners in China; and (d) assists the Coalition to Investigate the Persecution of Falun Gong (CIPFG); and — (2) recommends to the Victorian Government that it — (a) ends the participation of Victorian funding agencies, medical organisations and individual health professionals in any Government of China-sponsored organ transplant research, meetings or training; (b) informs residents that donor organs sourced from the People's Republic of China may be from non-consenting prisoners of conscience including Falun Gong practitioners; and (c) assists CIPFG with the research and investigation of the alleged harvesting of organs from, and the illegal detention of, Falun Gong practitioners.

Ordered to lie on the Table.

### 3 PAPERS —

**HEALTH SERVICES COMMISSIONER** — Mr Gavin Jennings moved, by leave, That there be laid before this House a copy of the Health Services Commissioner's Annual Report for 2005-06.

Question— put and resolved in the affirmative.

The said report was presented by Mr Gavin Jennings and ordered to lie on the Table.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — The Honourable Lidia Argondizzo presented Alert Digest No. 12 of 2006 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

- Alexandra District Hospital — Report, 2005-06 (two papers).
- Alpine Health — Report, 2005-06.
- Alpine Resorts Co-ordinating Council — Minister's report of receipt of 2005-06 report.
- Ambulance Service Victoria — Metropolitan Region — Report, 2005-06.
- Auditor-General — Report on the Annual Financial Report of the State of Victoria, 2005-06, September 2006.
- Bairnsdale Regional Health Service — Report, 2005-06 (two papers).
- Ballarat General Cemeteries Trust — Minister's report of receipt of 2005-06 report.
- Ballarat Health Services — Report, 2005-06.
- Barwon Health — Report, 2005-06.
- Barwon Region Water Authority — Report, 2005-06.
- Bass Coast Regional Health — Report, 2005-06 (three papers).
- Beaufort and Skipton Health Service — Report, 2005-06 (two papers).
- Beechworth Health Service — Report, 2005-06.
- Benalla and District Memorial Hospital — Report, 2005-06 (two papers).
- Bendigo Health Care Group — Report, 2005-06.
- Boort District Hospital — Report, 2005-06.
- Calder Regional Waste Management Group — Minister's report of receipt of 2005-06 report.
- Casterton Memorial Hospital — Report, 2005-06.
- Central Gippsland Health Service — Report, 2005-06 (two papers).
- Central Gippsland Region Water Authority — Report, 2005-06.
- Central Highlands Region Water Authority — Report, 2005-06.
- Cheltenham and Regional Cemeteries Trust — Minister's report of receipt of 2005-06 report.
- Child Safety Commissioner — Report, 2005-06.
- Chinese Medicine Registration Board of Victoria — Minister's report of receipt of 2005-06 report.
- Chiropractors Registration Board of Victoria — Minister's report of receipt of 2005-06 report.
- Cobram District Hospital — Report, 2005-06 (two papers).
- Cohuna District Hospital — Report, 2005-06.
- Colac Area Health — Report, 2005-06.
- Coliban Region Water Authority — Report, 2005-06.
- Dental Health Services Victoria — Report, 2005-06.
- Dental Practice Board of Victoria — Minister's report of receipt of 2005-06 report.
- Desert Fringe Regional Waste Management Group — Minister's report of receipt of 2005-06 report.
- Djerriwah Health Services — Report, 2005-06 (two papers).
- Dunmunkle Health Services — Minister's report of receipt of 2005-06 report.
- East Gippsland Region Water Authority — Report, 2005-06.
- East Grampians Health Service — Report, 2005-06 (two papers).
- Echuca Regional Health — Report, 2005-06 (two papers).
- Edenhope and District Memorial Hospital — Report, 2005-06.
- Emergency Services Telecommunications Authority — Report, 2005-06.
- First Mildura Irrigation Trust — Report, 2005-06.
- Food Safety Council — Report, 2005-06.
- Geelong Cemeteries Trust — Minister's report of receipt of 2005-06 report.
- Gippsland and Southern Rural Water Authority — Report, 2005-06.
- Gippsland Southern Health Service — Report, 2005-06 (two papers).
- Goulburn Murray Rural Water Authority — Report, 2005-06.
- Goulburn Valley Health — Report, 2005-06.
- Goulburn Valley Region Water Authority — Report, 2005-06.
- Health Purchasing Victoria — Minister's report of receipt of 2005-06 report.
- Hepburn Health Service — Report, 2005-06.

Heritage Council — Minister's report of receipt of 2005-06 report.  
Hesse Rural Health Service — Report, 2005-06.  
Heywood Rural Health — Report, 2005-06.  
Housing Guarantee Fund Ltd — Report, 2005-06.  
Human Services Department — Report, 2005-06.  
Infertility Treatment Authority — Report, 2005-06.  
Inglewood and District Health Service — Report, 2005-06.  
Intellectually Disabled Persons' Services Act 1986 — Report of Community Visitors for 2005-06.  
Kerang District Health — Report, 2005-06.  
Kilmore and District Hospital — Report, 2005-06.  
Kooweerup Regional Health Service — Report, 2005-06 (two papers).  
Kyabram and District Health Services — Report, 2005-06.  
Kyneton District Health Service — Report, 2005-06.  
Latrobe Regional Hospital — Report, 2005-06.  
Lorne Community Hospital — Report, 2005-06 (three papers).  
Lower Murray Urban and Rural Water Authority — Report, 2005-06.  
Maldon Hospital — Report, 2005-06.  
Manangatang and District Hospital — Minister's report of receipt of 2005-06 report.  
Mansfield District Hospital — Report, 2005-06 (four papers).  
Maryborough District Health Service — Report, 2005-06 (two papers).  
McIvor Health and Community Services — Report, 2005-06.  
Mental Health Act 1986 — Report of Community Visitors for 2005-06.  
Mental Health Review Board of Victoria — Minister's report of receipt of 2005-06 report.  
Moyne Health Services — Report, 2005-06.  
Mt Alexander Hospital — Report, 2005-06.  
Nathalia District Hospital — Minister's report of receipt of 2005-06 report.  
Northeast Health Wangaratta — Report, 2005-06.  
North East Water — Report, 2005-06.  
Numurkah District Health Service — Report, 2005-06 (two papers).  
Nurses Board of Victoria — Report, 2005-06.  
O'Connell Family Centre — Minister's report of receipt of 2005-06 report.  
Office of Police Integrity — Report, 2005-06.  
Ombudsman's Office — Report, 2005-06.  
Omeo District Health — Minister's report of receipt of 2005-06 report.  
Optometrists Registration Board of Victoria — Minister's report of receipt of 2005-06 report.  
Orbost Regional Health — Report, 2005-06.  
Osteopaths Registration Board of Victoria — Minister's report of receipt of 2005-06 report.  
Otway Health and Community Services — Report, 2005-06.  
Pharmacy Board of Victoria — Minister's report of receipt of 2005-06 report.  
Physiotherapists Registration Board of Victoria — Minister's report of receipt of 2005-06 report.  
Podiatrists Registration Board of Victoria — Minister's report of receipt of 2005-06 report.  
Portland District Health — Report, 2005-06.  
Project Development and Construction Management Act 1994 — Orders in Council of 3 October 2006 of a nomination and application order and of an amendment to a nominated project application order.  
Queen Elizabeth Centre — Report, 2005-06 (two papers).  
Robinvale District Health Services — Report, 2005-06.  
Rochester and Elmore District Health Service — Report, 2005-06 (two papers).  
Royal Botanic Gardens Board — Report, 2005-06.  
Rural Ambulance Victoria — Report, 2005-06.

- Rural Northwest Health — Report, 2005-06 (two papers).  
 South Gippsland Hospital — Report, 2005-06.  
 South Gippsland Region Water Authority — Report, 2005-06.  
 South West Healthcare — Report, 2005-06.  
 Statutory Rules under the following Acts of Parliament:  
   Racing Act 1958 — No. 128.  
   Sentencing Act 1991 — No. 125.  
   Sex Offenders Registration Act 2004 — No. 127.  
   Subordinate Legislation Act 1994 — Nos. 126 and 129.  
 Stawell Regional Health — Report, 2005-06 (two papers).  
 Sustainability Victoria — Report, 2005-06.  
 Swan Hill District Hospital — Report, 2005-06.  
 Tallangatta Health Service — Report, 2005-06 (three papers).  
 Terang and Mortlake Health Service — Report, 2005-06.  
 Timboon and District Healthcare Service — Report, 2005-06.  
 Tweddle Child and Family Health Service — Minister's report of receipt of 2005-06 report.  
 Upper Murray Health and Community Services — Report, 2005-06 (two papers).  
 Victorian Health Promotion Foundation — Report, 2005-06 (two papers).  
 Victorian Institute of Forensic Mental Health — Report, 2005-06.  
 Victorian Institute of Teaching — Report, 2005-06.  
 Wannon Water — Report, 2005-06.  
 West Gippsland Healthcare Group — Report, 2005-06.  
 West Wimmera Health Service — Report, 2005-06.  
 Western District Health Service — Report, 2005-06.  
 Western Region Water Authority — Report, 2005-06.  
 Westernport Region Water Authority — Report, 2005-06.  
 Wimmera Health Care Group — Report, 2005-06.  
 Wodonga Regional Health Service — Report, 2005-06 (two papers).  
 Wyndham Cemeteries Trust — Minister's report of receipt of 2005-06 report.  
 Yarram and District Health Service — Report, 2005-06 (two papers).  
 Yarrawonga District Health Service — Report, 2005-06 (two papers).  
 Yea and District Memorial Hospital — Report, 2005-06.

- 4 GOVERNMENT BUSINESS PROGRAM** — Mr John Lenders moved, That, pursuant to Sessional Order 21, the Resolution of the Council adopted on 3 October 2006 relating to the Government Business Program be amended to permit the Order of the Day, Government Business, relating to the following Bill to be also considered and completed by 4.30 p.m. on Thursday, 5 October 2006:

Water (Governance) Bill.

Debate ensued.

Question — put.

The Council divided.

AYES, 21

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 The Hon. Geoff Hilton  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden

NOES, 19

The Hon. Bruce Atkinson (*Teller*)  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop  
 The Hon. Ron Bowden (*Teller*)  
 The Hon. Andrew Brideson  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood

Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 Mr Noel Pullen (*Teller*)  
 Ms Glenyys Romanes  
 Mr Johan Scheffer (*Teller*)  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

Ms Dianne Hadden  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative.

**5 MEMBERS' STATEMENTS** — Statements were made by Honourable Members pursuant to Sessional Order 11.

**6 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Honourable Members pursuant to Sessional Order 17.

**7 WATER (GOVERNANCE) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Debate resumed.

*Business having been interrupted at 2.03 p.m. pursuant to Sessional Orders —*

**8 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 6.03 and answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

**9 WATER (GOVERNANCE) BILL** — Debate continued on the question, That the Bill be now read a second time.

Question — put.

The Council divided.

AYES, 22

The Hon. Lidia Argondizzo  
 Ms Candy Broad  
 The Hon. Helen Buckingham (*Teller*)  
 Ms Elaine Carbines  
 The Hon. Kaye Darveniza  
 The Hon. John Eren  
 The Hon. Geoff Hilton (*Teller*)  
 Mr Gavin Jennings  
 Mr John Lenders  
 The Hon. John McQuilten  
 The Hon. Justin Madden  
 Ms Jenny Mikakos  
 The Hon. Robert Mitchell  
 The Hon. Sang Nguyen  
 Mr Noel Pullen  
 Ms Glenyys Romanes  
 Mr Johan Scheffer  
 Mr Robert Smith  
 Mr Adem Somyurek  
 The Hon. Theo Theophanous  
 The Hon. Marsha Thomson  
 Mr Matt Viney

NOES, 19

The Hon. Bruce Atkinson  
 The Hon. W.R. Baxter  
 The Hon. Barry Bishop (*Teller*)  
 The Hon. Ron Bowden  
 The Hon. Andrew Brideson (*Teller*)  
 The Hon. Andrea Coote  
 The Hon. Richard Dalla-Riva  
 The Hon. David Davis  
 The Hon. Philip Davis  
 The Hon. Damian Drum  
 The Hon. Bill Forwood  
 Ms Dianne Hadden  
 The Hon. Peter Hall  
 The Hon. David Koch  
 The Hon. Wendy Lovell  
 The Hon. Gordon Rich-Phillips  
 The Hon. Graeme Stoney  
 The Hon. C.A. Strong  
 The Hon. John Vogels

And so it was resolved in the affirmative.

Bill read a second time.

Ms Candy Broad moved, by leave, That the Bill be now read a third time.

Question — That the Bill be now read a third time and that the Bill do pass — put.  
The Council divided.

AYES, 22

The Hon. Lidia Argondizzo  
Ms Candy Broad  
The Hon. Helen Buckingham  
Ms Elaine Carbines  
The Hon. Kaye Darveniza  
The Hon. John Eren  
The Hon. Geoff Hilton  
Mr Gavin Jennings  
Mr John Lenders  
The Hon. John McQuilten (*Teller*)  
The Hon. Justin Madden  
Ms Jenny Mikakos  
The Hon. Robert Mitchell  
The Hon. Sang Nguyen (*Teller*)  
Mr Noel Pullen  
Ms Glenyys Romanes  
Mr Johan Scheffer  
Mr Robert Smith  
Mr Adem Somyurek  
The Hon. Theo Theophanous  
The Hon. Marsha Thomson  
Mr Matt Viney

NOES, 19

The Hon. Bruce Atkinson  
The Hon. W.R. Baxter  
The Hon. Barry Bishop  
The Hon. Ron Bowden  
The Hon. Andrew Brideson  
The Hon. Andrea Coote  
The Hon. Richard Dalla-Riva  
The Hon. David Davis  
The Hon. Philip Davis  
The Hon. Damian Drum  
The Hon. Bill Forwood (*Teller*)  
Ms Dianne Hadden  
The Hon. Peter Hall  
The Hon. David Koch  
The Hon. Wendy Lovell  
The Hon. Gordon Rich-Phillips  
The Hon. Graeme Stoney  
The Hon. C.A. Strong (*Teller*)  
The Hon. John Vogels

And so it was resolved in the affirmative.

Bill read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**10 QUESTIONS** — Answers to certain questions on notice were circulated pursuant to Standing Order 6.07.

**11 PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Austin Health — Report, 2005-06.  
Australian Centre for the Moving Image — Report, 2005-06.  
Bayside Health — Report, 2005-06.  
Eastern Health — Report, 2005-06 (two papers).  
Health Services Act 1988 — Report of Community Visitors for 2005-06.  
Innovation, Industry and Regional Development Department — Report, 2005-06.  
Interpretation of Legislation Act 1984 — Notice pursuant to section 32(4)(a)(iii) in relation to Waste Management Policy (Used Packaging Materials).  
Melbourne Health — Report, 2005-06.  
Mercy Public Hospitals Incorporated — Report, 2005-06 (three papers).  
Northern Health — Report, 2005-06 (two papers).  
Peninsula Health — Report, 2005-06 (two papers).  
Peter MacCallum Cancer Centre — Report, 2005-06.  
Port Phillip and Westernport Catchment Management Authority — Catchment Condition Report, 2005-06.  
Royal Children's Hospital — Report, 2005-06.  
Royal Victorian Eye & Ear Hospital — Report, 2005-06.  
Royal Women's Hospital — Report, 2005-06.  
Southern Health — Report, 2005-06.  
Subordinate Legislation Act 1994 — Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 124, 125 and 128.

Treasury and Finance Department — Report, 2005-06.

Victorian Law Reform Commission — Report, 2005-06.

Western Health — Report, 2005-06.

Western Regional Waste Management Group — Report, 2005-06.

**12 ADJOURNMENT** — Mr John Lenders moved, That the Council, at its rising, adjourn until a day and hour to be fixed by the President, which will be notified in writing to each Member of the Council.

Debate ensued.

*Business having been interrupted at 4.30 p.m. by the President pursuant to Sessional Order 14 —*

Mr John Lenders moved, That the sitting be continued.

Question — put and resolved in the affirmative.

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Debate continued on the question, That the Council, at its rising, adjourn until a day and hour to be fixed by the President, which will be notified in writing to each Member of the Council.

Question — put and resolved in the affirmative.

Mr John Lenders moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 7.03 p.m., adjourned until a day and hour to be fixed by the President, which will be notified in writing to each Member of the Council.

W.R. TUNNECLIFFE  
*Clerk of the Legislative Council*