

VICTORIA

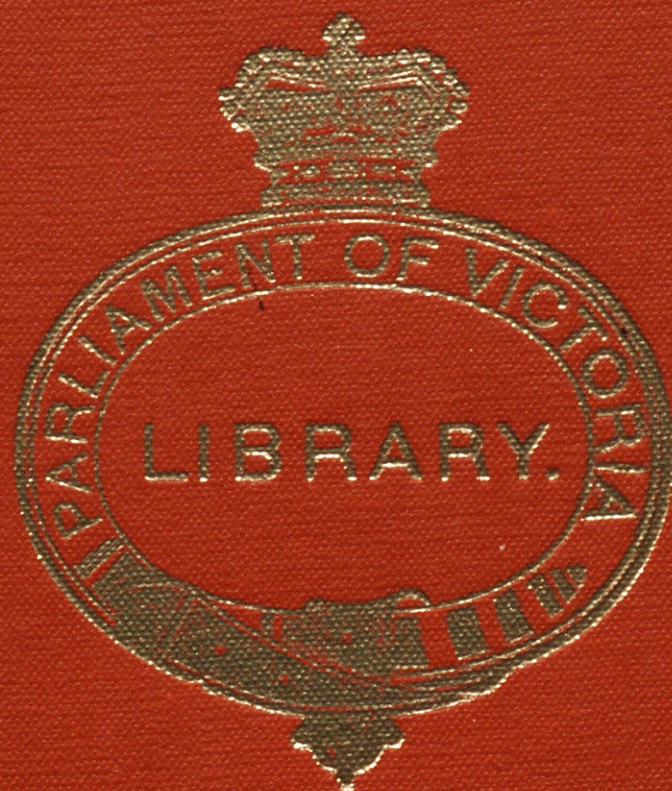
MINUTES
OF THE
PROCEEDINGS
OF THE
LEGISLATIVE
COUNCIL

SESSION

1992-94



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MINUTES OF THE PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL OF VICTORIA

**Session
1992-94**

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 1

Wednesday, 28 October 1992

Mr. President takes the Chair at 10.30 a.m.

BUSINESS TO TAKE PRECEDENCE

- 1 SPEECH OF HIS EXCELLENCY THE GOVERNOR — Motion for Address-in-Reply —
Resumption of debate. (Hon. D.R. White).

GOVERNMENT BUSINESS

NOTICES OF MOTION

- 1 THE HON. R.I. KNOWLES — To move, That unless otherwise ordered by the House, in each week of the present Session —
- (a) the days and hours of meeting of the Council shall be Tuesday at 2.30 p.m., Wednesday at 10.00 a.m. and Thursday at 10.00 a.m.;
 - (b) the transaction of Government business shall take precedence of all other business, except business governed by Standing Orders Nos. 20A, 68A and 86, on Tuesday and Thursday, and at 2.00 p.m. on Wednesday;
 - (c) the transaction of business initiated by Opposition Members shall take precedence of all other business on Wednesday until 2.00 p.m.;
 - (d) no new business shall be taken after 10.00 p.m.;
 - (e) the time appointed for the asking of questions without notice and the giving of answers to questions on notice shall be 2.30 p.m. each day; and
 - (f) the provisions of this resolution, so far as they are inconsistent with the Standing Orders and practice of the House, shall have effect notwithstanding anything contained in those Standing Orders.
- 2 THE HON. R.I. KNOWLES — To move, That the Sessional Order relating to the provision of answers to questions on notice, adopted by the Council on 28 March 1990, be referred to the Standing Orders Committee for consideration and report.

GENERAL BUSINESS

NOTICE OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Government for—
 - (a) the appointment of Mr. Brendan Millane as Chief Executive of the Department of Energy and Minerals; and
 - (b) the method of appointment of all the Chief Executives of Departments, Parliamentary Secretaries and Chairpersons of Parliamentary Committees and the basis on which their remuneration has been calculated.

GOVERNMENT BUSINESS

ORDER OF THE DAY

- 1 SUBORDINATE LEGISLATION (AMENDMENT) BILL — (*Hon. M.A. Birrell*) —
Second reading.

A.V. BRAY
Clerk of the Legislative Council

B.A. CHAMBERLAIN
President

Wednesday, 28 October 1992

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, L. Kokocinski and W.A. Landeryou.

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SESSIONAL ORDER

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 27 October 1992, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

By Authority L.V. North, Government Printer, Melbourne

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 2

Thursday, 29 October 1992

Mr. President takes the Chair at 2.30 p.m.

BUSINESS TO TAKE PRECEDENCE

- 1 SPEECH OF HIS EXCELLENCY THE GOVERNOR — Motion for Address-in-Reply —
Resumption of debate. (Hon. B.A.E. Skeggs).

GOVERNMENT BUSINESS

NOTICE OF MOTION

- *1 THE HON. M.A. BIRRELL — To move, That he have leave to bring in a Bill to make further provision for the deregulation of shop trading hours in part of the City of Melbourne and in the area surrounding Southbank and to amend the *Shop Trading Act 1987* and for other purposes.

ORDERS OF THE DAY

- 1 SUBORDINATE LEGISLATION (AMENDMENT) BILL — (*Hon. M.A. Birrell*) —
Second reading — *Resumption of debate. (Hon. D.R. White).*
- *2 STATEMENT OF 28 OCTOBER 1992 ON VICTORIA'S FINANCIAL MANAGEMENT STRATEGY — To be considered.

A.V. BRAY
Clerk of the Legislative Council

B.A. CHAMBERLAIN
President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, L. Kokocinski and W.A. Landeryou.

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SESSIONAL ORDERS

*BUSINESS OF THE HOUSE

By resolution of the Council on 28 October 1992 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday	—	2.30 p.m.
Wednesday	—	10.00 a.m.
Thursday	—	10.00 a.m.

Business to take precedence—

Tuesday	—	Government business.
Wednesday	—	General business (until 2.00 p.m.).
Thursday	—	Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

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AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 27 October 1992, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

By Authority L.V. North, Government Printer, Melbourne

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 1, 2 and 3

No. 1 — Tuesday, 27 October 1992

- 1 The Council met pursuant to the Proclamation of His Excellency the Governor dated 20 October 1992, which Proclamation was read by the Clerk and is as follows:

FIXING THE TIME FOR HOLDING THE FIRST SESSION OF THE FIFTY-SECOND PARLIAMENT OF VICTORIA

PROCLAMATION

I, Richard E. McGarvie, Governor of Victoria, acting under section 20 of the *Constitution Act 1975*, fix Tuesday, 27 October 1992 as the time for the commencement and holding of the First Session of the Fifty-second Parliament of Victoria for the despatch of business, at eleven o'clock in the morning, 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 Victoria,
on 20 October 1992
R.E. McGARVIE

(L.S.)

By His Excellency's Command
J.G. KENNETT
Premier

- 2 **INTRODUCTION OF COMMISSIONERS** — The Honourables the Chief Justice, and Mr Justice William Charles Crockett, A.O., the Commissioners from His Excellency 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:

His Excellency the Governor, not thinking fit to be present in person, has been pleased to cause Letters Patent 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 Letters Patent which will now be read by the Clerk.

Then the said Letters Patent were read and are as follows:

BY HIS EXCELLENCY THE HONOURABLE RICHARD E. McGARVIE
GOVERNOR OF VICTORIA
TO THE HONOURABLE MR JUSTICE JOHN HARBER PHILLIPS
CHIEF JUSTICE OF VICTORIA
AND
THE HONOURABLE MR JUSTICE WILLIAM CHARLES CROCKETT, A.O.

GREETING:

Acting under all available powers and with the consent of the Premier, I appoint you my Deputies on my behalf to begin the first session of the Fifty-second Parliament at 11.00 in the morning on Tuesday the twenty-seventh day of October 1992 and to do all things that it is necessary or usual for me to do on the beginning of a new Parliament.

Given under my hand and the seal of Victoria,
on 26 October 1992

R.E. McGARVIE
Governor

(L.S.)

By His Excellency's Command,
J.G. KENNETT
Premier

Entered on record by me, in the Register of Patents Book No. 40, Page No. 112, this twenty-sixth day of October 1992.

K.P. BAXTER
Secretary,
Department of the Premier and Cabinet

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 His Excellency to let you know that later this day His Excellency will declare to you in person in this place the causes of his 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, His Excellency requests that you, in your respective Chambers, will proceed to the choice of proper persons to be such President and Speaker.

The Members of the Legislative Assembly then withdrew.

The Honourable Mr Justice Crockett withdrew.

3 COMMISSION TO ADMINISTER OATH OR AFFIRMATION TO MEMBERS —

The Honourable the Chief Justice handed His Commission to administer the Oath of Affirmation prescribed by section 23 of the *Constitution Act 1975* to the Clerk, who read the same as follows:

BY HIS EXCELLENCY THE HONOURABLE RICHARD E. McGARVIE,
GOVERNOR OF VICTORIA
TO THE HONOURABLE MR JUSTICE JOHN HARBER PHILLIPS
CHIEF JUSTICE OF VICTORIA

GREETING:

Acting under section 23 of the *Constitution Act 1975* I authorise you, in the Parliament Houses Melbourne on Tuesday the twenty-seventh day of October 1992, 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 26 October 1992

R.E. McGARVIE
Governor

By His Excellency's Command,
J.G. KENNETT
Premier

Entered on record by me, in the Register of Patents Book No. 40, Page No. 109, this
twenty-sixth day of October 1992.

K.P. BAXTER
Secretary,
Department of the Premier and Cabinet

RETURN TO WRIT —The Clerk announced that a Writ issued under the hand of His Excellency the Governor on 21 August 1992 for the election of Members to serve in each of twenty-two Provinces had been received from His Excellency, and by the indorsements on that Writ it appeared that the following Members had been elected in pursuance thereof:

- The Honourable Richard Strachan de Fegely for the Ballarat Province.
- The Honourable Eadley Graeme Stoney for the Central Highlands Province.
- The Honourable Sue deCarteret Wilding for the Chelsea Province.
- The Honourable David Ronald White for the Doutta Galla Province.
- The Honourable Mark Alexander Birrell for the East Yarra Province.
- The Honourable Ronald James Herbert Wells for the Eumemmerring Province.
- The Honourable William Anthony Neville Hartigan for the Geelong Province.
- The Honourable Philip Rivers Davis for the Gippsland Province.
- The Honourable Christopher Arthur Strong for the Higinbotham Province.
- The Honourable Pat Power for the Jika Jika Province.
- The Honourable Bruce Norman Atkinson for the Koonung Province.
- The Honourable Douglas Thompson Walpole for the Melbourne Province.
- The Honourable Donato Antonio Nardella for the Melbourne North Province.
- The Honourable Jean McLean for the Melbourne West Province.
- The Honourable Louise Asher for the Monash Province.
- The Honourable William Robert Baxter for the North Eastern Province.
- The Honourable Barry Wilfred Bishop for the North Western Province.
- The Honourable Rosemary Varty for the Silvan Province.
- The Honourable Ronald Henry Bowden for the South Eastern Province.
- The Honourable William Forwood for the Templestowe Province.
- The Honourable Andrew Ronald Brideson for the Waverley Province.
- The Honourable Roger Murray Hallam for the Western Province.

5 **DECLARATION OF ALLEGIANCE** — The Honourables R.S. de Fegely, Graeme Stoney, Sue deC. Wilding, D.R. White, M.A. Birrell, Dr. R.J.H. Wells, W.A.N. Hartigan, P.R. Davis, C.A. Strong, P. Power, B.N. Atkinson, D.T. Walpole, D.A. Nardella, J. McLean, L. Asher, W.R. Baxter, B.W. Bishop, Rosemary Varty, R.H. Bowden, W. Forwood, A.R. Brideson and R.M. Hallam 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.

The Honourable M.A. Birrell, addressing the Clerk, proposed to the Council for their President the Honourable Bruce Anthony Chamberlain and moved, That the Honourable Bruce Anthony Chamberlain do take the Chair of the Council as President, which motion was seconded by the Honourable W.R. Baxter.

Question — That the Honourable Bruce Anthony Chamberlain do take the Chair of the Council as President — put and resolved in the affirmative.

The Council then calling the Honourable Bruce Anthony Chamberlain to the Chair, he was taken out of his place by the Honourables M.A. Birrell and W.R. Baxter and conducted to the Chair; and, standing on the dais, he returned his acknowledgements to the Council for the great honour that had been conferred upon him and thereupon he took the Chair of the President.

The Honourables M.A. Birrell, W.R. Baxter and D.R. White then congratulated the Honourable the President.

The President responded.

The Honourable M.A. Birrell announced that His Excellency 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 11.30 a.m. until 2.30 p.m.]

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

A fanfare was sounded.

His Excellency 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, His Excellency was pleased to speak as follows:

MR PRESIDENT AND HONOURABLE MEMBERS OF THE LEGISLATIVE COUNCIL;
MR SPEAKER AND MEMBERS OF THE LEGISLATIVE ASSEMBLY

The election on October 3rd resulted in a change of Government in Victoria. The people of Victoria demonstrated unambiguously that they wanted a change in policies and practices—change of direction and a fresh start.

The Coalition of the Liberal and National Parties was elected with the largest parliamentary majority in Victoria's history and following the result of the election, I called on the Coalition parties to form a Government.

The leader of the Liberal Party, Mr Kennett, was offered and given the commission to govern.

The mandate provided to my Government was accepted with enthusiasm and responsibility.

I have called you together today for the first session of the Fifty-second Parliament to deliberate on the policy directions for the term of the new Government and matters of importance to the people of Victoria.

The mandate given at the election to my Government is significant and has placed Parliament in a position of being capable of achieving the far-reaching reforms for our State that the electorate demands we achieve.

I wish to address the issues involved in my Government's policy reforms, but indicate the seriousness of the financial situation my Government has inherited will and must greatly influence the future direction of policy and activity.

My Government put a wide ranging and clear program of reform and change to the people of Victoria and received a clear mandate to proceed.

The Victorian people clearly accepted Mr Kennett's offer to take greater control of their own lives, to work for the security of employment which comes from a growing and vibrant economy.

All sectors of the community have accepted the Government's challenge to join it in a partnership to rebuild the State.

There is general recognition that to provide incentive for new business investment, to achieve a vibrant, internationally competitive private sector and to offer reward for effort for individual Victorians, this must be a time of significant change.

Victoria is open for business, but the driving force for future expansion, new industry projects and to seek out new markets must come from industry and business.

The Victorian people have clearly indicated they want to return to smaller government. They want less intervention in their affairs, greater freedom of choice, a more responsive public sector and, most importantly, enduring sound financial management.

It is abundantly obvious the people of Victoria wish to see my Government committed to a clear set of objectives which will re-establish priority for achieving results, honour the dignity of the individual and ensure integrity of process.

It is important that I outline the objectives to which the Government will aim.

They are:

- Reducing Victoria's record high and totally unacceptable unemployment level;
- Establishing an appropriate and professional education system for our children as they prepare for an increasingly competitive world;
- Re-establishment of Victoria's Triple-A credit rating;
- A reduction of the State's overall debt and unfunded liabilities;
- The elimination of budget deficits;
- Greater choice and flexibility in workplace conditions;
- A smaller and more responsible public sector;
- More effective co-ordination between the States and an overhaul of Commonwealth-State relations;
- A rebuilding of Victorian industry and small business on an internationally competitive basis.

If my Government is to achieve these objectives, there will need to be radical changes to the structure of Government and the way Government conducts its affairs.

The State can no longer spend money it does not have or borrow money it cannot service.

The electorate has signified its distaste for continuing increases in State debt and for the funding of recurrent expenditure with continued borrowings.

It is regrettable that tough measures will have to be implemented to restore the State's financial integrity. There is no responsible alternative.

In my Government's assessment, one of history's lessons is that when a decisive mandate is given, the electorate would prefer to see prompt resolution of problems rather than allowing them to fester on and for the State's financial fortunes to deteriorate further.

My Government will be moving swiftly to halt the decline in the State's financial position.

This will require a reduction in public sector expenditure and employment and, regretfully, a necessity to increase revenues.

The new Government has already moved on several fronts to tackle Victoria's debt problem.

- The number of Government departments has been reduced from twenty-two to thirteen.
- The Government has announced its intention to abolish the Public Service Board and move to a more direct line of accountability.
- It has adopted "total cost to employer" contracts for its most senior public servants with bonus incentives for performance.
- It has already established the Commission of Audit, headed by the prominent Victorian, Sir Roderick Carnegie, to prepare a full balance sheet for the State over the next six months.

My Government has consistently identified education as the first priority of any Government and has begun implementing major changes in school education to be ready for the start of the 1993 school year.

Considerable time and resources will be devoted this decade to re-establishing quality in our total education system, whether for students at primary or tertiary level, for gifted or disadvantaged students.

In all areas of Government services, attention will be paid to the quality of delivery and the actual accessibility of services.

Centralised administrative units will be progressively downsized and functions and resources will be directed to the end user.

A Public Service Commissioner will replace the Public Service Board.

The Government will demand nothing of business or individual Victorians that it does not expect of itself. The public sector reforms which have already been undertaken underscore the Government's commitment in this regard.

The heads of departments will be expected to shoulder the same responsibilities to the shareholders—the public of Victoria—as the directors of public companies.

Legislation will be introduced this session to put in place a series of measures to restore faith in the institution of the public service.

Such legislation will come under the umbrella of the major changes which will be made to industrial laws in Victoria.

The changes are aimed at restoring choice, ending compulsion and lifting Victoria out of the moribund attitudes which have become entrenched in the industrial system and providing the basis for creating a vibrant industrial sector and greater freedom of individual choice.

With my Government, Victoria will become the first State in Australia to achieve fundamental reform of the labour market and therefore position the State and its total workforce to maximise the opportunities of the twenty-first century.

These major changes to lift the efficiency of the public sector and in employee relations will provide Victoria with unparalleled economic opportunities.

My Government is also committed to a substantial and wide-ranging program of microeconomic reform.

It does not believe there has been a sustained momentum for reform at Commonwealth level.

My Government wishes to see:

- Competitive markets;
- Smaller Government;
- Lower input costs;

- Substantially increased private investment; and
- Greater integration of Victoria into the Asia-Pacific Basin economies.

The Government will work equally for all Victorians and is committed to providing responsible and responsive Government.

The State will have open, honest, accountable Government, a Government which will operate on the same financial principles as the corporate sector.

There will be priority for creating a more certain, yet flexible, climate for business, to provide greater security to families and an education and training system which better equips young people for life after school and university.

There can be no escaping the need for change, for decisive, strong leadership in the present circumstances.

Victoria's financial position presents a major problem which will be tackled as a matter of urgency.

On the currently available data, Victoria's public sector indebtedness amounts to \$615 billion; economic activity, especially in key sectors like manufacturing, has slumped; and unemployment has been at record levels over the past year.

The excesses of the nineteen eighties left Victoria ill-equipped to cope with an economic downturn and, consequently, the recession has had a far greater impact on Victoria than any other State.

Agriculture has experienced its worst slump in earnings in sixty years and our producers—in addition to having to contend with the recession—face intense competition from heavily subsidised commodities on world markets.

The concept of regional development was abandoned, and many country centres have suffered economic decline and substantial increases in unemployment.

In short, my Government inherited grave economic and social problems and is now ready to begin the task of rebuilding.

Without far-reaching economic reform, businesses will continue leaving Victoria for more competitive locations in other States and overseas and our State will miss out on the new business and trade opportunities which are emerging in the Asia-Pacific Basin.

Business on-costs in Victoria, particularly in such areas as workers' compensation and payroll tax, are the highest of any Australian State.

Taxes on employment, despite already being at historically high levels, were raised by more than a third in the three years to 1990-91.

The State's financial position has reached a critical point. The present budget situation is unsustainable and requires urgent remedial action to close the gap between revenue and expenditure.

It has to be demonstrated that remedial budgetary measures are being put into place to minimise the risk of a further downgrading of Victoria's credit rating, which has been downgraded three times in the past three years and is now the lowest of the mainland States.

There is no option but to implement tough decisions to turn the State around.

Accepting the delicate state of the economy and the financial problems of the public sector, the Government believes the process of rebuilding the economy and restoring the State's financial base must be completed before the turn of the century in order to position Victoria for long term sustainable growth.

The Government's public management strategy involves a shift of resources and economic activity from the public sector to private enterprise.

Many of the services to government will be contracted out to bring about a substantial cost saving and the trading enterprises will be corporatised to reduce their operating costs and hence the cost of their services to consumers.

The process of privatisation of Government businesses will continue in instances where public benefit can be secured.

Debt reduction is the other priority issue within the public sector.

Victoria cannot sustain the present level of public debt, which absorbs twenty-nine cents in every dollar of revenue just to meet interest payments.

The State cannot continue to fund recurrent costs with more borrowings. There is no choice but to exercise debt control and spend according to the State's means—as every business, every corner store, every household has to do.

The Budget presented to Parliament last month does not reflect my Government's priorities as it failed to tackle the serious structural problems in State finances, and will be abandoned. It would only have compounded our financial and budgetary crisis.

As the first step to restore the State's financial integrity, the Government has completed an initial assessment which has shown that on unchanged policies, the Budget deficit this year would be over \$2 billion rather than the \$1.35 billion stated in the Budget papers.

A Treasury assessment has also shown the Government's balance of assets over liabilities dropped by \$5.6 billion in the year ending June 30th 1991.

The evidence which has emerged indicates that without a drastic change in financial policy, the situation will continue to deteriorate.

In order to obtain an accurate picture of the financial situation, one of the Government's first initiatives was to establish the independent Commission of Audit.

The commission will prepare a full balance sheet for the State, including current and long term liabilities and the impact of the former Government's sale and leaseback arrangements and the measures necessary to restore State finances to a position of viability.

The audit will also establish a benchmark against which the Government's performance can be measured in future years.

This will require the introduction of fully accountable reporting procedures.

In the light of the Treasury assessments, additional reductions in expenditure and additional revenue measures will be necessary immediately.

The departments have been set a target to cut expenditure by 2% above the 1.5% provided in the recent Budget.

The Cabinet Budget and Expenditure Review Committee will conduct a detailed assessment of departmental outlays by the end of this year to assist in the program of expenditure reduction.

My Government will introduce an interim Appropriation Bill in the current session. It will be accompanied by an economic statement setting out savings targets, efficiency measures and capital works, along with additional revenue proposals.

The Government stands by its assurance, however, that any revenue increases will not mean further imposts on business operations.

Asset sales will be expedited where possible to reduce debt.

A final Appropriation Bill, incorporating measures recommended by the Budget and Expenditure Review Committee, will be introduced in March. It will be accompanied by a major statement outlining further expenditure reductions to be implemented by next July.

At that time, longer term financial strategies will be determined in line with the findings of the Audit Commission.

These reforms have the primary aims of reducing the burden of government on the private sector, creating incentive for investment in new business projects and expansion or introducing new processes in existing businesses and generating new employment opportunities.

Under the Government's program, Victoria will be open for business.

Moreover, business and industry in Victoria will have every encouragement and support to become internationally competitive with particular focus on the vast trade opportunities which are opening up in the Asia-Pacific region.

The Government will develop a secure policy climate which gives private firms the confidence to make long term investments.

The bureaucratic barriers to business will be swept away, the planning approvals process will be speeded up and there will be a single avenue for issuing small business permits and licences.

Legislation providing for a complete overhaul of WorkCare will be put before Parliament this session.

Victoria has the most costly and inefficient workers' compensation system in Australia—a system which has cost the State tens of thousands of jobs, acted as a deterrent to business development and failed to provide effective rehabilitation for injured employees.

The latest WorkCare report and an independent assessment of the scheme show its financial position continues to deteriorate. The reports underline the urgent need for the drastic reforms proposed by the Government to reduce the cost of WorkCare and eliminate its unfunded liabilities.

The major legislation to be introduced this session of Parliament includes:

- Appropriation
- The Constitution Act (Amendment)
- Employee Relations
- Vital State Industries
- Public Service
- Accident Compensation
- Seven day trading for the Central Business District and Southbank
- Treasury Corporation
- State owned enterprises
- Police Board
- The Mutual Recognition Bill

These legislative measures are aimed at rebuilding Victoria. To that, my Government is irrevocably committed.

The Government will establish a Ministerial Industry Council of senior ministers, including the Premier, to facilitate industry expansion and new development, remove bureaucratic bottlenecks, hasten approvals for major projects and identify future growth opportunities.

Two other important industry-related bodies to be set up are the Premier's Science and Technology Council, which will assist in preparing a comprehensive research and development strategy for the State, and the Food Development Authority whose role will be to focus on the marketing of Victoria's pollution-free agricultural products and encourage accelerated development in food processing.

A reform strategy will be implemented for the meat industry which has been devastated by industrial strife and undermined by inefficient work practices.

The Government will encourage development in resource based industries—mining, oil and gas, brown coal and forestry—with emphasis on value adding.

Administration of the tourism industry will be restructured to provide for a greater commercial orientation at Government level. A new board is being established with membership from the industry and there will be a new organisation, Tourism Victoria, whose charter will be to prepare long term strategies for tourism development, promotion and marketing.

Port and transport services within Victoria will be subject to extensive reforms and the various forms of transport will be better integrated.

The sea cargo ports of Melbourne, Geelong, Hastings and Portland will be placed on a commercial footing and the bulk of their services will be transferred to the private sector. As demonstrated in other OECD countries, effective port reform accelerates investment and employment growth across the private sector.

The power industry, traditionally a major strength of the Victorian economy through its access to the vast, low cost brown coal reserves in the Latrobe Valley, is debt ridden and uncompetitive as Australia heads towards the establishment of a national power grid.

My Government will split the generation, transmission and distribution functions of the SEC into corporate units geared to efficiency and cost-effectiveness.

The sixty per cent of Loy Yang B power station which remains in public ownership will be sold and another power station or set of two stations will be privatised.

The Government views education and training as essential to economic development, especially in the industry sectors with the greatest future growth potential, and to employment generation.

The State's intellectual and skills base must be expanded to underpin new scientific and technological research and development, the adaptation of new industrial processes and new product development.

The education system also currently fails to meet community expectations and must be reformed so that it encourages the pursuit of excellence and properly equips students for their working lives.

The Government's reforms will extend through the State primary and secondary education systems and the TAFE system.

Schools will be given significantly greater autonomy in their administration, curriculum development and budgeting, but must accept greater accountability to their local communities.

In particular, the VCE will be restructured by the start of the next school year to ensure it is more in tune with the needs of students and schools.

One of the tragedies of recent years has been the enormous increase in the number of school leavers who are missing out on tertiary places.

As a major step to alleviate this problem, funds will be provided to create an additional 2,500 places in Victorian universities next year and another 2,000 places in 1994. The new places will be spread across tertiary institutions in both the metropolitan area and regional centres.

The Government's total reform program across the public and private sectors is directed towards three fundamental objectives—restoring a sound financial base for the State, reviving the private sector, and the third objective to which I now turn—that of providing security for those people who remain in work and providing jobs for those who are unemployed.

As an immediate step, the Government will implement its new jobs initiative to fund the creation of up to 40,000 additional positions in private firms throughout the State by mid-1994.

The initiative applies universally to the private sector and will involve a payment of up to \$2,500 a year for new employees—the equivalent of 10% of the average wage.

The cost will be capped at \$160 million and will be met from asset sales.

The official unemployment rate in Victoria stands at 11.3%. The severe contraction in the job market, and notably the decline in the participation rate in recent months, has devastated the hopes of hundreds of thousands of Victorians of all ages, but has been especially severe for those aged under twenty-five who in many cases are still seeking their first job and the people in their forties and fifties who suddenly find themselves out of work.

The Government has deemed it essential to allocate these funds to provide some immediate relief to unemployed and employers alike.

Unemployment, however, is likely to remain unacceptably high for a number of years until economic reform takes full effect.

The Government's employee relations plan is a key plank in its program to revitalise the State and generate real long term jobs.

The plan has been canvassed extensively with all sectors of the Victorian community and will be implemented swiftly.

From March 1st next year, all employees under State awards will be declared to be outside the centralised industrial award system.

They will have the choice of opting back into the system, negotiating enterprise agreements with the support of their union, collectively negotiating agreements within a particular workplace, or of negotiating individual agreements.

The plan provides flexibility and gives employees the opportunity to gain higher rewards for increased productivity.

The legislation will set down minimum entitlements to protect the rights of employees and those seeking work.

As with the crisis facing the unemployed in Victoria, my Government also recognises the plight of the homeless.

There are many people of all age groups, men and women alike, who have found it difficult to cope.

There are people who perhaps through no fault of their own have found themselves on the fringe of society and are in desperate straits.

The Government believes the homeless need support and a chance, a means of regaining their personal dignity.

It has developed an imaginative, very human program to offer at least basic food and shelter to the homeless.

In view of the impact of the recession and the very real need in this area, special funding will be made available for this program.

In the important community service areas of public transport and health, my Government is committed to reforms which will bring about significant improvements in efficiency and productivity, as well as to provide better service delivery to all Victorians.

Public transport losses will be curtailed. Services will respond better to the needs of users and will include the provision of free tram travel within the Central Business District.

Initiatives will be introduced in the health system to reduce the State's record hospital waiting lists. There will also be a major offensive to reduce the number of deaths from cancer and cardiovascular disease.

The Government will strengthen the operational arm of the Victoria Police over its first term to ensure greater safety for Victorians in their homes and in the streets.

The administration of the force will be restructured, operational personnel will be increased by more than 1,000 to 11,000 and the police will take over the role of transit officers in the public transport system.

The emphasis will be on greater vigilance, and police will be given increased powers to lift the crime clearance rate, particularly in relation to violent crimes.

The Government will also respond positively to the community's expectation of sound conservation management, waste minimisation and the avoidance of pollution.

Turning to the Parliament itself, the operation of Parliament, the conventions of the parliamentary system in Victoria and the sense of independence and broad representation of Parliament have each been devalued in recent years.

My Government believes Parliament, as the central institution in our democracy, must be truly reinstated as a forum of the people.

Parliament should be seen to observe the highest standards.

My Government is determined to restore public confidence in the institution of Parliament itself and to ensure the standards of truthfulness, honesty and proper behaviour—standards we would apply in other areas of our lives—are rigorously observed.

The parliamentary committee system will be overhauled and made more relevant to the contemporary needs of Victoria.

Question time will become a genuine opportunity to obtain information from the Government and not simply a forum for political point scoring.

In respect of inter-government relations, my Government is of the firm view that greater co-ordination between the eastern States and the Commonwealth will deliver significant benefits.

It has a real commitment to co-operative projects, including the national electricity grid, the National Rail Freight Corporation and a number of other similar initiatives, which it is hoped will be put into effect quickly as an important means of restoring confidence and jobs.

To that end, a positive response is being sought from the Federal Government on these proposals.

It is the Government's view that the Commonwealth Government has an unprecedented opportunity to become actively involved in delivering major and tangible reforms to Commonwealth-State relations.

My Government intends to work closely with the Commonwealth to achieve these objectives, so long as the Commonwealth is committed to substantial progress and not merely rhetoric.

In short, my Government is making clear its vision and direction for the next four years.

It is determined to rebuild Victoria.

It is determined to reinstate Victoria as the jewel in the Commonwealth's crown.

This will not be achieved easily, but will involve a fundamental change in the nature of the Victorian recovery.

No longer can we regard a high standard of living as a matter of right. It will have to be earned as the result of a fervent commitment to a change in our basic culture.

It is up to every Victorian to show the commitment is there to be the best and to take great pride in contributing to Victoria's and Australia's economic growth.

My Government places this objective above all others.

It acts in total accord with the community's demand for a change in direction.

Parliament, as the supreme law giving body of the State, is requested to grant the essential early passage of the legislation put before it to effect this process.

The preceding Fifty-first Parliament of Victoria was opened in 1988 by my predecessor, His Excellency Dr Davis McCaughey, AC, who retired in April this year and to whom I pay tribute for the distinguished manner in which he served the Crown and the State.

Since the last Parliament was opened, two other former Governors of Victoria have died. It is with great sorrow that I inform you of the deaths of Rear Admiral Sir Brian Murray and Major General Sir Rohan Delacombe. I extend my deepest sympathy to Lady Murray and Lady Delacombe.

It is also with deep regret I advise the Parliament of the passing of the Honourable Peter Block, the Member for Boronia and Nunawading Provinces between 1973 and 1985, who died tragically last week.

I now formally open this Parliament and pray that the guidance of Almighty God may attend your deliberations.

27 October 1992

RICHARD E. McGARVIE
Governor of Victoria

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

The Legislative Assembly withdrew.

[Sitting suspended from 3.27 p.m. until 5.03 p.m.]

The President resumed the Chair and read the Prayer.

RECEPTION OF THE PRESIDENT BY HIS EXCELLENCY THE GOVERNOR — The President reported that, accompanied by Honourable Members, he had presented himself to His Excellency the Governor as the choice of the Legislative Council, and that His Excellency had addressed him in the following terms:

Mr. President,

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

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

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

R.E. McGARVIE
Governor of Victoria

Melbourne
27 October 1992

- 10 **THE LATE HONOURABLE PETER DAVID BLOCK** — The Honourable M.A. Birrell moved, That this House expresses its sincere sorrow at the death, on 19 October 1992, of the Honourable Peter David Block, 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 Boronia Province from 1973 to 1979; and for the Nunawading 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.

- 11 **ADJOURNMENT** — The Honourable M.A. Birrell moved, That as a further mark of respect to the memory of the late Honourable Peter David Block, the House do now adjourn until this day at 8.00 p.m.

Question — put and resolved in the affirmative.

And then the Council, at 5.54 p.m., adjourned until this day at 8.00 p.m.

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- 1 The President took the Chair.

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

BY HIS EXCELLENCY THE HONOURABLE RICHARD E. McGARVIE
GOVERNOR OF VICTORIA

TO THE HONOURABLE BRUCE ANTHONY CHAMBERLAIN,
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 26 October 1992

R.E. McGARVIE
Governor

(L.S.)

By His Excellency's Command,
J.G. KENNETT
Premier

Entered on record by me, in the Register of Patents Book No. 40, Page No. 105, this twenty-sixth day of October 1992.

K.P. BAXTER
Secretary,
Department of the Premier and Cabinet

- 3 **PRIVILEGE BILL — SUBORDINATE LEGISLATION (AMENDMENT) BILL** — On the motion of the Honourable M.A. Birrell, leave was given to bring in a Bill to amend the *Subordinate Legislation Act 1962* 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.

4 **CHAIRMAN OF COMMITTEES** — The Honourable W.R. Baxter moved, That the Honourable David Mylor Evans be appointed Chairman of Committees of the Council, which motion was seconded by the Honourable Haddon Storey.

Question—put and resolved in the affirmative.

5 **TEMPORARY CHAIRMEN OF COMMITTEES** — The President laid upon the Table the following Warrant nominating Temporary Chairmen of Committees:

LEGISLATIVE COUNCIL
VICTORIA

Pursuant to the provisions of the Standing Order of the Legislative Council numbered 160, I do hereby nominate —

The Honourable Gerald Barry Ashman
The Honourable George Henry Cox
The Honourable James Vincent Chester Guest
The Honourable Peter Ronald Hall
The Honourable David Ernest Henshaw
The Honourable Licia Kokocinski and
The Honourable William Albert Landeryou -

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

Given under my hand this twenty-seventh day of October, One thousand nine hundred and ninety-two.

BRUCE CHAMBERLAIN
President of the Legislative Council

6 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order No. 71A.

7 **PERIODIC DISCHARGE OF ORDERS OF THE DAY, GENERAL BUSINESS** — The Honourable R. I. Knowles moved, by leave, That during the present Session an Order of the Day, General Business, for the consideration of a Ministerial Statement or a paper tabled either —

- (a) by command of His Excellency the Governor;
- (b) pursuant to an Order of the House; or
- (c) pursuant to Statute —

shall be discharged from the Notice Paper without further proceeding after having been listed for five consecutive sitting days, unless a "take note" motion has intervened and is pending resolution.

Question — put and resolved in the affirmative.

8 **PROCLAMATIONS FIXING OPERATIVE DATES** — The Honourable R.I. Knowles moved, by leave, That this House authorizes and requires the Clerk, during the present Session, to lay on the Table copies of Proclamations of His Excellency the Governor in Council fixing dates for the coming into operation of Acts, as published in the *Government Gazette* from time to time.

Question — put and resolved in the affirmative.

9 **TEMPORARY RELIEF IN THE CHAIR** — The Honourable R.I. Knowles moved, by leave, That in the case of any absence of the Deputy President during the present Session, the President be authorized to call upon any of the Temporary Chairmen of Committees to temporarily relieve him in the Chair and that, during any absence of

the President, the Deputy President be similarly authorized to call upon any of the Temporary Chairmen.

Question — put and resolved in the affirmative.

- 10 **PRIVILEGE** — The Honourable R.I. Knowles moved, by leave, That until the end of the Session, Standing Orders Nos. 85, 94 and 126 be suspended insofar as they relate to the raising of matters of privilege, and that the procedure to be followed in raising matters of privilege shall be as follows:

Upon any matter of privilege arising —

- (a) a Member shall, unless circumstances prevent, give written notice of the alleged breach of privilege or contempt to the President as soon as reasonably practicable after the matter has come to attention;
- (b) if the matter arises from a statement published in a newspaper, book or other publication, the Member shall provide the President with a copy of that newspaper, book or publication;
- (c) the President thereupon will determine as soon as practicable whether the matter merits precedence over other business;
- (d) if in the opinion of the President the matter merits precedence, he will inform the House of his decision, and the Member who raised the matter may forthwith move a motion without notice in relation to the matter;
- (e) if in the opinion of the President the matter does not merit precedence, he will inform the Member in writing accordingly, and may also inform the House of his decision; and
- (f) a decision by the President not to allow precedence shall not prevent a Member from proceeding with the matter by motion after notice.

Question—put and resolved in the affirmative.

- 11 **BROADCASTING OF PROCEEDINGS** — The Honourable R.I. Knowles moved, by leave, That this House authorizes, during the present Session, the broadcasting and re-broadcasting on radio and television stations of recorded excerpts of proceedings of the Legislative Council, subject to the following conditions:

- (a) Audio excerpts of proceedings may be taken for the above purposes only;
- (b) Television video or film of a particular proceeding may be taken provided the President, after consultation with the Party Leaders, has so approved;
- (c) Audio excerpts shall be recorded from the signal transmitted by the House monitoring system only by representatives of accredited media organizations. No alteration to the sound relay equipment is to be undertaken unless approved by the President.
- (d) Excerpts are not to be used for the purposes of satire or ridicule.
- (e) Excerpts shall not be used for the purpose of political party advertising or election campaigns;
- (f) Fairness in reporting with reasonable balance between both sides of the House is to be achieved by avoiding undue concentration on any one Member;
- (g) Excerpts must be placed in context. Commentators should identify Members at least by name;
- (h) Media personnel are required to obey any instruction given either generally or in a particular case by the President or through him by the Clerk of the Legislative Council, the Usher of the Black Rod or the Housekeeper.

- (i) Any breach of these conditions may result in the immediate suspension of the privileges by the President.

Question—put and resolved in the affirmative.

12 PAPERS —

BLF CUSTODIAN — The Honourable Haddon Storey moved, by leave, That there be laid before this House a copy of Report No. 20 dated 31 August 1992 given to Mr. President, pursuant to section 7A of the *BLF (De-recognition) Act 1985*, by the Custodian appointed under section 7(1) of that Act.

Question — put and resolved in the affirmative.

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

* * * * *

WORKCARE — The Honourable R.M. Hallam moved, by leave, That there be laid before this House a copy of the —

- (a) Report of the Accident Compensation Commission for the year 1991-92, given to Mr. President pursuant to section 37C of the *Accident Compensation Act 1985*;
- (b) Report of the Accident Rehabilitation Council for the year 1991-92, given to Mr. President pursuant to section 176B of the *Accident Compensation Act 1985*;
- (c) Report of the Convenor of the Medical Panels for the year 1991-92, given to Mr. President pursuant to section 72LB of the *Accident Compensation Act 1985*;
- (d) Report of the WorkCare Appeals Board for the year 1991-92, given to Mr. President pursuant to section 71PB of the *Accident Compensation Act 1985*;
- (e) Report on WorkCare Self-Insurers for the year 1991-92, given to Mr. President pursuant to section 154A of the *Accident Compensation Act 1985*; and
- (f) Actuarial Report on WorkCare at 30 June 1992, given to Mr. President pursuant to section 37C of the *Accident Compensation Act 1985*.

Question — put and resolved in the affirmative.

The said Reports were thereupon presented by the Honourable R.M. Hallam 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:

Accident Compensation Act 1985 — Minister's advice of 14 October 1992 of failure of Accident Compensation Commission, Accident Rehabilitation Council and WorkCare Appeals Board to submit 1991-92 audited reports to him by 30 September 1992 and the reasons therefor.

Adult Parole Board — Report, 1991-92.

Agricultural Industry Development Act 1990 — Victorian Strawberry Industry Development Order in Council of 21 July 1992 .

Ballarat University College — Report, 1991.

Broiler Industry Negotiation Committee — Report, 1991-92.

Casino Control Authority — Report, 1991-92.

Central Gippsland Hospital — Report, 1990-91 (two papers).

- Coal Corporation — Report, 1991-92.
- Dairy Industry Authority — Report, 1991-92.
- Docklands Authority — Report, 1991-92.
- Education Act 1958 — Teachers Registration Board Regulations 1992.
- Egg Industry Licensing Committee — Report, 1991-92.
- Gaming Machine Control Act 1991 — Victorian Gaming Commission Rules 1991 (as amended) (three papers).
- Gas and Fuel Corporation — Report, 1991-92.
- Grants Commission — Report, 31 August 1992.
- Hawthorn Institute of Education — Report, 1991.
- Land Protection Council — Report, 1991-92.
- Law Foundation — Report, 1991.
- Law Reform Commission —
- Access to the Law: Accountability of the Legal Profession, No. 48.
 - Competition Law: The Introduction of Restrictive Trade Practices Legislation in Victoria, No. 49.
 - Rape: Reform of Law and Procedure — Supplementary Issues, No. 46.
- Legal Profession Practice Act 1958 — Report of the Lay Observer to the Solicitors Board and Barristers' Disciplinary Tribunal, 1991.
- Members of Parliament (Register of Interests) Act 1978 — Summary of returns, June 1992.
- Murray-Darling Basin Commission — Report, 1990-91.
- Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:
- Alberton Planning Scheme — Amendments L20 and L21.
 - Altona Planning Scheme — Amendments L22 and RL150.
 - Bacchus Marsh Planning Scheme — Amendments L25 Part 2 and L29 Part 2.
 - Bairnsdale (City) Planning Scheme — Amendment L28.
 - Bairnsdale (Shire) Planning Scheme — Amendment L30.
 - Ballarat (Shire) Planning Scheme — Amendments L28 and L30.
 - Bass Planning Scheme — Amendments L19, L25 and L26.
 - Benalla (City) Planning Scheme — Amendments L17 Part 2, L18, L20 and L24.
 - Benalla (Shire) Planning Scheme — Amendment L6.
 - Berwick Planning Scheme — Amendments L35 and L46 Part 2.
 - Broadmeadows Planning Scheme — Amendments L32 and L34.
 - Brunswick Planning Scheme — Amendment L20.
 - Bulla Planning Scheme — Amendments L43, L46 Part 2, L53, L58, L64 and L68.
 - Bungaree Planning Scheme — Amendments L14 and L18.
 - Buninyong Planning Scheme — Amendment L31.
 - Caulfield Planning Scheme — Amendment L18.
 - Charlton Planning Scheme — Amendment L2.
 - Chelsea Planning Scheme — Amendment L6.
 - Chiltern Planning Scheme — Amendments L14 and L19.
 - Colac (Shire) Planning Scheme — Amendment L5.
 - Cranbourne Planning Scheme — Amendment L64.
 - Croydon Planning Scheme — Amendments L44 and L52.
 - Dandenong Planning Scheme — Amendments L15 and L17 Part 1.
 - Daylesford and Glenlyon Planning Scheme — Amendment L7.
 - Deakin Planning Scheme — Amendment L21.

Planning and Environment Act 1987 — *continued*

- Diamond Valley Planning Scheme — Amendments L17, L26 and L31.
 Doncaster and Templestowe Planning Scheme — Amendments L5 Part 2 and L9.
 Eaglehawk Planning Scheme — Amendments L10 and L13.
 Echuca Planning Scheme — Amendment L15.
 Essendon Planning Scheme — Amendments L25 and L38.
 Euroa Planning Scheme — Amendments L14, L19 and L20.
 Fitzroy Planning Scheme — Amendment L10.
 Flinders Planning Scheme — Amendments L78 and L80.
 French Island Planning Scheme — Amendment L5.
 Geelong Regional Planning Scheme — Amendments L92, L106, L110, R82 Part 2, R87 Parts 1 and 2, R95, R103 Part 1, R111, RL52, RL84 Part 2 and RL101.
 Gisborne Planning Scheme — Amendment L17.
 Grenville Planning Scheme — Amendment L3.
 Heidelberg Planning Scheme — Amendments L24 and L30.
 Heytesbury Planning Scheme — Amendment L12.
 Heywood Planning Scheme — Amendment L9.
 Horsham Planning Scheme — Amendments L37 and L38.
 Huntly Planning Scheme — Amendment L22.
 Keilor Planning Scheme — Amendments L48 and L53.
 Kerang Planning Scheme — Amendment L5.
 Kilmore Planning Scheme — Amendments L36 and L63.
 Knox Planning Scheme — Amendments L43, L46 and L48.
 Korumburra Planning Scheme — Amendments L33 and L35.
 Kowree Planning Scheme — Amendment L2.
 Lillydale Planning Scheme — Amendment L89 Part 2.
 McIvor Planning Scheme — Amendment L14.
 Maryborough Planning Scheme — Amendments L16 and L17.
 Melbourne Planning Scheme — Amendments L80, L84, L90, L95, L97 and L102.
 Melton Planning Scheme — Amendment L22.
 Mildura (Shire) Planning Scheme — Amendments L16 Part 2, L27, L29 and L31.
 Moe Planning Scheme — Amendment L22.
 Moorabbin Planning Scheme — Amendment L25.
 Mordialloc Planning Scheme — Amendment L5.
 Mornington Planning Scheme — Amendment L37.
 Numurkah Planning Scheme — Amendment L3 Part 1.
 Otway Planning Scheme — Amendment L18.
 Oxley Planning Scheme — Amendment L5.
 Pakenham Planning Scheme — Amendments L45 and L46.
 Phillip Island Planning Scheme — Amendment L32.
 Port Fairy Planning Scheme — Amendment L9.
 Portland (City) Planning Scheme — Amendment L27.
 Preston Planning Scheme — Amendment L36.
 Ringwood Planning Scheme — Amendment L22.
 Rochester Planning Scheme — Amendment L5.
 Rodney Planning Scheme — Amendments L33, L39, L43, L51 and L52.
 Rosedale Planning Scheme — Amendment L33.
 St Kilda Planning Scheme — Amendment L6.
 Seymour Planning Scheme — Amendment L27.

Planning and Environment Act 1987 — *continued*

- Shepparton (City) Planning Scheme — Amendment L44.
- Shepparton (Shire) Planning Scheme — Amendments L21, L51 and L52.
- Sherbrooke Planning Scheme — Amendments L49, L54, L57, L58 and L67.
- South Melbourne Planning Scheme — Amendment L54.
- Springvale Planning Scheme — Amendment L17.
- Stawell (City) Planning Scheme — Amendment L21.
- Strathfieldsaye Planning Scheme — Amendment L2A Parts 1a and 2.
- Tambo (Shire) Planning Scheme — Amendment L49.
- Traralgon (City) Planning Scheme — Amendment L40.
- Tullaroop Planning Scheme — Amendment L5.
- Victoria — State Section Planning Schemes — Amendments S9, S21 and S22.
- Warrnambool (City) Planning Scheme — Amendments L29 and L33.
- Werribee Planning Scheme — Amendments L39, L43, L45 and L46.
- Whittlesea Planning Scheme — Amendments L49, L53, L57, L62 and L68.
- Williamstown Planning Scheme — Amendments L10 and RL150.
- Wimmera Planning Scheme — Amendment L8.
- Wodonga Planning Scheme — Amendments L37 and L42.
- Woorayl Planning Schemes — Amendments L35 and L41.
- Yackandandah Planning Scheme — Amendments L9 and L11.
- Yea Planning Scheme — Amendment L3.

Plumbers Gasfitters and Drainers Registration Board — Report, 1991-92.

Post-Secondary Education Commission and Office of Higher Education — Minister's advice of 30 September 1992 of failure of those public bodies to submit an annual report to him by 30 September 1992 and the reasons therefor.

Prince Henry's Institute of Medical Research — Report, 1991.

Renewable Energy Authority — Report, 1991-92.

Statutory Rules under the following Acts of Parliament:

- Business Franchise (Tobacco) Act 1974 — No. 271.
- Business Names Act 1962 — No. 226.
- Chiropodists Act 1968 — Nos. 241 and 242.
- Companies Act 1961 — No. 231.
- Consumer Affairs Act 1972 — No. 240.
- Dairy Industry Act 1984 — No. 277.
- Discharged Servicemen's Preference Act 1943 — No. 124.
- Drugs, Poisons and Controlled Substances Act 1981 — Nos. 230, 235, 243, 263 and 264.
- Education Act 1958 — No. 270.
- Environment Protection Act 1970 — Nos. 239 and 268.
- Extractive Industries Act 1966 — No. 253.
- Finance Brokers Act 1969 — No. 273.
- Fisheries Act 1968 — No. 151.
- Health Act 1958 — Nos. 233 and 252.
- Health Services Act 1988 — Nos. 234, 251, 266 and 269.
- Historic Buildings Act 1981 — Nos. 236 and 248.
- Industrial Relations Act 1979 — No. 281, together with a copy of the Commonwealth Industrial Relations Act 1988 (as amended) which, by section 32 of the *Interpretation of Legislation Act 1984*, is also required to be laid upon the Table.
- Local Government Act 1989 — Nos. 274 to 276.

Statutory Rules — *continued*

- Lotteries Gaming and Betting Act 1966 — No. 229.
 Melbourne and Metropolitan Board of Works Act 1958 — No. 249.
 Mental Health Act 1986 — No. 265.
 Metropolitan Fire Brigades Act 1958 — No. 246.
 Mineral Resources Development Act 1990 — Nos. 254 to 256.
 Museums Act 1983 — No. 237.
 Partnership Act 1958 — No. 238.
 Pharmacists Act 1974 — No. 244.
 Physiotherapists Act 1978 — No. 245.
 Pipelines Act 1967 — No. 285.
 Planning and Environment Act 1987 — No. 284.
 Pollution of Waters by Oil and Noxious Substances Act 1986 — No. 257.
 Public Authorities (Equal Employment Opportunity) Act 1990 — No. 279.
 Public Service Act 1974 — Nos. 267 and 283; PSD Nos. 21 to 27.
 Registration of Births Deaths and Marriages Act 1959 — No. 232.
 Road Safety Act 1986 — No. 282.
 State Electricity Commission Act 1958 — No. 259, together with copies of the following documents which, by section 32 of the *Interpretation of Legislation Act 1984*, are also required to be laid upon the Table:
- AS 3000 — 1991 — SAA Wiring Rules (as amended).
 - AS 1882 — 1976 — Earth and Bonding Clamps.
 - AS 1930 — 1976 — Circuit-Breakers for Distribution Circuits up to and including 1000 V a.c. and 1200 V d.c.
 - AS 3858 — 1990 — Low Voltage Switchgear and Controlgear — Circuit-Breakers.
 - AS 3766 — 1990 — Mechanical fittings for Low Voltage Aerial Bundled Cables.
 - AS 3191 — 1991 — Approval and Test Specification — Electric Flexible Cords (as amended).
 - AS 3190 — 1990 — Approval and Test Specification — Residual Current Devices (Current-Operated Earth-Leakage Devices).
 - AS 3155 — 1986 — Approval and Test Specification — Neutral Screened Cables for Working Voltages of 0.6/1 kV.
 - AS 3147 — 1988 — Approval and Test Specification — Electric Cables — Thermoplastic Insulated for Working Voltages up to and including 0.6/1 kV (as amended).
 - AS 3143 — 1982 — Approval and Test Specification for Transformers for Cold-Cathode Electric Discharge Lamps and Lighting Systems.
 - AS 3135 — 1980 — Approval and Test Specification for Semi-Enclosed Fuses for A.C. Circuits (as amended).
 - AS 3133 — 1989 — Approval and Test Specification — Air Break Switches (as amended).
 - AS 3132 — 1991 — Approval and Test Specification — Enclosures of Insulating Material for Switchgear and Controlgear.
 - AS 3129 — 1989 — Approval and Test Specification — Electric-Fence Energizers (as amended).
 - AS 3116 — 1990 — Approval and Test Specification — Electric Cables—Elastomer Insulated — For Working Low Voltages up to and including 0.6/1 kV.

Statutory Rules — *continued*

- AS 3112 — 1990 — Approval and Test Specification — Plugs and Socket-Outlets.
- AS 3111 — 1983 — Approval and Test Specification for Miniature Overcurrent Circuit-Breakers (as amended).
- AS 3108 — 1990 — Approval and Test Specification — Particular Requirements for Isolating Transformers and Safety Isolating Transformers (as amended).
- AS 3100 — 1990 — Approval and Test Specification — General Requirements for Electrical Equipment (as amended).
- AS 3013 — 1990 — Electrical Installations — Wiring Systems for Specific Applications.
- AS 3011.2 — 1992 — Electrical Installations — Secondary Batteries Installed in Buildings — Part 2: Sealed Cells.
- AS 3010.1 — 1987 — Electrical Installations — Supply by Generating Set — Part 1: Internal Combustion Engine Driven Set (as amended).
- AS 3008.1 — 1989 — Electrical Installations — Selection of Cables — Part 1: Cables for Alternating Voltages up to and including 0.6/1 kV.
- AS 2692 — 1986 — Busbar Trunking Systems (Busways).
- AS 2646.1 — 1984 — Sampling of Solid Mineral Fuels — Part 1: Guide to the Use of Parts 2 to 8.
- AS 2430.1 — 1987 — Classification of Hazardous Areas — Part 1: Explosive Gas Atmospheres.
- AS 2430.2 — 1986 — Classification of Hazardous Areas — Part 2: Combustible Dusts.
- AS 2430.3 — 1991 — Classification of Hazardous Areas — Part 3: Specific Occupancies.
- AS 2420 — 1987 — Fire Test Methods for Solid Insulating Materials and Non-metallic Enclosures used in Electrical Equipment (as amended).
- AS 2381.1 — 1991 — Electrical Equipment for Explosive Atmospheres — Selection, Installation and Maintenance — Part 1: General Requirements (as amended).
- AS 2381.7 — 1989 — Electrical equipment for Explosive Atmospheres — Selection, Installation and Maintenance — Part 7: Intrinsic Safety i.
- AS 2381.10 — 1989 — Electrical Equipment for Explosive Atmospheres — Selection, Installation and Maintenance — Part 10: Equipment in Combustible Dust (Class II) Areas (as amended).
- AS 2380.1 — 1989 — Electrical Equipment for Explosive Atmospheres — Explosion Protection Techniques — Part 1: General Requirements.
- AS 2380.2 — 1991 — Electrical Equipment for Explosive Atmospheres — Explosion-Protection Techniques — Part 2: Flameproof Enclosure d (as amended).
- AS 2380.6 — 1988 — Electrical Equipment for Explosive Atmospheres — Explosion-Protection Techniques — Part 6: Increased safety.
- AS 2380.7 — 1987 — Electrical Equipment for Explosive Atmospheres — Explosion — Protection Techniques — Part 7: Intrinsic Safety i.
- AS 2380.9 — 1991 — Electrical Equipment for Explosive Atmospheres — Explosion-Protection Techniques — Part 9: Type of Protection n — Non-sparking.

Statutory Rules — *continued*

- AS 2220.1 — 1989 — Emergency Warning and Intercommunication Systems in Buildings — Part 1: Equipment Design and Manufacture (as amended).
- AS 2220.2 — 1989 — Emergency Warning and Intercommunication Systems in Buildings — Part 2: System Design, Installation and Commissioning (as amended).
- AS 2184 — 1985 — Low Voltage Switchgear and Controlgear — Moulded-Case Circuit Breakers for Rated Voltages up to and including 600 V a.c. and 250 V d.c.
- AS 2067 — 1984 — Switchgear Assemblies and Ancillary Equipment for Alternating Voltages above 1 kV.
- AS 2053 — 1984 — Non-metallic Conduits and Fittings.
- AS 2052 — 1977 — Metallic Conduits and Fittings.
- AS 2005.10 — 1988 — Low Voltage Fuses — Fuses with Enclosed Fuse-links — Part 10: General Requirements (as amended).
- AS 2005.20 — 1990 — Low Voltage Fuses — Fuses with Enclosed Fuse-links — Part 20: Supplementary Requirements for Fuses for use by Authorized Persons (Fuses mainly for Industrial Application) — Common Requirements.
- AS 2005.21.1 — 1990 — Low Voltage Fuses — Fuses with Enclosed Fuse-links — Part 21.1: Supplementary Requirements for Fuses for use by Authorized Persons (Fuses mainly for Industrial Application) — Standardized Fuse Systems — Fuses with Fuse-links with Blade Contacts.
- AS 2005.21.2 — 1990 — Low Voltage Fuses — Fuses with Enclosed Fuse-links — Part 21.2: Supplementary Requirements for Fuses for use by Authorized Persons (Fuses mainly for Industrial Application) — (Standardized Fuse Systems — Fuses with Fuse-links for Bolted Connections).
- AS 2005.29 — 1990 — Low Voltage Fuses — Fuses with Enclosed Fuse-links — Part 29: Supplementary Requirements for Fuses for Use by Authorized Persons (Fuses mainly for Industrial application) — Standardized Fuses with Compact Dimensions.
- AS 2005.30 — 1991 — Low Voltage Fuses — Fuses with Enclosed Fuse-links — Part 30: Supplementary Requirements for Fuses for use by Unskilled Persons (Fuses mainly for household and similar applications).
- AS 2005.40 — 1989 — Low Voltage Fuses — Fuses with Enclosed Fuse-links — Part 40: Supplementary Requirements for Fuse-links for the Protection of Semiconductor Devices.
- AS 2005 — 1981 — Fuses with Enclosed Fuse-links (up to and including 1000 V a.c. and 1500 V d.c.) — Part 1: General Requirements.
- AS 1966.1 — 1985 — Electric Arc Welding Power Sources — Part 1: Transformer Type.
- AS 1966.2 — 1985 — Electrical Arc Welding Power Sources — Part 2: Rotary Type.
- AS 1939 — 1990 — Degrees of Protection Provided by Enclosures for Electrical Equipment (IP Code).

Statutory Rules — *continued*

- AS 1775 — 1984 — Low Voltage Switchgear and Controlgear — Air-Break Switches, Isolators and Fuse-Combination Units (up to and including 1000 V a.c. and 1200 V d.c.).
- AS 1768 — 1991 and NZS/AS 1768 — 1991 — Lightning Protection.
- AS 1677 — 1986 — Refrigerating Systems (as amended).
- AS 1674.2 — 1990 — Safety in Welding and Allied Processes — Part 2: Electrical.
- AS 1668.1 — 1991 — The Use of Mechanical Ventilation and Air-conditioning in Buildings — Part 1: Fire and Smoke Control.
- AS 1603.1 — 1990 — Automatic Fire Detection and Alarm Systems — Part 1: Heat Detectors.
- AS 1603.2 — 1990 — Automatic Fire Detection and Alarm Systems — Part 2: Point Type Smoke Detectors (as amended).
- AS 1603.4 — 1987 — Automatic Fire Detection and Alarm Systems — Part 4: Control and Indicating Equipment (as amended).
- AS 1603.5 — 1991 — Automatic Fire Detection and Alarm Systems — Part 5: Manual Call Points.
- AS 1603.6 — 1987 — Automatic Fire Detection and Alarm Systems — Part 6: Fire Alarm Bells.
- AS 1477.1 — 1988 — Unplasticized PVC (Pipes) and Fittings for Pressure Applications — Part 1: Pipes (as amended).
- AS 1319 — 1983 — Safety Signs for the Occupational Environment.
- AS 1136.1 — 1988 — Low Voltage Switchgear and Controlgear Assemblies — Part 1: General Requirements (as amended).
- AS 1125 — 1986 — Conductors in Insulated Electric Cables and Flexible Cords.
- AS 1074 — 1989 — Steel Tubes and Tubulars for Ordinary Service.
- AS 1023.1 — 1985 — Low Voltage Switchgear and Controlgear — Protection of Electric Motors — Part 1: Built-in Thermal Detectors and Associated Control Units.
- AS 1023.2 — 1989 — Low Voltage Switchgear and Controlgear — Protection of Electric Motors — Part 2: Current Sensing Protection Devices for a.c. Motors.
- AS 1023.3 — 1973 — Thermal Protection of Electric Motors — Part 3: Inherent Overheat Protectors (Metric Units).
- AS 1020 — 1984 — The Control of Undesirable Static Electricity.
- Supreme Court Act 1986 — Nos. 260 and 261.
- Surveyors Act 1978 — No. 250.
- Tobacco Act 1987 — Nos. 258 and 280.
- Valuation of Land Act 1960 — No. 262.
- Water Act 1989 — No. 247.
- Zoological Parks and Gardens Act 1967 — No. 272.
- The Constitution Act Amendment Act 1958 — Statement of functions conferred upon the Electoral Commissioner, August 1992.
- Tomato Processing Industry Negotiating Committee — Report, 1991-92.
- Urban Land Authority — Report, 1991-92.
- Woorayl District Memorial Hospital — Report, 1990-91.

PROCLAMATIONS — Proclamations of His Excellency the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Clerk pursuant to an Order of the Council this day:

Children and Young Persons Act 1989 — Remaining provisions, except sections 21(1), 64 (3) and (c) and 67 (2), Items 1.1, 2.2, 2.3, 15.1 and 15.2 of Schedule 2 and Items 13, 15, 16, 89, 100, 137 and 138 of Schedule 4 — 30 September 1992 (*Gazette* No. G33, 26 August 1992).

Children and Young Persons (Amendment) Act 1990 — Section 8 (2) — 30 September 1992 (*Gazette* No. G33, 26 August 1992).

Crimes (Family Violence) (Further Amendment) Act 1992 — 30 September 1992 (*Gazette* No. G37, 23 September 1992).

Education (Miscellaneous Matters) Act 1986 — Section 20 — 1 September 1992 (*Gazette* No. G33, 26 August 1992).

Land (Further Miscellaneous Matters) Act 1990 — Section 15 — 30 September 1992 (*Gazette* No. G38, 30 September 1992).

Local Government (Consequential Provisions) Act 1989 — Sections 3 (2), 3 (3), 4 (3), 4 (4), 10 (3), 11, 12, Items 1, 3 to 10, 12, 15, 17, 20 to 22, 26, 28 to 32, 34 to 39, 43, 46, 49, 51, 52, 55, 56, 59 to 63, 65, 66, 78, 83, 93 of Schedule 1, Items 9.34, 11.1, 12.2, 12.3, 18.4, 22.10, 22.12, 22.13, 27.40, 28.6, 33.6 to 33.8, 33.19, 37.1, 37.8, 42.11, 42.13, 42.19, 42.22, 43.2, 47.10, 49.3 to 49.5, 51.1 to 51.4, 52.20, 52.21, 52.23, 57.3, 57.9, 57.12 to 57.22, 57.24 to 57.34, 57.38, 57.46, 57.49 to 57.55, 57.59, 57.77, 57.78, 61.10, 65.1 to 65.3, 66.1, 66.2, 66.4, 66.7, 68.22, 72.1, 76.1, 76.2, 77.3, 77.11, 77.19, 77.22, 77.36, 77.38, 77.39, 77.46, 77.47, 77.51, 77.53 to 77.57, 78.1 to 78.3, 79.7, 79.13, 79.19, 83.1, 90.2, 90.3, 91.7, 93.2, 94.2, 94.8, 95.1, 95.2, 105.10, 112.16A, 112.22 to 112.24, 112.26, 112.27, 120.5, 120.9, 120.32 to 120.34, 120.37, 120.45, 120.46, 122.16, 122.17, 122.20, 122.22, 122.23, 123.3, 132.13 of Schedule 2 and Items 23 to 35, 37, 41, 42, 44 to 47, 49, 50, 54 to 60, 62, 63, 65 to 67, 69 to 72, 75 to 77, 79 to 83, 90 to 99 and 101 to 113 of Schedule 3 — 1 October 1992 (*Gazette* No. G37, 23 September 1992).

Loy Yang B Act 1992 — Remaining provisions — 26 August 1992 (*Gazette* No. G33, 26 August 1992).

National Parks (Amendment) Act 1989 — Sections 27(3), 29(1), (2) and 31 — 23 September 1992 (*Gazette* No. G37, 23 September 1992).

National Parks (Further Amendment) Act 1990 — Sections 7, 13 and 14 — 23 September 1992 (*Gazette* No. G37, 23 September 1992).

Teaching Service Act 1983 — Sections 5 (1) (j), 8 (2), 10 (9), 12 (3) and 12 (7) — 1 September 1992 (*Gazette* No. G33, 26 August 1992); remaining provisions except section 20 (c) — 16 September 1992 (*Gazette* No. G36, 16 September 1992).

Teaching Service (Amendment) Act 1987 — Section 10 — 1 September 1992 (*Gazette* No. G33, 26 August 1992).

13 SPEECH OF HIS EXCELLENCY THE GOVERNOR — The President reported the Speech of His Excellency the Governor on the Opening of Parliament.

The Honourable L. Asher moved, That the Council agree to the following Address to His Excellency the Governor in reply to His Excellency's Opening Speech:

MAY IT PLEASE YOUR EXCELLENCY:

We, the Legislative Council of Victoria, in Parliament assembled, beg to express our loyalty to our Most Gracious Sovereign, and to thank Your Excellency for the gracious Speech you have been pleased to address to Parliament.

— which motion was seconded by the Honourable B.N. Atkinson.

The Honourable D.R. White moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.
 Ordered — That the debate be adjourned until the next day of meeting.

14 **ADJOURNMENT** — The Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until tomorrow at 10.30 a.m.

Question — put and resolved in the affirmative.

The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 10.00 p.m., adjourned until tomorrow at 10.30 a.m.

A.V. BRAY
 Clerk of the Legislative Council

No. 2 — Wednesday, 28 October 1992

1 The President took the Chair and read the Prayer.

2 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order No. 71A.

3 **PETITIONS** —

PEDESTRIAN OPERATED SIGNALS, EPPING — The Honourable G.R. Craig presented a Petition from certain citizens of Victoria praying that funding be provided for the design and installation of Pedestrian Operated Signals in High Street, Epping, in the vicinity of Coulstock Street.

Ordered to lie on the Table.

* * * * *

HUMAN EMBRYOS — The Honourable L. Kokocinski presented a Petition from certain citizens of Victoria praying that legislation be passed to prohibit harmful and destructive experimentation on human embryos.

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:

State Electricity Commission — Report, 1991-92.

5 **BUSINESS POSTPONED** — Ordered — That the consideration of the Business to take Precedence and the Notices of Motion, Government Business, be postponed until later this day.

6 **GOVERNMENT APPOINTMENTS** — The Honourable D.R. White moved, That this House condemns the Government for —

- (a) the appointment of Mr. Brendan Millane as Chief Executive of the Department of Energy and Minerals; and
- (b) the method of appointment of all the Chief Executives of Departments, Parliamentary Secretaries and Chairpersons of Parliamentary Committees and the basis on which their remuneration has been calculated.

Debate ensued.

Question — put.

The Council divided.

AYES, 14

The Hon. B.E. Davidson (*Teller*)
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 L. Kokocinski
 W.A. Landeryou
 J. McLean (*Teller*)
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole
 D.R. White

NOES, 29

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best (*Teller*)
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox (*Teller*)
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

And so it passed in the negative.

7 **ANSWERS TO QUESTIONS ON NOTICE** — The Honourable R.I. Knowles moved,
 That the Sessional Order relating to the provision of answers to questions on notice,
 adopted by the Council on 28 March 1990, be referred to the Standing Orders
 Committee for consideration and report.

Question — put and resolved in the affirmative.

8 **BUSINESS OF THE HOUSE** — Leave having been granted to move his motion in an
 amended form, the Honourable R.I. Knowles moved —

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

- (a) the days and hours of meeting of the Council shall be Tuesday at 2.30 p.m.,
 Wednesday at 10.00 a.m. and Thursday at 10.00 a.m.;
- (b) except as provided in paragraph (c), the transaction of Government business
 shall take precedence of all other business, other than business governed by
 Standing Orders Nos. 20A, 68A and 86, on each sitting day;

- (c) the transaction of business initiated by Opposition Members shall take precedence of all other business on Wednesday until 2.00 p.m.;
- (d) no new business shall be taken after 10.00 p.m.;
- (e) the time appointed for the asking of questions without notice and the giving of answers to questions on notice shall be 2.30 p.m. each day; and
- (f) the provisions of this resolution, so far as they are inconsistent with the Standing Orders and practice of the House, shall have effect notwithstanding anything contained in those Standing Orders.

Debate ensued.

Leave having been granted, the Honourable R.I. Knowles moved as an amendment

That the expression "business initiated by Opposition Members" in paragraph (c) be omitted with the view of inserting in place thereof "General Business".

Question — That the amendment be agreed to — put and resolved in the affirmative.

The Honourable D.R. White moved, as an amendment, That the following paragraph be inserted to follow paragraph (e):

"() the second reading debate on Bills received from the Assembly after 6 November 1992 shall stand adjourned until the first sitting day in 1993."

Debate ensued.

Question — That the amendment be agreed to — put and negatived.

Question — That the motion, as amended, be agreed to — put and resolved in the affirmative.

- 9 **SUBORDINATE LEGISLATION (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable M.A. Birrell moved That this Bill be now read a second time.

The Honourable D.R. White moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 10 **ADDRESS-IN-REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR** — The Order of the Day having been read for the resumption of the debate on the question That the Council agree to the Address to His Excellency the Governor in reply to His Excellency's Opening Speech (for address see page 25 *ante*) —

Debate resumed.

The Honourable B.A.E. Skeggs moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 11 **FINANCIAL MANAGEMENT STRATEGY** — The Honourable R.M. Hallam moved, by leave, That there be laid before this House a copy of the Statement "Restoring Victoria's Finances — A Beginning", prepared by the Honourable Alan Stockdale MP, Treasurer of Victoria, and dated 28 October 1992.

Question — put and resolved in the affirmative.

The said Statement was thereupon presented by the Honourable R.M. Hallam and ordered to lie on the Table.

The Honourable R.M. Hallam moved, That the Statement be taken into consideration on the next day of meeting.

Question — put and resolved in the affirmative.

12 ADJOURNMENT — The Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until tomorrow at 2.00 p.m.

Question — put and resolved in the affirmative.

The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question — put and negatived.

The Honourable R.I. Knowles moved, by leave, That the resolution of the Council this day fixing tomorrow at 2.00 p.m. as the time of meeting, be rescinded and that the Council, at its rising, now adjourn until tomorrow at 2.30 p.m.

Question — put and resolved in the affirmative.

And then the Council, at 6.25 p.m., adjourned until tomorrow at 2.30 p.m.

A.V. BRAY

Clerk of the Legislative Council

No. 3 — Thursday, 29 October 1992

1 The President took the Chair and read the Prayer.

2 APPROPRIATION (INTERIM PROVISION 1992-93) BILL — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to appropriate certain sums out of the Consolidated Fund for recurrent services and for certain works and purposes for the financial year 1992-93 and to appropriate the supplies granted under the Supply (1992-93, No. 1) Act 1992 and the Appropriation (July to October) Act 1992 and other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

3 QUESTIONS WITHOUT NOTICE — Questions without notice were taken pursuant to Standing Order No. 71A.

4 AUDITOR-GENERAL'S REPORTS — The Honourable R.M. Hallam moved, by leave, That, during the present Session, there be laid before this House a copy of each report required to be presented to the Legislative Assembly by the Auditor-General pursuant to the *Audit Act 1958* and forwarded by him to the Assembly for presentation to that House.

Question — put and resolved in the affirmative.

5 PAPERS —

LEGISLATIVE COUNCIL DEPARTMENT — The Honourable R.I. Knowles moved, by leave, That there be laid before this House a copy of the Report of the Clerk on the operations of the Department of the Legislative Council for the year 1991-92.

Question — put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable R.I. Knowles and ordered to lie on the Table.

* * * * *

PARLIAMENTARY DEPARTMENTS — The Honourable R.I. Knowles moved, by leave, That there be laid before this House a copy of the Report of —

- (a) the Librarian on the operations of the Library of the Parliament of Victoria for the year 1991-92;
- (b) the Chief Reporter on the operations of the Department of Victorian Parliamentary Debates for the year 1991-92;
- (c) the Acting Secretary on the operations of the Department of the House Committee for the year 1991-92.

Question — put and resolved in the affirmative.

The said Reports were thereupon presented by the Honourable R.I. Knowles and ordered to lie on the Table.

* * * * *

AUDITOR-GENERAL — The following paper was laid upon the Table by the Clerk pursuant to an Order of the Council this day:

Auditor-General — Report on the Finance Statement 1991-92.

* * * * *

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

Gas and Fuel Corporation Superannuation Fund — Report, 1991-92.

Totalizator Agency Board — Report, 31 July 1992.

6 **BUSINESS POSTPONED** — Ordered — That the consideration of the Business to take Precedence, the Notice of Motion and the Orders of the Day, Government Business, be postponed until later this day.

7 **APPROPRIATION (INTERIM PROVISION, 1992-93) BILL** — This Bill was, according to Order and after debate, 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 **CAPITAL CITY (SHOP TRADING) BILL** — On the motion of the Honourable M.A. Birrell, leave was given to bring in a Bill "to make further provision for the deregulation of shop trading hours in part of the City of Melbourne and in the area surrounding Southbank and to amend the 'Shop Trading Act 1987' 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 (INTERIM PROVISION, PARLIAMENT 1992-93) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "An Act to appropriate certain sums out of the Consolidated Fund for recurrent services and for certain works and purposes in relation to the Parliament for the financial year 1992-93 and to appropriate certain supplies granted under the 'Supply (1992-93, No. 1) Act 1992' and for other purposes" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time forthwith.

Accordingly, this Bill was, according to Order, and after debate, 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 — The Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until Wednesday, 4 November 1992.

Question — put and resolved in the affirmative.

The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 11.34 p.m., adjourned until Wednesday, 4 November 1992.

A.V. BRAY
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 3

Wednesday, 4 November 1992

Mr. President takes the Chair at 10.00 a.m.

GENERAL BUSINESS

[To take precedence until 2.00 p.m.]

NOTICE OF MOTION

- *1 THE HON. C.J. HOGG — To move, That this House condemns the Government for its inequitable State Deficit Levy and for the unfair burden placed on local government in its collection.

BUSINESS TO TAKE PRECEDENCE

- 1 SPEECH OF HIS EXCELLENCY THE GOVERNOR — Motion for Address-in-Reply — *Resumption of debate. (Hon. B.A.E. Skeggs).*

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- *1 CAPITAL CITY (SHOP TRADING) BILL — (*Hon. M.A. Birrell*) — Second reading.
 2 SUBORDINATE LEGISLATION (AMENDMENT) BILL — (*Hon. M.A. Birrell*) — Second reading — *Resumption of debate. (Hon. D.R. White).*
 3 STATEMENT OF 28 OCTOBER 1992 ON VICTORIA'S FINANCIAL MANAGEMENT STRATEGY — To be considered.

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, L. Kokocinski and W.A. Landeryou.

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SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 28 October 1992 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday	—	2.30 p.m.
Wednesday	—	10.00 a.m.
Thursday	—	10.00 a.m.

Business to take precedence—

Tuesday	—	Government business.
Wednesday	—	General business (until 2.00 p.m.).
Thursday	—	Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 27 October 1992, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 4

Thursday, 5 November 1992

Mr. President takes the Chair at 10.00 a.m.

BUSINESS TO TAKE PRECEDENCE

- 1 SPEECH OF HIS EXCELLENCY THE GOVERNOR — Motion for Address-in-Reply —
Resumption of debate. (Hon. R.S. de Fegely).

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- *1 EVIDENCE (UNSWORN EVIDENCE) BILL — (*Hon. Haddon Storey*) — Second reading.
- *2 CONSTITUTION (MINISTERS) BILL — (*from Assembly — Hon. M.A. Birrell*) — Second reading.
- *3 PARLIAMENTARY COMMITTEES (AMENDMENT) BILL — (*from Assembly — Hon. M.A. Birrell*) — Second reading.
- *4 PARLIAMENTARY SALARIES AND SUPERANNUATION (FURTHER AMENDMENT) BILL — (*from Assembly — Hon. M.A. Birrell*) — Second reading.
- 5 CAPITAL CITY (SHOP TRADING) BILL — (*Hon. M.A. Birrell*) — Second reading —
Resumption of debate. (Hon. D.R. White).
- *6 BORROWING AND INVESTMENT POWERS (MELBOURNE WATER CORPORATION) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading.
- 7 STATEMENT OF 28 OCTOBER 1992 ON VICTORIA'S FINANCIAL MANAGEMENT STRATEGY — To be considered.

A.V. BRAY
Clerk of the Legislative Council

B.A. CHAMBERLAIN
President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, L. Kokocinski and W.A. Landeryou.

* * * *

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 28 October 1992 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday	—	2.30 p.m.
Wednesday	—	10.00 a.m.
Thursday	—	10.00 a.m.

Business to take precedence—

Tuesday	—	Government business.
Wednesday	—	General business (until 2.00 p.m.).
Thursday	—	Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 27 October 1992, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 5

Friday, 6 November 1992

Mr. President takes the Chair at 11.00 a.m.

BUSINESS TO TAKE PRECEDENCE

- 1 SPEECH OF HIS EXCELLENCY THE GOVERNOR — Motion for Address-in-Reply —
Resumption of debate. (Hon. R.S. de Fegely).

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- *1 INTELLECTUALLY DISABLED PERSONS' SERVICES (TRUST MONEY) BILL —
(from Assembly — Hon. R.I. Knowles) — Second reading — Resumption of debate.
(Hon. C.J. Hogg).
- *2 ANNUAL LEAVE PAYMENTS BILL — *(from Assembly — Hon. Haddon Storey).* —
Second reading.
- *3 VITAL STATE INDUSTRIES (WORKS AND SERVICES) BILL — *(from Assembly —*
Hon. Haddon Storey) — Second reading.
- *4 EMPLOYEE RELATIONS BILL — *(from Assembly — Hon. Haddon Storey) — Second*
reading.
- 5 BORROWING AND INVESTMENT POWERS (MELBOURNE WATER
CORPORATION) BILL — *(from Assembly — Hon. R.M. Hallam) — Second reading*
— Resumption of debate. (Hon. B.T. Pullen).
- 6 PARLIAMENTARY SALARIES AND SUPERANNUATION (FURTHER
AMENDMENT) BILL — *(from Assembly — Hon. M.A. Birrell) — To be further*
considered in Committee.
- 7 STATEMENT OF 28 OCTOBER 1992 ON VICTORIA'S FINANCIAL MANAGEMENT
STRATEGY — To be considered.

TUESDAY, 10 NOVEMBER 1992

GOVERNMENT BUSINESS

ORDER OF THE DAY

- 1 EVIDENCE (UNSWORN EVIDENCE) BILL — (*Hon. Haddon Storey*) — Second reading — *Resumption of debate. (Hon. B.T. Pullen).*

A.V. BRAY
Clerk of the Legislative Council

B.A. CHAMBERLAIN
President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, L. Kokocinski and W.A. Landeryou.

* * * *

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 28 October 1992 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

- Tuesday — 2.30 p.m.
- Wednesday — 10.00 a.m.
- Thursday — 10.00 a.m.

Business to take precedence—

- Tuesday — Government business.
- Wednesday — General business (until 2.00 p.m.).
- Thursday — Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 27 October 1992, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

By Authority L.V. North, Government Printer, Melbourne

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS
Nos. 4, 5 and 6

No. 4 — Wednesday, 4 November 1992

The President took the Chair and read the Prayer.

ASSENT TO ACTS — The Honourable M.A. Birrell presented a Message from His Excellency the Governor informing the Council that he had, on 30 October 1992, given the Royal Assent to the undermentioned Acts presented to him by the Speaker of the Legislative Assembly:

- Appropriation (Interim Provision, Parliament 1992-93) Act*
- Appropriation (Interim Provision 1992-93) Act.*

MILDURA COLLEGE LAND (RANFURLY) BILL — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Mildura College Lands Act 1916' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

BORROWING AND INVESTMENT POWERS (MELBOURNE WATER CORPORATION) BILL — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Borrowing and Investment Powers Act 1987' to increase the limit for financial accommodation obtained by the Melbourne Water Corporation and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

CONSTITUTION (MINISTERS) BILL — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend section 50 of the 'Constitution Act 1975' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable M.A. Birrell, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

PARLIAMENTARY COMMITTEES (AMENDMENT) BILL — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Parliamentary Committees Act 1968' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable M.A. Birrell, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 7 **PARLIAMENTARY SALARIES AND SUPERANNUATION (FURTHER AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Parliamentary Salaries and Superannuation Act 1968' and the 'Parliamentary Committees Act 1968' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable M.A. Birrell, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 8 **EVIDENCE (UNSWORN EVIDENCE) BILL** — On the motion (by leave without notice of the Honourable Haddon Storey, leave was given to bring in a Bill to amend the *Evidence Act 1958* and the *Crimes Act 1958* with respect to unsworn evidence and unsworn statements, 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 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Ethnic, Municipal and Community Affairs Ministry — Report, 1991-92.

Geelong Regional Commission — Report, 1991-92.

Historic Buildings Council — Report, 1991-92.

Melbourne and Metropolitan Board of Works — Report, 1991-92.

Planning and Environment Act 1987 — Notice of Approval of Amendment L92 to the Flinders Planning Scheme.

Prison Industries Commission — Report, 1991-92.

Sport and Recreation Department — Report, 1991-92.

Stamps Act 1958 — Minister's report of 16 October 1992 of approved exemptions of Corporate Reconstructions.

Statutory Rule under the Vegetation and Vine Diseases Act 1958 — No. 278.

- 10 **STATE DEFICIT LEVY** — The Honourable C.J. Hogg moved, That this House condemn the Government for its inequitable State Deficit Levy and for the unfair burden placed on local government in its collection.

Debate ensued.

The Honourable J.V.C. Guest moved, as an amendment, That all the words after "House" be omitted with the view of inserting in place thereof "congratulates the Government on taking prompt action by means of the State Deficit Levy and other measures to alleviate the burden of State debt and accumulating deficits resulting from the previous Government's irresponsible and deceitful financial management and on its efforts to minimise the adverse effects on all concerned of the collection of the State Deficit Levy."

Debate ensued.

The President having announced that, pursuant to Sessional Orders, the time allowed for General Business had expired —

The Honourable R.I. Knowles moved, That so much of the Sessional Orders as suspended as would prevent General business taking precedence over all other business until 2.30 p.m. during the sitting of the Council this day.

Question — put and resolved in the affirmative.

Debate continued.

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

AYES, 14

The Hon. B.E. Davidson
D.E. Henshaw (*Teller*)
C.J. Hogg
R.S. Ives
L. Kokocinski
W.A. Landeryou
J. McLean
B.W. Mier
D.A. Nardella
P. Power
B.T. Pullen (*Teller*)
T.C. Theophanous
D.T. Walpole
D.R. White

NOES, 28

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson
W.R. Baxter
R.A. Best (*Teller*)
M.A. Birrell
B.W. Bishop
R.H. Bowden
A.R. Brideson
G.H. Cox
G.R. Craige
P.R. Davis
R.S. de Fegely
D.M. Evans
W. Forwood
J.V.C. Guest (*Teller*)
P.R. Hall
R.M. Hallam
W.A.N. Hartigan
R.I. Knowles
B.A.E. Skeggs
K.M. Smith
Graeme Stoney
Haddon Storey
C.A. Strong
Rosemary Varty
Dr. R.J.H. Wells
Sue deC. Wilding

And so it passed in the negative.

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

Question — That the motion, as amended, be agreed to — put and resolved in the affirmative.

1 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order No. 71A.

2 **BUSINESS POSTPONED** — Ordered — That the consideration of Business to take Precedence be postponed until later this day.

3 **CAPITAL CITY (SHOP TRADING) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable M.A. Birrell moved, That this Bill be now read a second time.

The Honourable D.R. White moved, That the debate be now adjourned.

Debate ensued.

Question — put and resolved in the affirmative.

The Honourable M.A. Birrell moved, That the debate be adjourned until the next day of meeting.

Question — put.

The Council divided.

AYES, 29

NOES, 14

The Hon. L. Asher (*Teller*)
 G.B. Ashman
 B.N. Atkinson (*Teller*)
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

The Hon. B.E. Davidson
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 L. Kokocinski
 W.A. Landeryou
 J. McLean
 B.W. Mier
 D.A. Nardella (*Teller*)
 P. Power (*Teller*)
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole
 D.R. White

And so it was resolved in the affirmative.

14 **MILDURA COLLEGE LAND (RANFURLY) BILL** — This Bill was, according to Order and after debate, 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 **SUBORDINATE LEGISLATION (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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 the concurrence therein.

16 **ADDRESS-IN-REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR** — The Order of the Day having been read for the resumption of the debate on the question, That the Council agree to the Address to His Excellency the Governor in reply to His Excellency's Opening Speech (for address see page 25 *ante*) —

Debate resumed.

The Honourable R.S. de Fegely moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

And then the Council, at 5.30 p.m., adjourned until tomorrow.

A.V. BRAY

Clerk of the Legislative Council

No. 5 — Thursday, 5 November 1992

The President took the Chair and read the Prayer.

INTELLECTUALLY DISABLED PERSONS' SERVICES (TRUST MONEY) BILL — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Intellectually Disabled Persons' Services Act 1986' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

ANNUAL LEAVE PAYMENTS BILL — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to make fresh provision for payments to be made to employees covered by State Awards when proceeding on annual leave*" and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

PETITION — PEDESTRIAN OPERATED SIGNALS, EPPING — The Honourable G.R. Craige presented a Petition from certain citizens of Victoria praying that funding be provided for the design and installation of Pedestrian Operated Signals in High Street Epping, in the vicinity of Coulstock Street.

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:

Latrobe Regional Commission — Report, 1991-92.

BUSINESS POSTPONED — Ordered — That the consideration of Business to take Precedence be postponed until later this day.

INTELLECTUALLY DISABLED PERSONS' SERVICES (TRUST MONEY) BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.

The Honourable C.J. Hogg moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.
 Ordered — That the debate be adjourned until the next day of meeting.

8 BUSINESS POSTPONED — Ordered — That the consideration of Order of the Day, Government Business, No. 1, be postponed until later this day.

9 CONSTITUTION (MINISTERS) BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable M.A. Birrell moved, That this Bill be now read a second time.

The Honourable D.R. White moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

The Honourable M.A. Birrell moved, That the debate be adjourned until later this day.

Question — put.

The Council divided.

AYES, 29

NOES, 14

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden (*Teller*)
 A.R. Brideson (*Teller*)
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

The Hon. B.E. Davidson
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 L. Kokocinski
 W.A. Landeryou
 J. McLean
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen
 T.C. Theophanous (*Teller*)
 D.T. Walpole (*Teller*)
 D.R. White

And so it was resolved in the affirmative.

10 PARLIAMENTARY COMMITTEES (AMENDMENT) BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable M.A. Birrell moved, That this Bill be now read a second time.

The Honourable W.A. Landeryou moved, That the debate be now adjourned.

Debate ensued.

Question — That the debate be now adjourned — put and resolved in the affirmative.
The Honourable M.A. Birrell moved, That the debate be adjourned until later this day.

Question — put.

The Council divided.

AYES, 29

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson
W.R. Baxter
R.A. Best
M.A. Birrell
B.W. Bishop
R.H. Bowden
A.R. Brideson
G.P. Connard
G.H. Cox
G.R. Craige
P.R. Davis
R.S. de Fegely
D.M. Evans
W. Forwood
J.V.C. Guest
P.R. Hall
R.M. Hallam
W.A.N. Hartigan
R.I. Knowles
B.A.E. Skeggs
K.M. Smith
Graeme Stoney
Haddon Storey
C.A. Strong
Rosemary Varty
Dr. R.J.H. Wells (*Teller*)
Sue deC. Wilding (*Teller*)

NOES, 14

The Hon. B.E. Davidson
D.E. Henshaw
C.J. Hogg
R.S. Ives (*Teller*)
L. Kokocinski (*Teller*)
W.A. Landeryou
J. McLean
B.W. Mier
D.A. Nardella
P. Power
B.T. Pullen
T.C. Theophanous
D.T. Walpole
D.R. White

And so it was resolved in the affirmative.

1 BUSINESS POSTPONED — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 4 and 5, be postponed until later this day.

2 BORROWING AND INVESTMENT POWERS (MELBOURNE WATER CORPORATION) BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable B.T. Pullen moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

13 EVIDENCE (UNSWORN EVIDENCE) BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.

The Honourable B.T. Pullen moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until Tuesday next.

14 CONSTITUTION (MINISTERS) BILL — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

Question — put.

The Council divided.

AYES, 28

NOES, 13

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop (*Teller*)
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood (*Teller*)
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

The Hon. B.E. Davidson (*Teller*)
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 L. Kokocinski
 W.A. Landeryou (*Teller*)
 J. McLean
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen
 T.C. Theophanous
 D.R. White

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 PARLIAMENTARY COMMITTEES (AMENDMENT) BILL — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

Question — put.

The Council divided.

AYES, 28

The Hon. L. Asher
 G.B. Ashman (*Teller*)
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige (*Teller*)
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

NOES, 13

The Hon. B.E. Davidson
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 L. Kokocinski
 W.A. Landeryou
 J. McLean
 B.W. Mier
 D.A. Nardella (*Teller*)
 P. Power (*Teller*)
 B.T. Pullen
 T.C. Theophanous
 D.R. White

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 later this day.

16 PARLIAMENTARY SALARIES AND SUPERANNUATION (FURTHER AMENDMENT) BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable M.A. Birrell moved, That this Bill be now read a second time.

The Honourable D.R. White moved, That the debate be now adjourned.

Debate ensued.

Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders —

17 QUESTIONS — Questions without notice were taken pursuant to Standing Order No. 71A.

18 PARLIAMENTARY SALARIES AND SUPERANNUATION (FURTHER AMENDMENT) BILL — Debate resumed on the motion for the adjournment of the debate on the second reading.

Question — That the debate be now adjourned — put and resolved in the affirmative.
The Honourable M.A. Birrell moved, That the debate be adjourned until later this day.

Question — put.

The Council divided.

AYES, 29

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson
W.R. Baxter
R.A. Best
M.A. Birrell
B.W. Bishop
R.H. Bowden
A.R. Brideson
G.P. Connard
G.H. Cox
G.R. Craige
P.R. Davis (*Teller*)
R.S. de Fegely
D.M. Evans
W. Forwood
J.V.C. Guest
P.R. Hall
R.M. Hallam
W.A.N. Hartigan (*Teller*)
R.I. Knowles
B.A.E. Skeggs
K.M. Smith
Graeme Stoney
Haddon Storey
C.A. Strong
Rosemary Varty
Dr. R.J.H. Wells
Sue deC. Wilding

NOES, 14

The Hon. B.E. Davidson
D.E. Henshaw
C.J. Hogg
R.S. Ives (*Teller*)
L. Kokocinski
W.A. Landeryou
J. McLean
B.W. Mier (*Teller*)
D.A. Nardella
P. Power
B.T. Pullen
T.C. Theophanous
D.T. Walpole
D.R. White

And so it was resolved in the affirmative.

19 PARLIAMENTARY COMMITTEES (AMENDMENT) BILL — This Bill was, according to Order, committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable D.M. Evans having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon 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 the Council that the Council have agreed to the same with amendments, and desiring their concurrence therein.

20 PARLIAMENTARY SALARIES AND SUPERANNUATION (FURTHER AMENDMENT) BILL — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

Question — put.

The Council divided.

AYES, 29

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney (*Teller*)
 Haddon Storey
 C.A. Strong (*Teller*)
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

NOES, 14

The Hon. B.E. Davidson
 D.E. Henshaw (*Teller*)
 C.J. Hogg
 R.S. Ives
 L. Kokocinski
 W.A. Landeryou
 J. McLean
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen (*Teller*)
 T.C. Theophanous
 D.T. Walpole
 D.R. White

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 Honourable D.M. Evans reported that the Committee had made progress in the Bill, and had agreed to the following resolution:

That it be a suggestion to the Assembly that they make the following amendments in the Bill:

1. Clause 2, line 6, omit "(1) Sections 1, 2 and 3 come" and insert "This Act comes".
2. Clause 2, lines 8 to 11, omit sub-clauses (2) and (3).
3. Clause 4, omit this clause.
4. Clause 5, in the Table, omit "and Deputy Leader of the Majority Party (unless he or she is also Deputy Premier)".

5. Clause 5, page 3, in the Table, omit -
 "Senior Parliamentary Secretary 32".

On the motion of the Honourable M.A. Birrell, the Council adopted the Resolution reported from the Committee of the whole.

Ordered — That the Bill be returned to the Assembly with a Message suggesting that the Assembly amend the same as set forth in the foregoing Resolution.

Resolved — That the Council will, on the next day of meeting, again resolve itself into the said Committee.

- 21 VITAL STATE INDUSTRIES (WORKS AND SERVICES) BILL — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*Act to enable the declaration of vital State services and works and to enable the recovery of an amount for loss or damage suffered as the result of a strike or similar interruption or disruption*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles (for the Honourable Haddon Storey), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 22 CAPITAL CITY (SHOP TRADING) BILL — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time.

The Honourable M.A. Birrell moved, by leave, That the Bill be now read a third time.

Question — put.

The Council divided.

AYES, 26

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best (*Teller*)
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs (*Teller*)
 Graeme Stoney

NOES, 11

The Hon. B.E. Davidson
 C.J. Hogg
 R.S. Ives
 L. Kokocinski
 J. McLean
 B.W. Mier
 D.A. Nardella
 P. Power (*Teller*)
 B.T. Pullen
 T.C. Theophanous (*Teller*)
 D.T. Walpole

Haddon Storey
C.A. Strong
Rosemary Varty
Sue deC. Wilding

And so it was resolved in the affirmative — Bill read a third time and passed.

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

23 **EMPLOYEE RELATIONS BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to make fresh provision with respect to the law relating to employee relations in Victoria, to repeal the 'Industrial Relations Act 1979' and the 'Hospitals Remuneration Tribunal Act 1978', to amend the 'Trade Unions Act 1958', the 'House Contracts Guarantee Act 1987' and the 'Magistrates' Court Act 1989' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

24 **ADJOURNMENT** — The Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until tomorrow at 11.00 a.m.

Question — put and resolved in the affirmative.

The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 11.08 p.m., adjourned until tomorrow at 11.00 a.m.

A.V. BRAY
Clerk of the Legislative Council

No. 6 — Friday, 6 November 1992

1 The President took the Chair and read the Prayer.

2 **VICTORIAN TOURISM COMMISSION (TOURISM VICTORIA) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Victorian Tourism Commission Act 1982' and various other Acts and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles (for the Honourable Haddon Storey), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

3 **TREASURY CORPORATION OF VICTORIA BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to establish the Treasury Corporation of Victoria, to repeal the 'Victorian Public Authorities Finance Act 1984', to make consequential amendments to certain Acts and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 4 **LAND TAX (REVISION) (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Land Tax (Revision) Act 1991' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 5 **CHILDREN AND YOUNG PERSONS (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Children and Young Persons Act 1989' and certain other Acts and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 6 **SUNSHINE LAND BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to revoke the permanent reservations of land at Sunshine and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles (for the Honourable M.A. Birrell), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 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:

Debt Retirement Authority — Report, 1991-92.

Economic Development Corporation — Report, 1991-92.

Equal Opportunity Board — Report, 1991-92.

Equal Opportunity Commissioner — Report, 1991-92.

Estate Agents Board — Report, 1991-92.

Flora and Fauna Guarantee Act 1988 — Order in Council of 29 September 1992 adding items to Schedule 2 — List of Taxa and Communities of Flora or Fauna which are threatened; and Schedule 3 — List of potentially threatening processes; and repealing an item in Schedule 2.

Gaming Commission — Report, 1991-92.

National Parks Advisory Council — Report, 1991-92.

Patriotic Funds Council — Report, 1991.

Public Advocate Office — Report, 1991-92.

Rural Finance Corporation — Report, 1991-92.

State Superannuation Fund — Actuarial Investigation as at 30 June 1991.

State Trustees — Report, 1991-92.

Statutory Rules under the Public Service Act 1974 — PSD Nos. 28 and 29.

The Constitution Act Amendment Act 1958 — Statement of functions conferred upon the Electoral Commissioner, October, 1992.

Transport Accident Commission — Report, 1991-92.

Victoria Relief Committee — Report, 1991-92.

Young Farmers' Finance Council — Report, 1991-92.

- 8 **BUSINESS POSTPONED** — Ordered — That the consideration of Business to take Precedence be postponed until later this day.

- 9 **CHILDREN AND YOUNG PERSONS (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.
- The Honourable C.J. Hogg moved, That the debate be now adjourned.
- Question — That the debate be now adjourned — put and resolved in the affirmative.
- Ordered — That the debate be adjourned until the next day of meeting.
- 10 **SUNSHINE LAND BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable M.A. Birrell) moved, That this Bill be now read a second time.
- The Honourable R.I. Knowles made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.
- The Honourable C.J. Hogg (for the Honourable B.T. Pullen) moved, That the debate be now adjourned.
- Question — That the debate be now adjourned — put and resolved in the affirmative.
- Ordered — That the debate be adjourned until the next day of meeting.
- 11 **INTELLECTUALLY DISABLED PERSONS' SERVICES (TRUST MONEY) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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 **BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 2 and 3, be postponed until later this day.
- 13 **EMPLOYEE RELATIONS BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.
- The Honourable Haddon Storey made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.
- The Honourable D.R. White moved, That the debate be now adjourned.
- Question — That the debate be now adjourned — put and resolved in the affirmative.
- Ordered — That the debate be adjourned until Tuesday next.
- 14 **VITAL STATE INDUSTRIES (WORKS AND SERVICES) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.
- The Honourable D.R. White moved, That the debate be now adjourned.
- Question — That the debate be now adjourned — put and resolved in the affirmative.
- Ordered — That the debate be adjourned until later this day.
- 15 **ANNUAL LEAVE PAYMENTS BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.
- Debate ensued.
- Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders —*
- 16 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order No. 71A.

- 17 LOCAL GOVERNMENT BOARD — The Honourable R.M. Hallam having given an answer to a question without notice regarding the Local Government Board —
The Honourable D.R. White moved, That the Minister's answer be taken into consideration on the next day of meeting.
Question — put and resolved in the affirmative.
- 18 QUESTIONS — Questions without notice continued.
- 19 ANNUAL LEAVE PAYMENTS BILL — Debate resumed on the motion for the second reading.
Question — put.
The Council divided.

AYES, 27

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson
W.R. Baxter
R.A. Best
B.W. Bishop
R.H. Bowden
A.R. Brideson
G.P. Connard (*Teller*)
G.H. Cox
G.R. Craige
P.R. Davis
R.S. de Fegely
D.M. Evans
W. Forwood
J.V.C. Guest
P.R. Hall
R.M. Hallam
W.A.N. Hartigan
R.I. Knowles
K.M. Smith
Graeme Stoney
Haddon Storey
C.A. Strong
Rosemary Varty (*Teller*)
Dr. R.J.H. Wells
Sue deC. Wilding

NOES, 12

The Hon. B.E. Davidson
D.E. Henshaw
C.J. Hogg
R.S. Ives
L. Kokocinski
W.A. Landeryou (*Teller*)
B.W. Mier
D.A. Nardella
P. Power
B.T. Pullen
D.T. Walpole (*Teller*)
D.R. White

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 Honourable D.M. Evans 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 **PARLIAMENTARY SALARIES AND SUPERANNUATION (FURTHER AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly returning this Bill and acquainting the Council that they have made the amendments suggested by the Council, and desiring the concurrence of the Council therein.

Ordered — That the Message be referred to the Committee of the whole on the Bill.

21 **PARLIAMENTARY COMMITTEES (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.

22 **BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 5, be postponed until later this day.

23 **PARLIAMENTARY SALARIES AND SUPERANNUATION (FURTHER 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 Honourable D.M. Evans having reported that the Committee had agreed to the Bill (including the amendments made by the Assembly on the suggestion of the Council) without further 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 (including the amendments made by the Assembly on the suggestion of the Council) without further amendment.

24 **BORROWING AND INVESTMENT POWERS (MELBOURNE WATER CORPORATION) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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.

25 **ADJOURNMENT** — The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 5.18 p.m., adjourned until Tuesday next.

A.V. BRAY

Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 6

Tuesday, 10 November 1992

Mr. President takes the Chair at 2.30 p.m.

BUSINESS TO TAKE PRECEDENCE

ORDER OF THE DAY

- 1 SPEECH OF HIS EXCELLENCY THE GOVERNOR — Motion for Address-in-Reply — *Resumption of debate. (Hon. R.S. de Fegely).*

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- *1 VICTORIAN TOURISM COMMISSION (TOURISM VICTORIA) BILL — (*from Assembly — Hon. Haddon Storey*) — Second reading.
- *2 TREASURY CORPORATION OF VICTORIA BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading.
- *3 LAND TAX (REVISION) (AMENDMENT) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading.
- 4 EMPLOYEE RELATIONS BILL — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate. (Hon. D.R. White).*
- 5 VITAL STATE INDUSTRIES (WORKS AND SERVICES) BILL — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate. (Hon. D.R. White).*
- *6 CHILDREN AND YOUNG PERSONS (AMENDMENT) BILL — (*from Assembly — Hon. R.I. Knowles*) — Second reading — *Resumption of debate. (Hon. C.J. Hogg).*
- *7 SUNSHINE LAND BILL — (*from Assembly — Hon. M.A. Birrell*) — Second reading — *Resumption of debate. (Hon. B.T. Pullen).*
- 8 EVIDENCE (UNSWORN EVIDENCE) BILL — (*Hon. Haddon Storey*) — Second reading — *Resumption of debate. (Hon. B.T. Pullen).*
- 9 STATEMENT OF 28 OCTOBER 1992 ON VICTORIA'S FINANCIAL MANAGEMENT STRATEGY — To be considered.

* Indicates new entry

GENERAL BUSINESS

ORDER OF THE DAY

*1 LOCAL GOVERNMENT BOARD — MINISTER'S ANSWER TO QUESTION WITHOUT NOTICE, 6 NOVEMBER 1992 — To be considered.

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

Tuesday, 10 November 1992

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, L. Kokocinski and W.A. Landeryou.

* * * *

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 28 October 1992 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday	—	2.30 p.m.
Wednesday	—	10.00 a.m.
Thursday	—	10.00 a.m.

Business to take precedence—

Tuesday	—	Government business.
Wednesday	—	General business (until 2.00 p.m.).
Thursday	—	Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 27 October 1992, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

By Authority L.V. North, Government Printer, Melbourne

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 7

Thursday, 12 November 1992

Mr. President takes the Chair at 10.00 a.m.

BUSINESS TO TAKE PRECEDENCE

ORDER OF THE DAY

- 1 SPEECH OF HIS EXCELLENCY THE GOVERNOR — Motion for Address-in-Reply — *Resumption of debate. (Hon. R.S. de Fegely).*

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- *1 STATE TAXATION (AMENDMENT) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading.
- *2 PUBLIC AUTHORITIES (DIVIDENDS) (AMENDMENT) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading.
- *3 TRANSPORT ACCIDENT (AMENDMENT) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading.
- 4 VITAL STATE INDUSTRIES (WORKS AND SERVICES) BILL — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate. (Hon. D.R. White).*
- 5 CHILDREN AND YOUNG PERSONS (AMENDMENT) BILL — (*from Assembly — Hon. R.I. Knowles*) — Second reading — *Resumption of debate. (Hon. C.J. Hogg).*
- 6 SUNSHINE LAND BILL — (*from Assembly — Hon. M.A. Birrell*) — Second reading — *Resumption of debate. (Hon. B.T. Pullen).*
- 7 TREASURY CORPORATION OF VICTORIA BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate. (Hon. D.R. White).*
- 8 VICTORIAN TOURISM COMMISSION (TOURISM VICTORIA) BILL — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate. (Hon. P. Power).*

- 9 LAND TAX (REVISION) (AMENDMENT) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. D.R. White).
- 10 EVIDENCE (UNSWORN EVIDENCE) BILL — (Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. B.T. Pullen).
- 11 STATEMENT OF 28 OCTOBER 1992 ON VICTORIA'S FINANCIAL MANAGEMENT STRATEGY — To be considered.

GENERAL BUSINESS

NOTICES OF MOTION

- *1 THE HON. B.E. DAVIDSON — To move, That this House condemns the Government for its policy that the Port of Geelong Authority should divest itself of its interest in Federated Stevedores Geelong, and calls on the Government to suspend any further actions which might threaten the future of Geelong as a thriving port.
- *2 THE HON. D.R. WHITE — To move, That this House condemns the Government for its hasty introduction of ill considered, poorly drafted and divisive legislation that it intends to pass by ambushing the people of Victoria instead of allowing time for community consultation and scrutiny.

ORDER OF THE DAY

- 1 LOCAL GOVERNMENT BOARD — MINISTER'S ANSWER TO QUESTION WITHOUT NOTICE, 6 NOVEMBER 1992 — To be considered.

A.V. BRAY
Clerk of the Legislative Council

B.A. CHAMBERLAIN
President

Thursday, 12 November 1992

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, L. Kokocinski and W.A. Landeryou.

* * * *

COMMITTEES

- †*COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.
- †*CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.
- †*ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis and P. Power.
- †*ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.
- *HOUSE (JOINT) — The Honourables the President (ex-officio), R.A. Best, L. Kokocinski, W.A. Landeryou, B.A.E. Skeggs and K.M. Smith.
- †*LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.
- *PRINTING — The Honourables the President, B.W. Bishop, G.H. Cox, B.W. Mier, D.A. Nardella, B.A.E. Skeggs and D.T. Walpole.
- *PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, W.A. Landeryou and D.R. White.
- †*PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.
- †*PUBLIC BODIES REVIEW (JOINT) — The Honourables A.R. Brideson, B.W. Bishop, W.A.N. Hartigan, R.S. Ives and C.A. Strong.
- †*ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.
- †*SCRUTINY OF ACTS AND REGULATIONS COMMITTEE (JOINT) — The Honourables L. Asher, W.A. Landeryou and B.A.E. Skeggs.
- *STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, W.A. Landeryou and B.W. Mier.

† *Appointments contingent upon Royal Assent being given to the Parliamentary Committees (Amendment) Bill*

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 28 October 1992 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday	—	2.30 p.m.
Wednesday	—	10.00 a.m.
Thursday	—	10.00 a.m.

Business to take precedence—

Tuesday	—	Government business.
Wednesday	—	General business (until 2.00 p.m.).
Thursday	—	Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 27 October 1992, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

By Authority L.V. North, Government Printer, Melbourne

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 8

Friday, 13 November 1992

Mr. President takes the Chair at 10.00 a.m.

BUSINESS TO TAKE PRECEDENCE

ORDER OF THE DAY

- 1 SPEECH OF HIS EXCELLENCY THE GOVERNOR — Motion for Address-in-Reply —
Resumption of debate. (Hon. R.S. de Fegely).

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- *1 PUBLIC SECTOR MANAGEMENT BILL — (*from Assembly — Hon. M.A. Birrell*) —
Second reading — *Resumption of debate. (Hon. D.R. White).*
- *2 ACCIDENT COMPENSATION (WORKCOVER) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading.
- 3 EVIDENCE (UNSWORN EVIDENCE) BILL — (*Hon. Haddon Storey*) — Second
reading — *Resumption of debate. (Hon. B.T. Pullen).*
- 4 STATEMENT OF 28 OCTOBER 1992 ON VICTORIA'S FINANCIAL MANAGEMENT
STRATEGY — To be considered.

GENERAL BUSINESS

NOTICES OF MOTION

- 1 THE HON. B.E. DAVIDSON — To move, That this House condemns the Government for its policy that the Port of Geelong Authority should divest itself of its interest in Federated Stevedores Geelong, and calls on the Government to suspend any further actions which might threaten the future of Geelong as a thriving port.
- 2 THE HON. D.R. WHITE — To move, That this House condemns the Government for its hasty introduction of ill considered, poorly drafted and divisive legislation that it intends to pass by ambushing the people of Victoria instead of allowing time for community consultation and scrutiny.

ORDER OF THE DAY

- 1 LOCAL GOVERNMENT BOARD — MINISTER'S ANSWER TO QUESTION WITHOUT NOTICE, 6 NOVEMBER 1992 — To be considered.

A.V. BRAY
Clerk of the Legislative Council

B.A. CHAMBERLAIN
President

Friday, 13 November 1992

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, L. Kokocinski and W.A. Landeryou.

* * * *

COMMITTEES

† **COMMUNITY DEVELOPMENT (JOINT)** — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

† **CRIME PREVENTION (JOINT)** — The Honourables D.A. Nardella and K.M. Smith.

† **ECONOMIC DEVELOPMENT (JOINT)** — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis and P. Power.

† **ENVIRONMENT AND NATURAL RESOURCES (JOINT)** — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (ex-officio), R.A. Best, L. Kokocinski, W.A. Landeryou, B.A.E. Skeggs and K.M. Smith.

† **LAW REFORM (JOINT)** — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

PRINTING — The Honourables the President, B.W. Bishop, G.H. Cox, B.W. Mier, D.A. Nardella, B.A.E. Skeggs and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, W.A. Landeryou and D.R. White.

† **PUBLIC ACCOUNTS AND ESTIMATES (JOINT)** — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

† **PUBLIC BODIES REVIEW (JOINT)** — The Honourables A.R. Brideson, B.W. Bishop, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

† **ROAD SAFETY (JOINT)** — The Honourables R.A. Best, B.E. Davidson, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

† **SCRUTINY OF ACTS AND REGULATIONS COMMITTEE (JOINT)** — The Honourables L. Asher, W.A. Landeryou and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, W.A. Landeryou and B.W. Mier.

† *Appointments contingent upon Royal Assent being given to the Parliamentary Committees (Amendment) Bill*

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 28 October 1992 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday	—	2.30 p.m.
Wednesday	—	10.00 a.m.
Thursday	—	10.00 a.m.

Business to take precedence—

Tuesday	—	Government business.
Wednesday	—	General business (until 2.00 p.m.).
Thursday	—	Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 27 October 1992, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

By Authority L.V. North, Government Printer, Melbourne

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 9

Tuesday, 17 November 1992

Mr. President takes the Chair at 10.00 a.m.

BUSINESS TO TAKE PRECEDENCE

ORDER OF THE DAY

- 1 SPEECH OF HIS EXCELLENCY THE GOVERNOR — Motion for Address-in-Reply — *Resumption of debate. (Hon. R.S. de Fegely).*

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- *1 STATE DEFICIT LEVY BILL — (*from Assembly — Hon. P M. Hallam*) — Second reading.
- *2 STATE BOARD OF EDUCATION (REPEAL) BILL — (*from Assembly — Hon. Haddon Storey*) — Second reading.
- *3 TRANSPORT (AMENDMENT) BILL — (*from Assembly — Hon. W.R. Baxter*) — Second reading.
- *4 SUPERANNUATION (PUBLIC SECTOR) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading.
- *5 TATTERSALL CONSULTATIONS (AMENDMENT) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading.
- *6 STATE OWNED ENTERPRISES BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading.
- *7 POLICE REGULATION (AMENDMENT) BILL — (*from Assembly — Hon. W.R. Baxter*) — Second reading.
- *8 DAIRY INDUSTRY BILL — (*from Assembly — Hon. W.R. Baxter*) — Second reading.

- *9 **LAW REFORM COMMISSION (REPEAL) BILL** — (*from Assembly — Hon. Haddon Storey*) — Second reading.
- 10 **EVIDENCE (UNSWORN EVIDENCE) BILL** — (*Hon. Haddon Storey*) — Second reading — *Resumption of debate. (Hon. B.T. Pullen).*
- 11 **STATEMENT OF 28 OCTOBER 1992 ON VICTORIA'S FINANCIAL MANAGEMENT STRATEGY** — To be considered.

GENERAL BUSINESS

NOTICES OF MOTION

- 1 **THE HON. B.E. DAVIDSON** — To move, That this House condemns the Government for its policy that the Port of Geelong Authority should divest itself of its interest in Federated Stevedores Geelong, and calls on the Government to suspend any further actions which might threaten the future of Geelong as a thriving port.
- 2 **THE HON. D.R. WHITE** — To move, That this House condemns the Government for its hasty introduction of ill considered, poorly drafted and divisive legislation that it intends to pass by ambushing the people of Victoria instead of allowing time for community consultation and scrutiny.

ORDER OF THE DAY

- 1 **LOCAL GOVERNMENT BOARD — MINISTER'S ANSWER TO QUESTION WITHOUT NOTICE, 6 NOVEMBER 1992** — To be considered.

A.V. BRAY
Clerk of the Legislative Council

B.A. CHAMBERLAIN
President

Tuesday, 17 November 1992

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, L. Kokocinski and W.A. Landeryou.

* * * *

COMMITTEES

† **COMMUNITY DEVELOPMENT (JOINT)** — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

† **CRIME PREVENTION (JOINT)** — The Honourables D.A. Nardella and K.M. Smith.

† **ECONOMIC DEVELOPMENT (JOINT)** — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis and P. Power.

† **ENVIRONMENT AND NATURAL RESOURCES (JOINT)** — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (ex-officio), R.A. Best, L. Kokocinski, W.A. Landeryou, B.A.E. Skeggs and K.M. Smith.

† **LAW REFORM (JOINT)** — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

* **LIBRARY** — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING — The Honourables the President, B.W. Bishop, G.H. Cox, B.W. Mier, D.A. Nardella, B.A.E. Skeggs and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, W.A. Landeryou and D.R. White.

† **PUBLIC ACCOUNTS AND ESTIMATES (JOINT)** — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

† **PUBLIC BODIES REVIEW (JOINT)** — The Honourables A.R. Brideson, B.W. Bishop, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

† **ROAD SAFETY (JOINT)** — The Honourables R.A. Best, B.E. Davidson, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

† **SCRUTINY OF ACTS AND REGULATIONS COMMITTEE (JOINT)** — The Honourables L. Asher, W.A. Landeryou and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, W.A. Landeryou and B.W. Mier.

† *Appointments contingent upon Royal Assent being given to the Parliamentary Committees (Amendment) Bill*

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 28 October 1992 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday	—	2.30 p.m.
Wednesday	—	10.00 a.m.
Thursday	—	10.00 a.m.

Business to take precedence—

Tuesday	—	Government business.
Wednesday	—	General business (until 2.00 p.m.).
Thursday	—	Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 27 October 1992, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 10

Wednesday, 18 November 1992

Mr. President takes the Chair at 10.00 a.m.

GENERAL BUSINESS

[To take precedence until 2.00 p.m.]

NOTICES OF MOTION

- 1 THE HON. B.E. DAVIDSON — To move, That this House condemns the Government for its policy that the Port of Geelong Authority should divest itself of its interest in Federated Stevedores Geelong, and calls on the Government to suspend any further actions which might threaten the future of Geelong as a thriving port.
- 2 THE HON. D.R. WHITE — To move, That this House condemns the Government for its hasty introduction of ill considered, poorly drafted and divisive legislation that it intends to pass by ambushing the people of Victoria instead of allowing time for community consultation and scrutiny.

ORDER OF THE DAY

- 1 LOCAL GOVERNMENT BOARD — MINISTER'S ANSWER TO QUESTION WITHOUT NOTICE, 6 NOVEMBER 1992 — To be considered.

BUSINESS TO TAKE PRECEDENCE

ORDER OF THE DAY

- 1 SPEECH OF HIS EXCELLENCY THE GOVERNOR — Motion for Address-in-Reply — *Resumption of debate. (Hon. R.S. de Fegely).*

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- 1 STATE BOARD OF EDUCATION (REPEAL) BILL — (from Assembly — Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. C.J. Hogg).
- 2 TRANSPORT (AMENDMENT) BILL — (from Assembly — Hon. W.R. Baxter) — Second reading — Resumption of debate. (Hon. T.C. Theophanous).
- 3 SUPERANNUATION (PUBLIC SECTOR) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. D.R. White).
- 4 TATTERSALL CONSULTATIONS (AMENDMENT) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. D.R. White).
- 5 POLICE REGULATION (AMENDMENT) BILL — (from Assembly — Hon. W.R. Baxter) — Second reading — Resumption of debate. (Hon. B.E. Davidson).
- 6 DAIRY INDUSTRY BILL — (from Assembly — Hon. W.R. Baxter) — Second reading — Resumption of debate. (Hon. C.J. Hogg).
- 7 LAW REFORM COMMISSION (REPEAL) BILL — (from Assembly — Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. B.T. Pullen).
- *8 PUBLIC SECTOR (UNION FEES) BILL — (from Assembly — Hon. M.A. Birrell) — Second reading — Resumption of debate. (Hon. D.R. White).
- 9 EVIDENCE (UNSWORN EVIDENCE) BILL — (Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. B.T. Pullen).
- 10 STATEMENT OF 28 OCTOBER 1992 ON VICTORIA'S FINANCIAL MANAGEMENT STRATEGY — To be considered.

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

Wednesday, 18 November 1992

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, L. Kokocinski and W.A. Landeryou.

* * * *

COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (ex-officio), R.A. Best, L. Kokocinski, W.A. Landeryou, B.A.E. Skeggs and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING — The Honourables the President, B.W. Bishop, G.H. Cox, B.W. Mier, D.A. Nardella, B.A.E. Skeggs and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, W.A. Landeryou and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables A.R. Brideson, B.W. Bishop, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE (JOINT) — The Honourables L. Asher, W.A. Landeryou and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, W.A. Landeryou and B.W. Mier.

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 28 October 1992 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday	—	2.30 p.m.
Wednesday	—	10.00 a.m.
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Business to take precedence—

Tuesday	—	Government business.
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Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 27 October 1992, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 7, 8 and 9

No. 7 — Tuesday, 10 November 1992

The President took the Chair and read the Prayer.

ASSENT TO ACT — The Honourable M.A. Birrell presented a Message from His Excellency the Governor informing the Council that he had, on 9 November 1992, given the Royal Assent to the undermentioned Act presented to him by the Clerk of the Parliaments:

Constitution (Ministers) Act.

QUESTIONS — Questions without notice were taken pursuant to Standing Order No. 71A.

HOUSE COMMITTEE — The Honourable R.I. Knowles moved, by leave, That the Honourables R.A. Best, L. Kokocinski, W.A. Landeryou, B.A.E. Skeggs and K.M. Smith be members of the House Committee.

Question — put and resolved in the affirmative.

PRINTING COMMITTEE — The Honourable R.I. Knowles moved, by leave, That the Honourables the President, B.W. Bishop, G.H. Cox, B.W. Mier, D.A. Nardella, B.A.E. Skeggs and D.T. Walpole be members of the Printing Committee, the Committee to have power —

(a) to send for persons, papers and records; and

(b) to confer with the Printing Committee of the Legislative Assembly and to report jointly thereon to the House —

three to be the quorum.

Question — put and resolved in the affirmative.

PRIVILEGES COMMITTEE — The Honourable R.I. Knowles moved, by leave, That a Select Committee of five members be appointed to inquire into and report upon complaints of breach of privilege referred to it by the Council, that the Committee have power to send for persons, papers and records, three to be the quorum; and that the Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, W.A. Landeryou and D.R. White be members of that Committee.

Question — put and resolved in the affirmative.

STANDING ORDERS COMMITTEE — The Honourable R.I. Knowles moved, by leave, That the Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, W.A. Landeryou, and B.W. Mier be members of the Select Committee on the Standing Orders of the House; three to be the quorum.

Question — put and resolved in the affirmative.

- 8 **COMMUNITY DEVELOPMENT COMMITTEE** — The Honourable R.I. Knowles moved, by leave, That, contingent upon the Royal Assent being given to the Parliamentary Committees (Amendment) Bill, the Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski be members of the Community Development Committee.
Question — put and resolved in the affirmative.
- 9 **CRIME PREVENTION COMMITTEE** — The Honourable R.I. Knowles moved, by leave, That, contingent upon the Royal Assent being given to the Parliamentary Committees (Amendment) Bill, the Honourables D.A. Nardella and K.M. Smith be members of the Crime Prevention Committee.
Question — put and resolved in the affirmative.
- 10 **ECONOMIC DEVELOPMENT COMMITTEE** — The Honourable R.I. Knowles moved, by leave, That, contingent upon the Royal Assent being given to the Parliamentary Committees (Amendment) Bill, the Honourables G.B. Ashman, G.P. Connard, P.R. Davis and P. Power be members of the Economic Development Committee.
Question — put and resolved in the affirmative.
- 11 **ENVIRONMENT AND NATURAL RESOURCES COMMITTEE** — The Honourable R.I. Knowles moved, by leave, That, contingent upon the Royal Assent being given to the Parliamentary Committees (Amendment) Bill, the Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells be members of the Environment and Natural Resources Committee.
Question — put and resolved in the affirmative.
- 12 **LAW REFORM COMMITTEE** — The Honourable R.I. Knowles moved, by leave, That, contingent upon the Royal Assent being given to the Parliamentary Committees (Amendment) Bill, the Honourables W. Forwood, J.V.C. Guest and J. McLean be members of the Law Reform Committee.
Question — put and resolved in the affirmative.
- 13 **PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — The Honourable R.I. Knowles moved, by leave, That, contingent upon the Royal Assent being given to the Parliamentary Committees (Amendment) Bill, the Honourables P.R. Hall, T.C. Theophanous and D.R. White be members of the Public Accounts and Estimates Committee.
Question — put and resolved in the affirmative.
- 14 **PUBLIC BODIES REVIEW COMMITTEE** — The Honourable R.I. Knowles moved, by leave, That, contingent upon the Royal Assent being given to the Parliamentary Committees (Amendment) Bill, the Honourables B.W. Bishop, A.R. Brideson, W.A.N. Hartigan, R.S. Ives and C.A. Strong be members of the Public Bodies Review Committee.
Question — put and resolved in the affirmative.
- 15 **ROAD SAFETY COMMITTEE** — The Honourable R.I. Knowles moved, by leave, That, contingent upon the Royal Assent being given to the Parliamentary Committees (Amendment) Bill, the Honourables R.A. Best, B.E. Davidson, Graeme Stoney, D.J. Walpole and Sue deC. Wilding be members of the Road Safety Committee.
Question — put and resolved in the affirmative.
- 16 **SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — The Honourable R.I. Knowles moved, by leave, That, contingent upon the Royal Assent being given to the Parliamentary Committees (Amendment) Bill, the Honourables L. Asher, W.A. Landeryou and B.A.E. Skeggs be members of the Scrutiny of Acts and Regulations Committee.
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:

Arts Centre Trust — Report, 1991-92.

Arts Ministry — Report, 1991-92 [incorporating the Report of the Victorian Council of the Arts].

Coleraine and District Hospital — Report, 1991-92.

Geelong Performing Arts Centre Trust — Report, 1991-92.

Hamilton Base Hospital — Report, 1991-92 (two papers).

Kerang and District Hospital — Report, 1991-92.

Koroit and District Memorial Hospital — Report, 1991-92.

Kyneton District Hospital — Report, 1991-92.

Law Reform Commission — Report, 1991-92.

Legal Aid Commission — Report, 1991-92.

Libraries Board — Report, 1991-92.

Liquor Licensing Commission — Report, 1991-92.

Macarthur and District Memorial Hospital-Penshurst and District Memorial Hospital — Report, 1991-92.

Maryborough and District Hospital — Report, 1991-92.

Metropolitan Fire Brigades Board — Report, 1991-92.

Mt. Alexander Hospital — Report, 1991-92.

Museums Advisory Board — Report, 1991-92.

O'Connell Family Centre (Grey Sisters) Inc. — Report, 1991-92.

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

Beechworth Planning Scheme — Amendments L5 and L21.

Brunswick Planning Scheme — Amendment L22.

Rodney Planning Scheme — Amendment L36.

Williamstown Planning Scheme — Amendment L11.

Portland and District Hospital — Report, 1991-92.

Port of Geelong Authority — Report, 1991-92.

Port of Melbourne Authority — Report, 1991-92.

Port of Portland Authority — Report, 1991-92.

Roads Corporation — Report, 1991-92.

State Film Centre Council — Report, 1991-92.

Terang and District (Norah Cosgrave) Community Hospital — Report, 1991-92.

Victorian Development Fund — Report, 1991-92.

Victorian Public Authorities Finance Agency — Report, 1991-92.

BUSINESS POSTPONED — Ordered — That the consideration of Business to take Precedence be postponed until later this day.

VICTORIAN TOURISM COMMISSION (TOURISM VICTORIA) BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.

The Honourable P. Power moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

20 TREASURY CORPORATION OF VICTORIA BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable D.R. White moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

21 LAND TAX (REVISION) (AMENDMENT) BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable D.R. White moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

22 EMPLOYEE RELATIONS BILL — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

The Honourable D.R. White moved, That the debate be now adjourned.

Question — put.

The Council divided.

AYES, 13

The Hon. B.E. Davidson
D.E. Henshaw
C.J. Hogg
R.S. Ives
W.A. Landeryou
J. McLean
B.W. Mier
D.A. Nardella
P. Power (*Teller*)
B.T. Pullen (*Teller*)
T.C. Theophanous
D.T. Walpole
D.R. White

NOES, 27

The Hon. L. Asher (*Teller*)
G.B. Ashman (*Teller*)
B.N. Atkinson
W.R. Baxter
R.A. Best
M.A. Birrell
B.W. Bishop
R.H. Bowden
A.R. Brideson
G.P. Connard
G.H. Cox
G.R. Craige
P.R. Davis
R.S. de Fegely
W. Forwood
J.V.C. Guest
P.R. Hall
R.M. Hallam
R.I. Knowles
B.A.E. Skeggs
K.M. Smith
Graeme Stoney
Haddon Storey
C.A. Strong
Rosemary Varty
Dr. R.J.H. Wells
Sue deC. Wilding

And so it passed in the negative.

Debate resumed.

The Honourable W.A. Landeryou 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 redrafted to take account of the need to protect the rights of salary and wage earners in Victoria and the widespread community concern in relation to a number of features of the Bill".

Debate ensued.

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

WEDNESDAY, 11 NOVEMBER 1992

Debate continued.

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

The Council divided.

AYES, 28

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson (*Teller*)
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden (*Teller*)
 A.R. Brideson
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

NOES, 13

The Hon. B.E. Davidson
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 W.A. Landeryou
 J. McLean (*Teller*)
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen
 T.C. Theophanous (*Teller*)
 D.T. Walpole
 D.R. White

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

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

The Council divided.

AYES, 28

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best

NOES, 13

The Hon. B.E. Davidson (*Teller*)
 D.E. Henshaw (*Teller*)
 C.J. Hogg
 R.S. Ives
 W.A. Landeryou

M.A. Birrell
 B.W. Bishop (*Teller*)
 R.H. Bowden
 A.R. Brideson (*Teller*)
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

J. McLean
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole
 D.R. White

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.

House in Committee.

Suspension of Committee proceedings —

The President resumed the Chair and the Honourable D.M. Evans reported that he had suspended the proceedings of the Committee in order to report that, during the consideration of the Bill in Committee, the Honourable W.A. Landeryou had wilfully disregarded the authority of the Chair.

The Honourable W.A. Landeryou having been heard in his place and submitting an explanation to the Council —

The President left the Chair, and consideration of the Bill in Committee resumed.
 House in Committee.

The President resumed the Chair; and the Honourable D.M. Evans having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report.

The Honourable Haddon Storey moved, That the Bill be now read a third time.

Question — put.

The Council divided.

AYES, 27

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter

NOES, 12

The Hon. B.E. Davidson
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives

R.A. Best	W.A. Landeryou
B.W. Bishop	J. McLean
R.H. Bowden	B.W. Mier
A.R. Brideson	D.A. Nardella (<i>Teller</i>)
G.P. Connard (<i>Teller</i>)	P. Power
G.H. Cox (<i>Teller</i>)	B.T. Pullen
G.R. Craige	D.T. Walpole (<i>Teller</i>)
P.R. Davis	D.R. White
R.S. de Fegely	
D.M. Evans	
W. Forwood	
J.V.C. Guest	
P.R. Hall	
R.M. Hallam	
W.A.N. Hartigan	
R.I. Knowles	
K.M. Smith	
Graeme Stoney	
Haddon Storey	
C.A. Strong	
Rosemary Varty	
Dr. R.J.H. Wells	
Sue deC. Wilding	

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 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 therein.

TRANSPORT ACCIDENT (AMENDMENT) BILL — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to transfer certain assets and liabilities to the Transport Accident Commission, to amend the 'Transport Accident Act 1986', the 'Building Societies (Prudential Standards) Act 1990' and the 'Business Franchise (Petroleum Products) Act 1979' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

PUBLIC AUTHORITIES (DIVIDENDS) (AMENDMENT) BILL — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Public Authorities (Dividends) Act 1983' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

STATE TAXATION (AMENDMENT) BILL — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Business Franchise (Petroleum Products) Act 1979', the 'Business Franchise (Tobacco) Act 1974', the 'Debits Tax Act 1990', the 'Energy Consumption Levy Act 1982', the 'Financial Institutions Duty Act 1982', the 'Land Tax Act 1958', the 'Pay-roll Tax Act 1971' and the 'Stamps Act 1958'*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

26 **ADJOURNMENT** — The Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until Thursday next.

Question — put and resolved in the affirmative.

And then the Council, at 11.48 a.m., adjourned until Thursday next.

A.V. BRAY

Clerk of the Legislative Council

No. 8 — Thursday, 12 November 1992

1 The President took the Chair and read the Prayer.

2 **ACCIDENT COMPENSATION (WORKCOVER) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "An Act to amend the 'Accident Compensation Act 1985', the 'Workers Compensation Act 1958', the 'Occupational Health and Safety Act 1985' and the 'Transport Accident Act 1986' and for other purposes" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

3 **PUBLIC SECTOR MANAGEMENT BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "An Act to reform the management of the Victorian public sector, to repeal the 'Public Service Act 1974', to amend the 'Employee Relations Act 1992', the 'Administrative Arrangements Act 1983', the 'Bank Holidays Act 1958' and certain other Acts and for other purposes" and desiring the concurrence of the Council therein.

On the motion of the Honourable M.A. Birrell, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

4 **JOINT PRINTING COMMITTEE** — The Honourable R.I. Knowles moved, by leave, That the question of the appointment of a Joint Select Committee on Printing be referred to the Standing Orders Committee for consideration and report.

Question — put and resolved in the affirmative.

5 **PAPERS** —

ACCIDENT COMPENSATION TRIBUNAL — The Honourable Haddon Storey moved, by leave, That there be laid before this House a copy of the Report and financial statements of the Accident Compensation Tribunal for the year 1991-92, given to Mr. President pursuant to section 69B of the *Accident Compensation Act 1985*.

Question — put and resolved in the affirmative.

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

NATIONAL ROAD TRAUMA ADVISORY COMMITTEE — The Honourable W.R. Baxter moved, by leave, That there be laid before this House a copy of the Report of the National Road Trauma Advisory Council for the year 1991.

Question — put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable W.R. Baxter 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:

- Agriculture Department — Report, 1991-92.
- Auditor-General's Office — Report, 1991-92.
- Corrections Office — Report, 1991-92.
- Country Fire Authority — Report, 1991-92.
- Emerald Tourist Railway Board — Report, 1991-92.
- Finance Ministry — Report, 1991-92.
- Freedom of Information Act 1982 — Public Service Board report to the Attorney-General on administration for 1990-91.
- Hospitals Superannuation Board — Report, 1991-92.
- Hospitals Superannuation Fund — Actuarial Investigation as at 30 June 1992.
- Housing Guarantee Fund Limited — Report, 1991-92.
- Local Authorities Superannuation Board — Report, 1991-92.
- Local Authorities Superannuation Scheme — Actuarial Investigation as at 30 June 1992.
- Marine Board — Report, 1991-92.
- Metropolitan Fire Brigades Superannuation Board — Report, 1991-92.
- Metropolitan Transport Authority Superannuation Fund — Report, 1991-92.
- Planning and Housing Department — Report, 1991-92.
- Post-Secondary Education Commission and Office of Higher Education — Report, 1991-92.
- Premier and Cabinet Department — Report, 1991-92.
- Public Service Board — Report, 1991-92.
- Public Transport Corporation — Report, 1991-92.
- Rural Water Commission — Report, 1991-92.
- School Education Department — Report, 1991-92.
- State Superannuation Board — Report, 1991-92.
- Tourism Commission — Report, 1991-92.
- Transport Ministry — Report, 1991-92.

BUSINESS POSTPONED — Ordered — That the consideration of Business to take Precedence be postponed until later this day.

STATE TAXATION (AMENDMENT) BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable D.R. White moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

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

- 8 PUBLIC AUTHORITIES (DIVIDENDS) (AMENDMENT) BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable D.R. White moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

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

- 9 TRANSPORT ACCIDENT (AMENDMENT) BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable D.R. White moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

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

- 10 VITAL STATE INDUSTRIES (WORKS AND SERVICES) BILL — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

Question — put.

The Council divided.

AYES, 28

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson
W.R. Baxter
R.A. Best
M.A. Birrell
B.W. Bishop
R.H. Bowden
A.R. Brideson
G.P. Connard
G.H. Cox
G.R. Craige (*Teller*)
P.R. Davis (*Teller*)
R.S. de Fegely
D.M. Evans
W. Forwood
P.R. Hall
R.M. Hallam
W.A.N. Hartigan
R.I. Knowles
B.A.E. Skeggs
K.M. Smith
Graeme Stoney
Haddon Storey
C.A. Strong
Rosemary Varty
Dr. R.J.H. Wells
Sue deC. Wilding

NOES, 13

The Hon. B.E. Davidson
D.E. Henshaw
C.J. Hogg
R.S. Ives (*Teller*)
W.A. Landeryou
J. McLean (*Teller*)
B.W. Mier
D.A. Nardella
P. Power
B.T. Pullen
T.C. Theophanous
D.T. Walpole
D.R. White

And so it was resolved in the affirmative — Bill read a second time and committed to Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable D.M. Evans 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.

QUESTIONS — Questions without notice were taken pursuant to Standing Order No. 71A.

VITAL STATE INDUSTRIES (WORKS AND SERVICES) 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 Honourable D.M. Evans having reported that the Committee had agreed to the Bill without amendment, the Report was adopted.

The Honourable Haddon Storey moved, That the Bill be now read a third time.

Question — put.

The Council divided.

AYES, 28

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan (*Teller*)
 R.I. Knowles
 B.A.E. Skeggs (*Teller*)
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Dr. R.J.H. Wells
 Sue deC. Wilding

NOES, 13

The Hon. B.E. Davidson (*Teller*)
 D.E. Henshaw (*Teller*)
 C.J. Hogg
 R.S. Ives
 W.A. Landeryou
 J. McLean
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole
 D.R. White

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.

- 13 **CONSTITUTION (GOVERNOR'S POWERS) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend section 12A of the 'Constitution Act 1975' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable M.A. Birrell, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 14 **BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 5, be postponed until later this day.

- 15 **SUNSHINE LAND BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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, 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.

- 16 **TREASURY CORPORATION OF VICTORIA BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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 **BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 8, be postponed until later this day.

- 18 **LAND TAX (REVISION) (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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.

- 19 **STATE TAXATION (AMENDMENT) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

Question — put.

The Council divided.

AYES, 28

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson
W.R. Baxter
R.A. Best
M.A. Birrell
B.W. Bishop
R.H. Bowden
A.R. Brideson
G.P. Connard

NOES, 13

The Hon. B.E. Davidson
D.E. Henshaw
C.J. Hogg
R.S. Ives
W.A. Landeryou (Teller)
J. McLean
B.W. Mier (Teller)
D.A. Nardella
P. Power
B.T. Pullen

G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood (*Teller*)
 J.V.C. Guest (*Teller*)
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

T.C. Theophanous
 D.T. Walpole
 D.R. White

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 Honourable D.M. Evans 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.

PUBLIC AUTHORITIES (DIVIDENDS) (AMENDMENT) BILL — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

Question — put.

The Council divided.

AYES, 26

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood
 J.V.C. Guest

NOES, 12

The Hon. B.E. Davidson
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives (*Teller*)
 J. McLean
 B.W. Mier
 D.A. Nardella
 P. Power (*Teller*)
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole
 D.R. White

P.R. Hall
 R.M. Hallam
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith (*Teller*)
 Graeme Stoney (*Teller*)
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

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.

- 21 **TRANSPORT ACCIDENT (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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.

- 22 **VICTORIAN TOURISM COMMISSION (TOURISM VICTORIA) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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.

- 23 **BUSINESS OF THE HOUSE** — The Honourable R.I. Knowles moved, That so much of the Sessional Orders be suspended as requires that no new business be taken after 10.00 p.m. during the sitting of the Council this day.

Question — put and resolved in the affirmative.

- 24 **CHILDREN AND YOUNG PERSONS (AMENDMENT) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

The Honourable C.J. Hogg 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 redrafted in order to provide for the compulsory notification of child physical and sexual abuse by certain persons whilst practising in certain professions".

Debate ensued.

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

AYES, 27

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 R.A. Best

NOES, 13

The Hon. B.E. Davidson (*Teller*)
 D.E. Henshaw (*Teller*)
 C.J. Hogg
 R.S. Ives

M.A. Birrell	W.A. Landeryou
B.W. Bishop	J. McLean
R.H. Bowden	B.W. Mier
A.R. Brideson	D.A. Nardella
G.P. Connard	P. Power
G.H. Cox	B.T. Pullen
G.R. Craige	T.C. Theophanous
P.R. Davis	D.T. Walpole
R.S. de Fegely	D.R. White
W. Forwood	
J.V.C. Guest	
P.R. Hall	
R.M. Hallam	
W.A.N. Hartigan	
R.I. Knowles	
B.A.E. Skeggs	
K.M. Smith	
Graeme Stoney	
Haddon Storey	
C.A. Strong (<i>Teller</i>)	
Rosemary Varty	
Dr. R.J.H. Wells (<i>Teller</i>)	
Sue deC. Wilding	

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

Question — That this 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.

PUBLIC SECTOR MANAGEMENT BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable M.A. Birrell) moved, That this Bill be now read a second time.

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

The Honourable D.R. White moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

CONSTITUTION (GOVERNOR'S POWERS) BILL — This Bill was, according to Order and after debate, read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council 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.

CAPITAL CITY (SHOP TRADING) BILL — The President announced the receipt of a Message from the Assembly returning this Bill and acquainting the Council that they have agreed to the same with an amendment, and desiring the concurrence of the Council therein.

Ordered — That the Message be taken into consideration forthwith.

Accordingly the said amendment was read and is as follows:

"AA. Lease provisions forcing shops to stay open are void

A provision of a lease or agreement relating to a shop in the prescribed area requiring that the shop be open between the hours of 1 p.m. on a Saturday and midnight on a Sunday as permitted by this Act is void."

On the motion of the Honourable M.A. Birrell, and after debate, the Council agreed to the amendment made by the Assembly in this Bill and ordered that a Message be sent to the Assembly acquainting them therewith.

28 **ADJOURNMENT** — The Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until tomorrow at 10.00 a.m.

Question — put and resolved in the affirmative.

The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 11.30 p.m., adjourned until tomorrow at 10.00 a.m.

A.V. BRAY

Clerk of the Legislative Council

No. 9 — Friday, 13 November 1992

1 The President took the Chair and read the Prayer.

2 **POLICE REGULATION (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Police Regulation Act 1958' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable W.R. Baxter, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

3 **DAIRY INDUSTRY BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to re-enact with amendments the 'Dairy Industry Act 1984', to repeal the 'Dairy Industry Act 1984', to amend the 'Borrowing and Investment Powers Act 1987', the 'Food Act 1984' and the 'Stock Diseases Act 1968' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable W.R. Baxter, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

4 **LAW REFORM COMMISSION (REPEAL) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to repeal the 'Law Reform Commission Act 1984' and amend the 'Victoria Law Foundation Act 1973' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

EMPLOYEE RELATIONS 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.

LIBRARY COMMITTEE — The Honourable R.I. Knowles moved, by leave, That the Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power be members of the Joint Committee to manage the Library.

Question — put and resolved in the affirmative.

PAPERS —

MELBOURNE MAJOR EVENTS COMPANY LIMITED — The Honourable M.A. Birrell moved, by leave, That there be laid before this House a copy of the Report and financial statements of the Melbourne Major Events Company Limited for 1991-92.

Question — put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable M.A. Birrell and ordered to lie on the Table.

* * * * *

FLEXIBLE TARIFF MANAGEMENT UNIT TRUST — The Honourable R.M. Hallam moved, by leave, That there be laid before this House a copy of the Report and financial statements of the Flexible Tariff Management Unit Trust for 1991-92.

Question — put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable R.M. Hallam and ordered to lie on the Table.

* * * * *

BUILDING CODE OF AUSTRALIA — The Honourable R.I. Knowles moved, by leave, That there be laid before this House a copy of Amendment No. 4 of the Building Code of Australia.

Question — put and resolved in the affirmative.

The said Code was thereupon presented by the Honourable R.I. Knowles 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:

Alfred Group of Hospitals — Report, 1991-92 (two papers).

Angliss Hospital — Report, 1991-92 (two papers).

Anti-Cancer Council — Report, 1991-92.

Apollo Bay and District Memorial Hospital — Report, 1991-92.

Attorney-General's Department — Report, 1991-92.

Austin Hospital — Report, 1991-92 (three papers).

Beeac and District Hospital — Report, 1991-92.

Benalla and District Memorial Hospital — Report, 1991-92 (two papers).

Bethlehem Hospital Inc. — Report, 1991-92 (three papers).

Birregurra and District Community Hospital — Report, 1991-92.

Boort District Hospital — Report, 1991-92.

Box Hill Hospital — Report, 1991-92.

Bundoora Extended Care Centre — Report, 1991-92 (two papers).

Burwood and District Community Hospital — Report, 1991-92.

Camperdown District Hospital — Report, 1991-92.

Capital Works Authority — Report, 1991-92.

Caritas Christi Hospice Limited — Report, 1991-92.

- Casterton Memorial Hospital — Report, 1991-92.
Cohuna District Hospital — Report, 1991-92.
Colac District Hospital — Report, 1991-92.
Community Services Department — Report, 1991-92.
Conservation and Environment Department — Report, 1991-92.
Conservation Trust — Report, 1991-92.
Construction Industry Long Service Leave Board — Report, 1991-92.
Consumer Affairs Ministry — Report, 1991-92.
Dandenong Hospital — Report, 1991-92.
Dimboola District Hospital — Report, 1991-92.
Dunolly District Hospital — Report, 1991-92.
Eastern Suburbs Geriatric Centre — Report, 1991-92.
Edenhope and District Memorial Hospital — Report, 1991-92.
Elmore District Hospital — Report, 1991-92.
Geelong Hospital — Report, 1991-92.
Goulburn Valley Base Hospital — Report, 1991-92 (two papers).
Grace McKellar Centre — Report, 1991-92.
Healesville and District Hospital — Report, 1991-92 (two papers).
Health Promotion Foundation — Report, 1991-92.
Heathcote District Hospital — Report, 1991-92.
Heywood and District Memorial Hospital — Report, 1991-92.
Inglewood Hospital — Report, 1991-92.
Intellectually Disabled Persons' Services Act 1986 — Report of Community Visitors, 1991-92.
Kingston Centre — Report, 1991-92.
Kyabram and District Memorial Community Hospital — Report, 1991-92.
Labour Department — Report, 1991-92.
Lismore and District Hospital — Report, 1991-92.
Lorne Community Hospital — Report, 1991-92.
Lyndoch, Warrnambool — Report, 1991-92.
Maffra District Hospital — Report, 1991-92.
Manufacturing and Industry Development Department — Report, 1991-92.
Maroondah Hospital — Report, 1991-92 (two papers).
Mercy Hospital for Women Inc. — Report, 1991-92 (two papers).
Mildura Base Hospital — Report, 1991-92.
Monash Medical Centre — Report, 1991-92.
Mordialloc-Cheltenham Community Hospital — Report, 1991-92.
Mornington Peninsula Hospital — Report, 1991-92 (four papers).
Mortlake District Hospital — Report, 1991-92.
Mount Eliza Centre — Report, 1991-92 (two papers).
Nathalia District Hospital — Report, 1991-92.
National Parks — Report of the Director, 1991-92.
National Tennis Centre Trust — Report, 1991-92.
Numurkah and District War Memorial Hospital — Report, 1991-92.
Peter MacCallum Cancer Institute — Report, 1991-92.
Pharmacy Board — Report, 1991.

- Police — Chief Commissioner's Office — Report, 1991-92
- Port Fairy Hospital — Report, 1991-92.
- Preston and Northcote Community Hospital — Report, 1991-92 (two papers).
- Queen Elizabeth Centre — Report, 1991-92 (two papers).
- Radiation Advisory Committee — Report, 30 September 1992.
- Ripon Peace Memorial Hospital — Report, 1991-92.
- Rochester and District War Memorial Hospital — Report, 1991-92.
- Royal Children's Hospital — Report, 1991-92.
- Royal Victorian Eye and Ear Hospital — Report, 1991-92.
- Sandringham and District Memorial Hospital — Report, 1991-92 (two papers).
- Skipton and District Memorial Hospital — Report, 1991-92.
- Small Business Department - Small Business Development Corporation — Report, 1991-92.
- St. Arnaud District Hospital — Report, 1991-92.
- St. Vincent's Hospital (Melbourne) Limited — Report, 1991-92.
- State Insurance Office —
 Treasurer's report of failure of the State Insurance Office to submit an annual report to him by 30 September 1992 and the reasons therefor.
 Report, 1991-92.
- Swan Hill District Hospital — Report, 1991-92.
- Tawonga District General Hospital — Report, 1991-92 (two papers).
- Timboon and District Hospital — Report, 1991-92.
- Treasury Department — Report, 1991-92.
- Waranga Memorial Hospital — Report, 1991-92.
- Warrnambool and District Base Hospital — Report, 1991-92.
- Water Resources Department — Report, 1991-92.
- Willaura and District Hospital — Report, 1991-92.
- Winchelsea and District Hospital — Report, 1991-92.
- Wonthaggi and District Hospital — Report, 1991-92 (two papers).
- Wycheproof District Hospital — Report, 1991-92.
- Yarram and District Hospital — Report, 1991-92.
- Zoological Board — Report, 1991-92.

BUSINESS POSTPONED — Ordered — That the consideration of Business to take Precedence be postponed until later this day.

PUBLIC SECTOR MANAGEMENT BILL — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

The Honourable D.R. White 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 redrafted in order to —

- (a) reflect the principles of the Westminster system, a career public service, a strengthening of the merit and equity provisions and the elimination of potential political patronage; and
- (b) provide for the appointment of three Public Service Commissioners to be in charge of the areas of merit and equity, workforce management and training and development."

Debate ensued.

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

AYES, 28

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson
W.R. Baxter
R.A. Best
M.A. Birrell
B.W. Bishop
R.H. Bowden
A.R. Brideson
G.P. Connard
G.H. Cox
P.R. Davis
R.S. de Fegely
D.M. Evans
W. Forwood
J.V.C. Guest
P.R. Hall
R.M. Hallam
W.A.N. Hartigan
R.I. Knowles
B.A.E. Skeggs
K.M. Smith
Graeme Stoney
Haddon Storey
C.A. Strong
Rosemary Varty (*Teller*)
Dr. R.J.H. Wells
Sue deC. Wilding (*Teller*)

NOES, 13

The Hon. B.E. Davidson
D.E. Henshaw
C.J. Hogg
R.S. Ives
W.A. Landeryou (*Teller*)
J. McLean
B.W. Mier
D.A. Nardella (*Teller*)
P. Power
B.T. Pullen
T.C. Theophanous
D.T. Walpole
D.R. White

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

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

The Council divided.

AYES, 28

The Hon. L. Asher (*Teller*)
G.B. Ashman (*Teller*)
B.N. Atkinson
W.R. Baxter
R.A. Best
M.A. Birrell
B.W. Bishop
R.H. Bowden
A.R. Brideson
G.P. Connard
G.H. Cox
P.R. Davis
R.S. de Fegely
D.M. Evans
W. Forwood
J.V.C. Guest

NOES, 13

The Hon. B.E. Davidson (*Teller*)
D.E. Henshaw (*Teller*)
C.J. Hogg
R.S. Ives
W.A. Landeryou
J. McLean
B.W. Mier
D.A. Nardella
P. Power
B.T. Pullen
T.C. Theophanous
D.T. Walpole
D.R. White

P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

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.

Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders —

10 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order No. 71A.

11 **PUBLIC SECTOR MANAGEMENT BILL** — Bill committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable D.M. Evans having reported that the Committee had agreed to the Bill without amendment, the Report was adopted.

The Honourable M.A. Birrell moved, That the Bill be now read a third time.

Question — put.

The Council divided.

AYES, 28

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson (*Teller*)
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden (*Teller*)
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith

NOES, 13

The Hon. B.E. Davidson
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 W.A. Landeryou
 J. McLean
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen (*Teller*)
 T.C. Theophanous (*Teller*)
 D.T. Walpole
 D.R. White

Graeme Stoney
Haddon Storey
C.A. Strong
Dr. R.J.H. Wells
Sue deC. Wilding

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 ACCIDENT COMPENSATION (WORKCOVER) BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

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

Debate ensued.

The Honourable W.A. Landeryou 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 redrafted to provide fair, equitable and responsible protection for the workforce following full and comprehensive consultation with the community".

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

AYES, 27

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson
W.R. Baxter
M.A. Birrell
B.W. Bishop
R.H. Bowden
A.R. Brideson (*Teller*)
G.P. Connard (*Teller*)
G.H. Cox
G.R. Craige
P.R. Davis
R.S. de Fegely
D.M. Evans
W. Forwood
J.V.C. Guest
P.R. Hall
R.M. Hallam
W.A.N. Hartigan
R.I. Knowles
K.M. Smith
Graeme Stoney
Haddon Storey
C.A. Strong
Rosemary Varty
Dr. R.J.H. Wells
Sue deC. Wilding

NOES, 12

The Hon. D.E. Henshaw
C.J. Hogg
R.S. Ives
W.A. Landeryou
J. McLean
B.W. Mier
D.A. Nardella
P. Power (*Teller*)
B.T. Pullen
T.C. Theophanous
D.T. Walpole (*Teller*)
D.R. White

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

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

The Council divided.

AYES, 27

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox (*Teller*)
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood (*Teller*)
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

NOES, 12

The Hon. D.E. Henshaw
 C.J. Hogg
 R.S. Ives (*Teller*)
 W.A. Landeryou
 J. McLean (*Teller*)
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole
 D.R. White

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.

House in Committee.

And having continued to sit until after 12 midnight —

SATURDAY, 14 NOVEMBER 1992

The President resumed the Chair; and the Honourable D.M. Evans having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report.

The Honourable R.M. Hallam moved, That the Bill be now read a third time.

Debate ensued.

Question — put.

The Council divided.

AYES, 27

The Hon. G.B. Ashman
 B.N. Atkinson (*Teller*)

NOES, 12

The Hon. B.E. Davidson
 D.E. Henshaw

W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis (Teller)
 R.S. de Fegely
 D.M. Evans
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

C.J. Hogg
 R.S. Ives
 W.A. Landeryou (Teller)
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen
 T.C. Theophanous (Teller)
 D.T. Walpole
 D.R. White

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 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 therein.

- 13 TATTERSALL CONSULTATIONS (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Tattersall Consultations Act 1958' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 14 STATE OWNED ENTERPRISES BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to provide for the establishment and operation of State owned enterprises and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 15 STATE DEFICIT LEVY BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to provide for the imposition and collection of a State Deficit Levy and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

16 SUPERANNUATION (PUBLIC SECTOR) BILL — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to make further provision relating to superannuation in the public sector and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

17 TRANSPORT (AMENDMENT) BILL — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Transport Act 1983' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable W.R. Baxter, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

18 STATE BOARD OF EDUCATION (REPEAL) BILL — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to repeal the 'State Board of Education Act 1983' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message 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 Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until Tuesday next at 10.00 a.m.

Question — put and resolved in the affirmative.

And then the Council, at 11.50 a.m., adjourned until Tuesday next at 10.00 a.m.

A.V. BRAY

Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 10 and 11

No. 10 — Tuesday, 17 November 1992

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The Honourable M.A. Birrell presented a Message from His Excellency 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:
 - Annual Leave Payments Act*
 - Borrowing and Investment Powers (Melbourne Water Corporation) Act*
 - Intellectually Disabled Persons' Services (Trust Money) Act*
 - Mildura College Land (Ranfurlly) Act*
 - Parliamentary Committees (Amendment) Act*
 - Parliamentary Salaries and Superannuation (Further Amendment) Act*
 - Capital City (Shop Trading) Act.*
- 3 **PUBLIC SECTOR (UNION FEES) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to provide for the payment of union fees by public sector employers on behalf of public sector employees*" and desiring the concurrence of the Council therein.
On the motion of the Honourable M.A. Birrell, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **VICTORIA PARK LAND BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to implement arrangements between the Council of the City of Collingwood and the Collingwood Football Club Limited concerning land at Victoria Park and to repeal the 'Collingwood Land (Victoria Park) Act 1992' and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 5 **ACCIDENT COMPENSATION (WORKCOVER) 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.
- 6 **URGENCY — MOTION UNDER STANDING ORDER NO. 68A** — The Honourable D.R. White moved, That the Council take note of the failure of the Government to disclose the terms and conditions of the settlement with Mr. John "Darcy" Dugan as Chairman of the Victorian Gaming Commission and as a member of the Victorian Casino Control Authority.
Debate ensued.

Question — put.

The Council divided.

AYES, 13

The Hon. B.E. Davidson
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 W.A. Landeryou
 J. McLean
 B.W. Mier
 D.A. Nardella (*Teller*)
 P. Power
 B.T. Pullen (*Teller*)
 T.C. Theophanous
 D.T. Walpole
 D.R. White

NOES, 27

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige (*Teller*)
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood
 J.V.C. Guest (*Teller*)
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

And so it passed in the negative.

7 PAPERS —

TRICONTINENTAL GROUP OF COMPANIES — The Honourable Haddon Storey presented, by command of His Excellency the Governor, the Final Report of the Royal Commission into the Tricontinental Group of Companies, Volumes 1 to 3, 31 August 1992.

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:

Environment Protection Authority — Report, 1991-92.

Freedom of Information Act 1982 — Report on operation, 1991-92.

Macedon Region Water Authority — Minister's advice of 6 November 1992 of extension of time granted to Authority to submit an annual report and the reasons therefor.

Mental Health Review Board — Report, 1991-92 [incorporating the Report of the Psychosurgery Review Board, 1991-92].

Nursing Council — Report, 1991-92.

Occupational Health and Safety Authority — Report, 1991-92.

Planning and Environment Act 1987 — Notice of Approval of Amendment L6 to the Mordialloc Planning Scheme.

State Insurance Office Act 1984 — Report on Sale of the State Insurance Office and Treasurer's statement of the application of the proceeds of the transactions.

8 **BUSINESS POSTPONED** — Ordered — That the consideration of Business to take Precedence and Order of the Day, Government Business, No. 1, be postponed until later this day.

9 **STATE BOARD OF EDUCATION (REPEAL) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable Haddon Storey) moved, That this Bill be now read a second time.

The Honourable D.R. White (for the Honourable C.J. Hogg) moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

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

10 **TRANSPORT (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable W.R. Baxter moved, That this Bill be now read a second time.

The Honourable D.R. White (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

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

11 **SUPERANNUATION (PUBLIC SECTOR) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable D.R. White moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

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

12 **STATE DEFICIT LEVY BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable D.R. White moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

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

13 **BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 5 to 8 inclusive, be postponed until later this day.

14 **LAW REFORM COMMISSION (REPEAL) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.

The Honourable B.W. Mier (for the Honourable B.T. Pullen) moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

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

- 15 **VICTORIA PARK LAND BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.

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

And the President having ruled the Bill to be a Private Bill —

The Honourable Haddon Storey moved, That this Bill be dealt with as a Public Bill.

Question — put and resolved in the affirmative.

Debate ensued.

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

- 16 **PUBLIC SECTOR (UNION FEES) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable M.A. Birrell moved, That this Bill be now read a second time.

The Honourable D.R. White moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

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

- 17 **TATTERSALL CONSULTATIONS (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable D.R. White moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

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

- 18 **STATE OWNED ENTERPRISES BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

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

The Honourable T.C. Theophanous moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

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

- 19 **POLICE REGULATION (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable W.R. Baxter moved, That this Bill be now read a second time.

The Honourable B.E. Davidson moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

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

- 20 **DAIRY INDUSTRY BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable W.R. Baxter moved, That this Bill be now read a second time.

The Honourable B.T. Pullen (for the Honourable C.J. Hogg) moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

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

- 21 STATE OWNED ENTERPRISES BILL — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time — Debate resumed.

Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders —

- 22 QUESTIONS — Questions without notice were taken pursuant to Standing Order No. 71A.

- 23 STATE OWNED ENTERPRISES BILL — Debate continued on the motion for second reading.

Question — put.

The Council divided.

AYES, 28

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson
W.R. Baxter
M.A. Birrell
B.W. Bishop
R.H. Bowden (*Teller*)
A.R. Brideson (*Teller*)
G.P. Connard
G.H. Cox
G.R. Craige
P.R. Davis
R.S. de Fegely
D.M. Evans
W. Forwood
J.V.C. Guest
P.R. Hall
R.M. Hallam
W.A.N. Hartigan
R.I. Knowles
B.A.E. Skeggs
K.M. Smith
Graeme Stoney
Haddon Storey
C.A. Strong
Rosemary Varty
Dr. R.J.H. Wells
Sue deC. Wilding

NOES, 13

The Hon. B.E. Davidson
D.E. Henshaw
C.J. Hogg
R.S. Ives
W.A. Landeryou
J. McLean (*Teller*)
B.W. Mier
D.A. Nardella
P. Power
B.T. Pullen
T.C. Theophanous
D.T. Walpole (*Teller*)
D.R. White

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.

House in Committee.

The President resumed the Chair; and the Honourable D.M. Evans having reported that the Committee had agreed to the Bill without amendment, the Report was adopted.

The Honourable R.M. Hallam moved, That the Bill be now read a third time.

Question — put.

The Council divided.

AYES, 27

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs (*Teller*)
 K.M. Smith (*Teller*)
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

NOES, 12

The Hon. B.E. Davidson
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives (*Teller*)
 W.A. Landeryou (*Teller*)
 J. McLean
 B.W. Mier
 D.A. Nardella
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole
 D.R. White

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.

24 STATE DEFICIT LEVY BILL— The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time — Debate resumed.

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

WEDNESDAY, 18 NOVEMBER 1992

Debate continued.

Question — put.

The Council divided.

AYES, 27

The Hon. L. Asher
 G.B. Ashman

NOES, 12

The Hon. B.E. Davidson
 D.E. Henshaw

B.N. Atkinson	C.J. Hogg
W.R. Baxter	R.S. Ives
M.A. Birrell	J. McLean
B.W. Bishop	B.W. Mier
R.H. Bowden	D.A. Nardella
A.R. Brideson	P. Power
G.P. Connard	B.T. Pullen (<i>Teller</i>)
G.H. Cox	T.C. Theophanous (<i>Teller</i>)
G.R. Craige	D.T. Walpole
P.R. Davis	D.R. White
R.S. de Fegely	
W. Forwood	
J.V.C. Guest	
P.R. Hall	
R.M. Hallam	
W.A.N. Hartigan	
R.I. Knowles	
B.A.E. Skeggs	
K.M. Smith	
Graeme Stoney (<i>Teller</i>)	
Haddon Storey	
C.A. Strong (<i>Teller</i>)	
Rosemary Varty	
Dr. R.J.H. Wells	
Sue deC. Wilding	

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 Honourable P.R. Hall having reported that the Committee had agreed to the Bill without amendment, the Report was adopted.

The Honourable R.M. Hallam moved, That the Bill be now read a third time.

Question — put.

The Council divided.

AYES, 27

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson
W.R. Baxter
M.A. Birrell
B.W. Bishop
R.H. Bowden
A.R. Brideson
G.P. Connard
G.H. Cox
G.R. Craige
P.R. Davis

NOES, 12

The Hon. B.E. Davidson
D.E. Henshaw
C.J. Hogg
R.S. Ives
J. McLean
B.W. Mier
D.A. Nardella (*Teller*)
P. Power (*Teller*)
B.T. Pullen
T.C. Theophanous
D.T. Walpole
D.R. White

R.S. de Fegely
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty (*Teller*)
 Dr. R.J.H. Wells (*Teller*)
 Sue deC. Wilding

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.

25 **ADJOURNMENT** — The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 2.37 a.m., adjourned until this day at 10.00 a.m.

A.V. BRAY
Clerk of the Legislative Council

No. 11 — Wednesday, 18 November 1992

- 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:
 - Egg Marketing Board — Report, 1991-92.
 - Health Services Act 1988 — Report of Community Visitors, 1991-92.
 - Melbourne Wholesale Fruit and Vegetable Market Trust — Report, 1991-92.
 - Murray Valley Citrus Marketing Board — Report, 1991-92.
 - Northern Victorian Fresh Tomato Industry Development Committee — Report, 8 January to 30 June 1992.
 - Police and Emergency Services Ministry — Report, 1991-92.
 - Water Act 1989 — Minister's report of 16 November 1992 of failure of certain Water Authorities to submit 1990-91 annual reports to him within statutory period and the reasons therefor.
 - Wine Grape Industry Negotiating Committee — Report, 1991-92.

- 3 **PORT OF GEELONG** — The Honourable B.E. Davidson moved, That this House condemns the Government for its policy that the Port of Geelong Authority should divest itself of its interest in Federated Stevedores Geelong, and calls on the Government to suspend any further actions which might threaten the future of Geelong as a thriving port.

Debate ensued.

Question — put.

The Council divided.

AYES, 12

The Hon. D.E. Henshaw (*Teller*)
 C.J. Hogg
 R.S. Ives
 W.A. Landeryou
 J. McLean
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole (*Teller*)
 D.R. White

NOES, 27

The Hon. L. Asher (*Teller*)
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding (*Teller*)

And so it passed in the negative.

- 4 **BUSINESS POSTPONED** — Ordered — That the consideration of the remaining General Business and Business to take Precedence be postponed until later this day.
- 5 **STATE BOARD OF EDUCATION (REPEAL) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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.

- 6 **TRANSPORT (AMENDMENT) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

Question — put.

The Council divided.

AYES, 25

The Hon. L. Asher
 G.B. Ashman
 W.R. Baxter
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden (*Teller*)
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige (*Teller*)
 P.R. Davis
 R.S. de Fegely
 W. Forwood
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

NOES, 12

The Hon. D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 W.A. Landeryou (*Teller*)
 J. McLean
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen
 T.C. Theophanous (*Teller*)
 D.T. Walpole
 D.R. White

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.

- 7 **SUPERANNUATION (PUBLIC SECTOR) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative — Bill read a second time.

Ordered — That the Bill be committed to a Committee of the whole later this day.

- 8 **BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 4 and 5, be postponed until later this day.

- 9 **DAIRY INDUSTRY BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time — Debate resumed.

Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders —

- 10 **QUESTIONS** — Questions without notice were taken and an answer to a question on notice was given pursuant to Standing Order No. 71A.
- 11 **DAIRY INDUSTRY BILL** — Debate continued on the motion for second reading.
Question — That this 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 Honourable P.R. Hall 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 **SUPERANNUATION (PUBLIC SECTOR) BILL** — This Bill was, according to Order, committed to a Committee of the whole.
House in Committee.
The President resumed the Chair; and the Honourable P.R. Hall 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 **TATTERSALL CONSULTATIONS (AMENDMENT) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —
Debate resumed.
Question — put.
The Council divided.

AYES, 27

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson
W.R. Baxter
M.A. Birrell
B.W. Bishop
R.H. Bowden
A.R. Brideson
G.P. Connard (*Teller*)
G.H. Cox (*Teller*)
G.R. Craige
P.R. Davis
R.S. de Fegely
W. Forwood
J.V.C. Guest
P.R. Hall
R.M. Hallam
W.A.N. Hartigan
R.I. Knowles

NOES, 12

The Hon. B.E. Davidson
D.E. Henshaw
C.J. Hogg
R.S. Ives
W.A. Landeryou
J. McLean (*Teller*)
B.W. Mier
D.A. Nardella
P. Power (*Teller*)
B.T. Pullen
D.T. Walpole
D.R. White

B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

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 **POLICE REGULATION (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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 **LAW REFORM COMMISSION (REPEAL) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

Question — put.

The Council divided.

AYES, 24

The Hon. L. Asher
 G.B. Ashman (*Teller*)
 W.R. Baxter
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith (*Teller*)
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Dr. R.J.H. Wells
 Sue deC. Wilding

NOES, 11

The Hon. D.E. Henshaw (*Teller*)
 C.J. Hogg
 R.S. Ives (*Teller*)
 W.A. Landeryou
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole
 D.R. White

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 PUBLIC SECTOR (UNION FEES) BILL — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time — Debate resumed.

Question — put.

The Council divided.

AYES, 24

The Hon. L. Asher
 G.B. Ashman
 W.R. Baxter
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood
 J.V.C. Guest (*Teller*)
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 C.A. Strong
 Dr. R.J.H. Wells (*Teller*)
 Sue deC. Wilding

NOES, 9

The Hon. D.E. Henshaw
 R.S. Ives
 W.A. Landeryou
 J. McLean (*Teller*)
 B.W. Mier (*Teller*)
 D.A. Nardella
 P. Power
 D.T. Walpole
 D.R. White

And so it was resolved in the affirmative — Bill read a second time.

The Honourable R.I. Knowles (for the Honourable M.A. Birrell) moved, by leave, That the Bill be now read a third time.

Question — put.

The Council divided.

AYES, 25

The Hon. L. Asher
 G.B. Ashman
 W.R. Baxter
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox

NOES, 11

The Hon. B.E. Davidson
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 W.A. Landeryou
 J. McLean (*Teller*)
 B.W. Mier (*Teller*)
 D.A. Nardella

G.R. Craige	P. Power
P.R. Davis	D.T. Walpole
R.S. de Fegely	D.R. White
D.M. Evans	
W. Forwood	
J.V.C. Guest (<i>Teller</i>)	
P.R. Hall	
R.M. Hallam	
W.A.N. Hartigan	
R.I. Knowles	
B.A.E. Skeggs	
K.M. Smith	
Graeme Stoney	
C.A. Strong	
Rosemary Varty	
Dr. R.J.H. Wells (<i>Teller</i>)	
Sue deC. Wilding	

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.

- 17 ADDRESS-IN-REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR** — The Order of the Day having been read for the resumption of the debate on the question, That the Council agree to the following Address to His Excellency the Governor in reply to His Excellency's Opening Speech:

MAY IT PLEASE YOUR EXCELLENCY —

We, the Legislative Council of Victoria, in Parliament assembled, beg to express our loyalty to Our Most Gracious Sovereign, and to thank Your Excellency for the gracious Speech which you have been pleased to address to Parliament —

Question — put and resolved in the affirmative.

The Honourable R.I. Knowles moved, That the Address be presented to His Excellency the Governor by the President and such Members of the Council as may wish to accompany him.

Question — put and resolved in the affirmative.

- 18 RETIREMENT OF GEORGE JAMES FREDERICK OLIVER, B.E.M.** — The Honourable M.A. Birrell moved, That this House places on record its acknowledgement and appreciation of the valuable services rendered to the Parliament by George James Frederick Oliver, B.E.M., as an Officer of the Parliament since 6 June 1951, and particularly as Housekeeper of the Legislative Council since January 1970.

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.

9 ADJOURNMENT — The Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until a day and hour to be fixed by the President, which time of meeting shall be notified in writing to each Honourable Member.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 7.08 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 Honourable Member.

A.V. BRAY
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 11

Tuesday, 16 March 1993

Mr. President takes the Chair at 2.30 p.m.

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- 1 EVIDENCE (UNSWORN EVIDENCE) BILL — (*Hon. Haddon Storey*) — Second reading — *Resumption of debate. (Hon. B.T. Pullen).*
- 2 STATEMENT OF 28 OCTOBER 1992 ON VICTORIA'S FINANCIAL MANAGEMENT STRATEGY — To be considered.

GENERAL BUSINESS

NOTICE OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Government for its hasty introduction of ill considered, poorly drafted and divisive legislation that it intends to pass by ambushing the people of Victoria instead of allowing time for community consultation and scrutiny.

ORDER OF THE DAY

- 1 LOCAL GOVERNMENT BOARD — MINISTER'S ANSWER TO QUESTION WITHOUT NOTICE, 6 NOVEMBER 1992 — To be considered.

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw and L. Kokocinski.

* * * *

COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (ex-officio), R.A. Best, L. Kokocinski, B.A.E. Skeggs and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING — The Honourables the President, B.W. Bishop, G.H. Cox, B.W. Mier, D.A. Nardella, B.A.E. Skeggs and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables A.R. Brideson, B.W. Bishop, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE (JOINT) — The Honourables L. Asher and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall and B.W. Mier.

Tuesday, 16 March 1993

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 28 October 1992 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday	—	2.30 p.m.
Wednesday	—	10.00 a.m.
Thursday	—	10.00 a.m.

Business to take precedence—

Tuesday	—	Government business.
Wednesday	—	General business (until 2.00 p.m.).
Thursday	—	Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 27 October 1992, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

By Authority L.V. North, Government Printer, Melbourne

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 12

Wednesday, 17 March 1993

Mr. President takes the Chair at 10.00 a.m.

GENERAL BUSINESS

[To take precedence until 2.00 p.m.]

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Government for its hasty introduction of ill considered, poorly drafted and divisive legislation that it intends to pass by ambushing the people of Victoria instead of allowing time for community consultation and scrutiny.
- *2 THE HON. D.R. WHITE — To move, That, pursuant to Section 300 of *The Constitution Act Amendment Act 1958*, this House requires the Court of Disputed Returns to hear and determine whether the Honourable Kenneth Maurice Smith has contravened any of the provisions of Division 8 of Part II of the *Constitution Act 1975* and whether his seat has become vacant.
- *3 THE HON. D.R. WHITE — To move, That this House condemns the Government for its plans to privatise and dismantle the highly successful Transport Accident Commission which is clearly against the public interest and places on record the fact that, on the re-election of a State Labor Government, the Transport Accident Commission will be re-constituted as a public authority with the sole responsibility for transport accident personal injury in this State.

ORDERS OF THE DAY

- 1 LOCAL GOVERNMENT BOARD — MINISTER'S ANSWER TO QUESTION WITHOUT NOTICE, 6 NOVEMBER 1992 — To be considered.
- *2 STATUTORY RULES SERIES 1991 — SCRUTINY OF ACTS AND REGULATIONS COMMITTEE'S REPORT — To be considered.
- *3 ALERT DIGESTS NOS. 1 AND 2, 1993, OF SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — To be considered.
- *4 MAJOR PROJECTS UNIT REPORT, 1991-92 — To be considered.
- *5 WORKCARE QUARTERLY REPORTS, 30 SEPTEMBER 1992 — To be considered.

* Indicates new entry.

- *6 WORKCOVER AUTHORITY QUARTERLY REPORT, 31 DECEMBER 1992 — To be considered.
- *7 SALINITY — AUDITOR-GENERAL'S REPORT, MARCH 1993 — To be considered.

GOVERNMENT BUSINESS

NOTICE OF MOTION

- *1 THE HON W.R. BAXTER — To move, That he have leave to bring in a Bill to repeal the *Sheep Owners Protection Act 1961* and for other purposes.

ORDERS OF THE DAY

- 1 EVIDENCE (UNSWORN EVIDENCE) BILL — (*Hon. Haddon Storey*) — To be committed.
- 2 STATEMENT OF 28 OCTOBER 1992 ON VICTORIA'S FINANCIAL MANAGEMENT STRATEGY — To be considered.

A.V. BRAY
Clerk of the Legislative Council

B.A. CHAMBERLAIN
President

Wednesday, 17 March 1993

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw and L. Kokocinski.

* * * *

COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (ex-officio), R.A. Best, L. Kokocinski, B.A.E. Skeggs and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING — The Honourables the President, B.W. Bishop, G.H. Cox, B.W. Mier, D.A. Nardella, B.A.E. Skeggs and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables A.R. Brideson, B.W. Bishop, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE (JOINT) — The Honourables L. Asher and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall and B.W. Mier.

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 28 October 1992 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday	—	2.30 p.m.
Wednesday	—	10.00 a.m.
Thursday	—	10.00 a.m.

Business to take precedence—

Tuesday	—	Government business.
Wednesday	—	General business (until 2.00 p.m.).
Thursday	—	Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 27 October 1992, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

*ADJOURNMENT OF BILLS [Effective until 30 June 1993]

By resolution of the Council on 16 March 1993 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 13 May 1993, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in August 1993: Provided that any Bill transmitted from the Legislative Assembly which is in the hands of the Clerk no later than 10.00 a.m. on 14 May 1993 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS

Nos. 12 and 13

No. 12 — Tuesday, 16 March 1993

- 1 The Council met in accordance with adjournment, the President, pursuant to resolution, having fixed this day at 2.30 p.m. as the time of meeting.
- 2 The President took the Chair and read the Prayer.
- 3 **RESIGNATION OF MEMBER** — The President announced that he had received the following communication:

Dear Mr. President,

At 8.45 a.m. today, Thursday 10 December 1992, His Excellency the Governor received The Honourable William A. Landeryou at Government House and accepted his resignation from the Legislative Council of Victoria.

I enclose a copy of Mr. Landeryou's letter of resignation.

Yours sincerely,
C. R. Curwen,
Official Secretary

* * * * *

His Excellency
The Honourable Richard E McGarvie
The Governor of Victoria
Government House
Melbourne

Your Excellency,

I hereby tender my resignation from the Legislative Council of Victoria and as a consequence from each office that I hold contingent upon membership of the Council.

Yours sincerely

The Hon. William A Landeryou.
dated 10th December 1992

- 4 **RETURN TO WRIT** — The President announced that, on 8 January 1993, he had issued a Writ for the election of a Member to serve for the Doutta Galla Province in the place of the Honourable William Albert Landeryou, resigned, and that such Writ had been returned to him and by the indorsement thereon it appeared that John Mansfield Brumby had been elected in pursuance thereof.
 - 5 **DECLARATION OF ALLEGIANCE** — The Honourable John Mansfield Brumby, having been introduced, approached the Table and took and subscribed the Oath required by law.
- The President attested the Roll.

- 6 **THE LATE HONOURABLE SIR MURRAY VICTOR PORTER** — The Honourable M.A. Birrell moved, That this House expresses its sincere sorrow at the death, on 16 January 1993, of the Honourable Sir Murray Victor Porter and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as Member of the Legislative Assembly for the Electoral District of Sandringham from 1955 to 1970, Minister without Portfolio from 1956 to 1958, Minister for Local Government from 1958 to 1964, Minister of Forests from 1958 to 1959, Minister of Public Works from 1964 to 1970, and as Agent-General for Victoria in London from 1970 to 1976.

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.

* * * * *

- THE LATE HONOURABLE SIR GEORGE OSWALD REID, Q.C.** — The Honourable M.A. Birrell moved, That this House expresses its sincere sorrow at the death, on 18 February 1993, of the Honourable Sir George Oswald Reid, Q.C., 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 Box Hill from 1947 to 1952 and from 1955 to 1973, Minister without Portfolio from 1955 to 1956, Minister of Labour and Industry and Minister of Electrical Undertakings from 1956 to 1965, Minister for Fuel and Power from 1965 to 1967, Minister of Immigration from 1967 to 1970, Attorney-General from 1967 to 1973 and Chief Secretary in 1971.

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.

* * * * *

- THE LATE CHARLES HAIG BRIDGFORD** — The Honourable M.A. Birrell moved, That this House expresses its sincere sorrow at the death, on 4 January 1993, of Charles Haig Bridgford, and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a Member of the Legislative Council for the South Eastern Province from 1955 to 1961.

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.

- 7 **ADJOURNMENT** — The Honourable M.A. Birrell moved, That as a further mark of respect to the memory of the late Honourables Sir Murray Victor Porter and Sir George Oswald Reid, Q.C., and Mr. Charles Haig Bridgford the House do now adjourn until this day at 8.00 p.m.

Question — put and resolved in the affirmative.

And then the Council, at 3.33 p.m., adjourned until this day at 8.00 p.m.

1 The President took the Chair.

- 2 **ASSENT TO ACTS** — The Honourable M.A. Birrell presented Messages from His Excellency 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 19 November 1992 —

Accident Compensation (WorkCover) Act
Public Sector Management Act.

On 24 November 1992 —

Children and Young Persons (Amendment) Act.
Constitution (Governor's Powers) Act
Land Tax (Revision) (Amendment) Act
Police Regulation (Amendment) Act
Public Authorities (Dividends) (Amendment) Act
Public Sector (Union Fees) Act
State Deficit Levy Act
State Taxation (Amendment) Act
Sunshine Land Act
Tattersall Consultations (Amendment) Act
Transport Accident (Amendment) Act
Treasury Corporation of Victoria Act
Victorian Tourism Commission (Tourism Victoria) Act
Vital State Industries (Works and Services) Act
Employee Relations Act
Law Reform Commission (Repeal) Act
Transport (Amendment) Act
Victoria Park Land Act.

On 26 November 1992 —

Superannuation (Public Sector) Act
Dairy Industry Act
State Board of Education (Repeal) Act
State Owned Enterprises Act.

- 3 **PRESENTATION OF ADDRESS TO HIS EXCELLENCY THE GOVERNOR** — The President reported that, accompanied by Honourable Members, he had waited upon His Excellency the Governor on 2 December 1992 and presented to him the Address of the Legislative Council adopted on 18 November 1992 in reply to His Excellency the Governor's speech at the Opening of Parliament, and that His Excellency had been pleased to make the following reply:

MR. 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.

- 4 **TITLE OF HONOURABLE** — The President announced that advice had been received that His Excellency the Governor had approved the retention of the title "Honourable" by Mrs. Joan Coxsedge, Mr. Cyril James Kennedy, Mr. Robert Lawson, Mr. Richard John Long, Mr. Giovanni Antonio Sgro and Mr. Kenneth Irving Mackenzie Wright, each of whom served as a Member of the Legislative Council for a continuous period of not less than ten years.

- 5 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order No. 71A.

- 6 **CORRECTION OF BILL TITLES** — The Honourable R.I. Knowles 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 **ADJOURNMENT OF BILLS** — The Honourable R.I. Knowles moved, by leave, That —
- (a) unless otherwise ordered, where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 13 May 1993, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in August 1993: Provided that any Bill transmitted from the Legislative Assembly which is in the hands of the Clerk no later than 10.00 a.m. on 14 May 1993 may be taken through all stages; and
 - (b) this Order shall have effect until 30 June 1993.

Question — put and resolved in the affirmative.

- 8 **PETITION — STATE DEFICIT LEVY** — The Honourable R.S. de Fegely presented a Petition from certain citizens of Victoria praying for the immediate withdrawal of the State Deficit Levy.

Ordered to lie on the Table.

- 9 **PAPERS** —

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — SUBORDINATE LEGISLATION — The Honourable B.A.E. Skeggs presented an Annual Report from the Scrutiny of Acts and Regulations Committee on Subordinate Legislation concerning the Statutory Rules Series 1991, together with Appendices.

Ordered to lie on the Table and to be printed.

* * * * *

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGESTS — The Honourable B.A.E. Skeggs presented the Alert Digests, Nos. 1 and 2 of 1993, from the Scrutiny of Acts and Regulations Committee, together with an Appendix.

Ordered to lie on the Table and to be printed.

* * * * *

MAJOR PROJECTS UNIT — The Honourable M.A. Birrell moved, by leave, That there be laid before this House a copy of the Report of the Major Projects Unit for the year 1991-92.

Question — put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable M.A. Birrell and ordered to lie on the Table.

* * * * *

BLF CUSTODIAN — The Honourable Haddon Storey moved, by leave, That there be laid before this House a copy of Report No. 21 dated 30 November 1992 and Report No. 22 dated 28 February 1993 given to Mr. President, pursuant to section 7A of the *BLF (De-recognition) Act 1985*, by the Custodian appointed under section 7(1) of that Act.

Question — put and resolved in the affirmative.

The said Reports were thereupon presented by the Honourable Haddon Storey and ordered to lie on the Table.

ABATTOIR AND MEAT INSPECTION AUTHORITY — The Honourable W.R. Baxter moved, by leave, That there be laid before this House a copy of the Report of the Abattoir and Meat Inspection Authority for the year ended 30 September 1992.

Question — put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable W.R. Baxter and ordered to lie on the Table.

* * * * *

NATIONAL ROAD TRANSPORT COMMISSION — The Honourable W.R. Baxter moved, by leave, That there be laid before this House a copy of the Report of the National Road Transport Commission for the year 1991-92.

Question — put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable W.R. Baxter and ordered to lie on the Table.

* * * * *

WORKCARE — The Honourable R.M. Hallam moved, by leave, That there be laid before this House a copy of the Reports and financial statements for the quarter ending 30 September 1992 of the —

- (a) Accident Compensation Commission, given to Mr. President pursuant to section 37C of the *Accident Compensation Act 1985*;
- (b) Convenor of the Medical Panels, given to Mr. President pursuant to section 72LB of the *Accident Compensation Act 1985*;
- (c) Victorian Accident Rehabilitation Council, given to Mr. President pursuant to section 176B of the *Accident Compensation Act 1985*; and
- (d) WorkCare Appeals Board, given to Mr. President pursuant to section 71PB of the *Accident Compensation Act 1985*.

Question — put and resolved in the affirmative.

The said Reports were thereupon presented by the Honourable R.M. Hallam and ordered to lie on the Table.

* * * * *

WORKCOVER AUTHORITY — The Honourable R.M. Hallam moved, by leave, That there be laid before this House a copy of the Report and financial statements of the WorkCover Authority for the quarter ending 31 December 1992, given to Mr. President pursuant to section 38 of the *Accident Compensation Act 1985*.

Question — put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable R.M. Hallam and ordered to lie on the Table.

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AUDITOR-GENERAL — The following paper was laid upon the Table by the Clerk pursuant to an Order of the Council on 29 October 1992.

Auditor-General — Report on Salinity, March 1993.

* * * * *

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 Act 1985 — Minister's advice of 20 November 1992 of failure of the Accident Compensation Commission, Victorian Accident Rehabilitation Council, WorkCare Appeals Board and Convenor of the Medical Panels to submit September 1992 quarterly reports to him within one month after the end of the quarter and the reasons therefor.

- Adult, Community and Further Education Board — Report, 1991-92.
- Alexandra District Hospital — Report, 1991-92.
- Alpine Resorts Commission — Report, 1991-92.
- Altona District Hospital — Report, 1991-92.
- Ambulance Officers' Training Centre — Report, 1991-92.
- Ambulance Service Victoria —
- Metropolitan Region — Report, 1991-92.
 - North Eastern Region — Report, 1991-92.
 - North Western Region — Report, 1991-92.
 - South Eastern Region — Report, 1991-92 (two papers).
 - South Western Region — Report, 1991-92.
 - Western Region — Report, 1991-92.
- Ararat and District Hospital — Report, 1991-92.
- Architects Registration Board —
- Minister's report of 14 January 1993 of failure of Board to submit 1991-92 annual report to him by 30 September 1992 and the reasons therefor. Report, 1 January 1991 to 30 June 1992.
- Bacchus Marsh and Melton Memorial Hospital — Report, 1991-92.
- Ballarat Base Hospital — Report, 1991-92 (two papers).
- Batman Automotive College of TAFE — Report, 1991.
- Bright District Hospital — Report, 1991-92.
- Clunes District Hospital — Report, 1991-92.
- Cobram District Hospital — Report, 1991-92.
- Corryong District Hospital — Report, 1991-92.
- Creswick District Hospital — Report, 1991-92.
- Curriculum and Assessment Board — Report, 1991-92.
- Daylesford District Hospital — Report, 1991-92.
- Donald District Hospital — Report, 1991-92.
- Dunmunkle Health Services — Report, 1991-92.
- East Gippsland Centre for Rehabilitation and Extended Care — Report, 1991-92.
- East Gippsland Community College of TAFE — Report, 1991.
- East Gippsland Hospital — Report, 1991-92 (two papers).
- Echuca District Hospital Inc. — Report, 1991-92.
- Eildon and District Community Hospital — Report, 1991-92.
- Fairfield Hospital — Report, 1991-92 (two papers).
- Flagstaff College of TAFE — Report, 1991.
- Flora and Fauna Guarantee Act 1988 — Order in Council of 9 February 1993 adding items to Schedule 2 — List of Taxa and Communities of Flora or Fauna which are threatened.
- Gippsland Base Hospital — Report, 1991-92.
- Glenview Community Care Inc. — Report, 1991-92.
- Gordon Technical College — Report, 1991.
- Goulburn Valley College of TAFE — Report, 1990.
- Government Employee Housing Authority — Report, 1991-92 .
- Grain Elevators Board — Report, 1991-92.
- Greyhound Racing Control Board — Report, year ended 31 July 1992.

Harness Racing Board — Report, year ended 31 July 1992.

Holmesglen College of TAFE — Report, 1991.

Industrial Relations Act 1979 — Report of the President of the Industrial Relations Commission on the operation of the Act for the year ended 31 October 1992.

Interpretation of Legislation Act 1984 — Amended documents to accompany Statutory Rule No. 119/1992 (pursuant to the Gas and Fuel Corporation Act 1958) tabled on 12 August 1992 which, by section 32 (4) (b), are required to be laid upon the Table:

AS 1869 — 1991 — Hose and hose assemblies for liquefied petroleum gases (LPG), natural gas and town gas (as amended).

AS 4041 — 1992 — Pressure piping.

American Petroleum Institute — 5L — Specification for Line Pipe, November 1992.

AS 1357.1 — 1992 — Water Supply — Valves for use with unvented water heaters — Protection valves.

AG 501 — 1992 — Code for Industrial and Commercial Gas Fired Appliances.

ASTM A 105/A 105M — 1991 — Standard Specification for Forgings, Carbon Steel, for Piping Components.

Kaniva District Hospital — Report, 1991-92.

Kilmore and District Hospital — Report, 1991-92.

Loddon-Campaspe College of TAFE — Report 1991.

Loddon-Campaspe Regional Planning Authority — Report, year ended 30 September 1992.

Maldon Hospital — Report, 1991-92.

Manangatang and District Hospital — Report, 1991-92.

Mansfield District Hospital — Report, 1991-92.

Martial Arts Board — Report, 1991-92.

Melbourne and Metropolitan Board of Works Employees' Superannuation Fund — Report, 1991-92.

Melbourne College of Decoration — Report, 1991.

Melbourne College of Printing and Graphic Arts — Report, 1990.

Melbourne College of Textiles — Report, 1991.

Members of Parliament (Register of Interests) Act 1978 —

Cumulative Summary of Returns, September 1992.

Summary of Primary Returns, December 1992 and Summary of Variations notified to 1 March 1993.

Moorabbin College of TAFE — Report, 1991.

Myrtleford District War Memorial Hospital — Report, 1991-92.

National Parks Act 1975 — Minister's notice of consent to exploration works by CRA Exploration Pty Limited in Chiltern Park.

Nhill Hospital — Report, 1991-92.

Northern Metropolitan College of TAFE — Report, 1991.

Omeo District Hospital — Report, 1991-92.

Orbost and District Hospital — Report, 1991-92.

Outer Eastern College of TAFE — Report, 1991.

Ouyen and District Hospital — Report, 1991-92.

Ovens and Murray Hospital for the Aged — Report, 1991-92 (two papers).

Ovens District Hospital — Report, 1991-92.

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

Alberton Planning Scheme — Amendments L14, L17 and RL1.

Alexandra Planning Scheme — Amendments L24 and L25.

Altona Planning Scheme — Amendments L17, L25 and L27 to L29.

Ararat (City) Planning Scheme — Amendment L13 Part 1.

Bacchus Marsh Planning Scheme — Amendment L28 Part 1 and L31.

Bairnsdale (City) Planning Scheme — Amendments L17 and L30.

Ballaarat (City) Planning Scheme — Amendments L33 and L35 to L37.

Ballarat (Shire) Planning Scheme — Amendment L29.

Bass Planning Scheme — Amendments L23 and L28.

Berwick Planning Scheme — Amendments L51 Part 1, L52 and L53.

Box Hill Planning Scheme — Amendment L17 Part 1.

Bright Planning Scheme — Amendments L25, L26 and L28 to L30.

Broadmeadows Planning Scheme — Amendments L16, L36 and L37.

Brunswick Planning Scheme — Amendment L21.

Bulla Planning Scheme — Amendments L55, L62, L63 and L69.

Buln Buln Planning Scheme — Amendments L22 and L23.

Bungaree Planning Scheme — Amendments L17 and L19.

Buninyong Planning Scheme — Amendment L40 Part A.

Camberwell Planning Scheme — Amendment L29.

Caulfield Planning Scheme — Amendment L20.

Chelsea Planning Scheme — Amendment L7.

Chiltern Planning Scheme — Amendments L16 and L20.

Cobram Planning Scheme — Amendment L14.

Coburg Planning Scheme — Amendments L15 Part 2 and L24.

Colac Shire Planning Scheme — Amendment L4.

Collingwood Planning Scheme — Amendment L13.

Cranbourne Planning Scheme — Amendments L59, L71, L73 and L79.

Croydon Planning Scheme — Amendment L50.

Dandenong Planning Scheme — Amendment L21.

Diamond Valley Planning Scheme — Amendments L22, L25 and L34.

Doncaster and Templestowe Planning Scheme — Amendments L37 Part 3, L50 Part 1A, L51 and L54.

Echuca Planning Scheme — Amendments L16 and L18.

Eltham Planning Scheme — Amendments L14 Part 1, L23 Part 1, L24, L27 Part 1, L28 Part 1 and L37.

Essendon Planning Scheme — Amendments L35 to L37.

Fitzroy Planning Scheme — Amendments L12, L16 to L18 and L26.

Flinders Planning Scheme — Amendments L65, L99, L100, L105 and L108.

Footscray Planning Scheme — Amendment L27.

French Island Planning Scheme — Amendments L6 and L7.

Geelong Regional Planning Scheme — Amendments L93, L120, L125, L128, R116, R117, RL10, RL112 and RL127.

Gisborne Planning Scheme — Amendments L18 and L19.

Hastings Planning Scheme — Amendments L49, L51, L52, L56, L61, L62, L72, L73, L76 to L78, L99 and L101.

Healesville Planning Scheme — Amendment L40.

Planning and Environment Act 1987 — *continued*

- Heidelberg Planning Scheme — Amendments L25, L27, L31 to L34, L37, L48 and L49.
- Keilor Planning Scheme — Amendments L47 and L49.
- Kilmore Planning Scheme — Amendments L34, L46, L48, L49 and L53.
- Knox Planning Scheme — Amendments L49, L51 and L54.
- Korumburra Planning Scheme — Amendments L28, L34 and L40.
- Kyneton Planning Scheme — Amendment L2.
- Lillydale Planning Scheme — Amendments L96 Part 1 and Part 2, L97 Part 2 and L100.
- Lowan Planning Scheme — Amendment L4.
- Malvern Planning Scheme — Amendments L6 and L10.
- Marong Planning Scheme — Amendments L28 and L33.
- Melbourne Planning Scheme — Amendments L74, L92, L94, L100, L111 and L117.
- Melton Planning Scheme — Amendments L12, L16 and L26.
- Metropolitan Region Planning Schemes — Amendment RL148.
- Mildura (City) Planning Scheme — Amendment L36.
- Mirboo Planning Scheme — Amendment RL1.
- Moe Planning Scheme — Amendment RL1.
- Moorabbin Planning Scheme — Amendments L18 and L21.
- Mornington Planning Scheme — Amendment L40.
- Morwell Planning Scheme — Amendments L35 and RL1.
- Narracan Planning Scheme — Amendments L20, L30, L31 and RL1.
- Northcote Planning Scheme — Amendments L3 and L15.
- Nunawading Planning Scheme — Amendments L24, L26 Part 2, L34 Part 1, L35, L37, L41, L45, L46 and L52.
- Oakleigh Planning Scheme — Amendment L21.
- Orbost Planning Scheme — Amendment L22.
- Otway (Shire) Planning Scheme — Amendment L22.
- Oxley Planning Scheme — Amendment L6.
- Pakenham Planning Scheme — Amendments L17, L72 and L76.
- Phillip Island Planning Scheme — Amendment L35.
- Portland (City) Planning Scheme — Amendment L34.
- Prahran Planning Scheme — Amendment L29.
- Preston Planning Scheme — Amendments L26 and L39.
- Richmond Planning Scheme — Amendment L22.
- Rodney Planning Scheme — Amendments L34 and L56.
- Romsey Planning Scheme — Amendment L20.
- Rosedale Planning Scheme — Amendments L35 and RL1.
- St Kilda Planning Scheme — Amendments L15 and L19.
- Sale Planning Scheme — Amendments L20 and RL1.
- Shepparton (City) Planning Scheme — Amendment L42.
- Shepparton (Shire) Planning Scheme — Amendments L44, L49, L54 and L56.
- South Gippsland Planning Scheme — Amendments L21 and RL1.
- South Melbourne Planning Scheme — Amendments L52 and L55.
- Springvale Planning Scheme — Amendments L16, L33, L46 and L50.
- Stawell (City) Planning Scheme — Amendment L24.
- Strathfieldsaye Planning Scheme — Amendment L11.
- Sunshine Planning Scheme — Amendments L41, L50 and L54.
- Swan Hill (City) Planning Scheme — Amendment L9.

Planning and Environment Act 1987 — *continued*

- Tambo Planning Scheme — Amendment L50.
- Traralgon (City) Planning Scheme — Amendments L42 and RL1.
- Traralgon (Shire) Planning Scheme — Amendments L42 and RL1.
- Wangaratta (City) Planning Scheme — Amendments L16 and L17.
- Warrnambool (City) Planning Scheme — Amendments L21 and L34.
- Warrnambool (Shire) Planning Scheme — Amendment L9.
- Waverley Planning Scheme — Amendments L15, L31, L33 and L35.
- Werribee Planning Scheme — Amendments L49 and L50.
- Whittlesea Planning Scheme — Amendments L45, L58, L69, L75 and L76.
- Williamstown Planning Scheme — Amendments L12, L13 and L15.
- Wodonga Planning Scheme — Amendment L40.
- Woorayl Planning Scheme — Amendment L47.
- Yallourn Works Area Planning Scheme — Amendment RL1.
- Yarrawonga Planning Scheme — Amendment L16.

Prevention of Cruelty to Animals Act 1986 — Variation to the Code of Practice for the Operation of Wildlife Shelters.

- Queen Elizabeth Geriatric Centre — Report, 1991-92.
- Richmond College of TAFE — Report, 1991.
- Royal Dental Hospital of Melbourne — Report, 1991-92 (two papers).
- Royal Melbourne Hospital — Report, 1991-92.
- Royal Women's Hospital — Report, 1991-92 (two papers).
- St. George's Hospital and Inner Eastern Geriatric Service — Report, 1991-92.
- Seymour District Memorial Hospital — Report, 1991-92 (two papers).
- South Gippsland Hospital — Report, 1991-92.
- South West College of TAFE — Report, 1991.
- State Electoral Office — Report, 1991-92.
- State Electricity Commission Superannuation Fund — Report, 1991-92.
- Statutory Rules under the following Acts of Parliament:

- Accident Compensation Act 1985 — No. 318/1992.
- Adoption Act 1984 — No. 339/1992.
- Bees Act 1971 — No. 300/1992.
- Broiler Chicken Industry Act 1978 — No. 287/1992.
- Caravan Parks and Movable Dwellings Act 1988 — No. 346/1992.
- Casino Control Act 1991 — Nos. 288 and 317/1992; and No. 21/1993.
- Chattel Securities Act 1987 — No. 3/1993.
- Chiropractors and Osteopaths Act 1978 — No. 313/1992.
- Conservation, Forests and Lands Act 1987 — No. 338/1992.
- Country Fire Authority Act 1958 — No. 25/1993.
- County Court Act 1958 — Nos. 286 and 316/1992; and Nos. 7 and 8/1993.
- Cultural and Recreational Lands Act 1963 — No. 12/1993.
- Dairy Industry Act 1992 — No. 20/1993.
- Dental Technicians Act 1972 — No. 312/1992.
- Dentists Act 1972 — No. 328/1992.
- Drugs, Poisons and Controlled Substances Act 1981 — Nos. 289, 290, 305, 308, 334 and 350/1992; and No. 11/1993.
- Employee Relations Act 1992 — No. 26/1993.
- Energy Consumption Levy Act 1982 — No. 343/1992.

Statutory Rules — *continued*

Environment Protection Act 1970 —

No. 293/1992, together with copies of the following documents which, by section 32 of the *Interpretation of Legislation Act 1984*, are also required to be laid upon the Table:

American Standards:

ASTM D2700 — 88a — 1969 — Designation: 236/83 — Standard Test Method for Knock Characteristics of Motor and Aviation Fuels by the Motor Method.

ASTM D2699 — 88a — 1988 — Designation: 237/69 — Standard Test Method for Knock Characteristics of Motor Fuels by the Research Method.

British Standard BS AU 141a — 1971 — Automobile Series Specification for the Performance of Diesel Engines for Road Vehicles, 19 May 1971.

Agreement Concerning the Adoption of Uniform Conditions of Approval and Reciprocal Recognition of Approval for Motor Vehicle Equipment and Parts — United Nations, March 1958 (as amended to 20 April 1986).

Regulations pertaining to exhaust smoke emissions — Federal Register of United States of America — Part II, sub-part 1, Section 85.874, No. 221, Vol 37, 15 November 1972; and

No. 307/1992, together with copies of the following documents which, by section 32 of the *Interpretation of Legislation Act 1984*, are also required to be laid upon the Table:

State Environment Protection Policy (The Air Environment) (*Gazette* No. 63, 13 July 1981).

State Environment Protection Policy (The Air Environment) (Amendment) (*Gazette* No. 120, 24 November 1982).

State Environment Protection Policy (The Air Environment) (Amendment) (*Gazette* No. S 45, 6 June 1988).

Evidence Act 1958 — No. 10/1993.

Financial Institutions Duty Act 1982 — No. 342/1992.

Firearms Act 1958 — No. 348/1992.

Fisheries Act 1968 — No. 325/1992; and No.15/1993.

Forests Act 1958 — No. 320/1992.

Gaming Machine Control Act 1991 — No. 336/1992.

Government Employee Housing Authority Act 1981 — No. 14/1993.

Health Act 1958 — Nos. 292 and 335/1992.

Health Services Act 1988 — Nos. 291, 309, 314, 329 and 333/1992; and Nos. 22 and 23/1993.

Historic Shipwrecks Act 1981 — No. 311/1992.

Instruments Act 1958 — No. 303/1992.

Land Tax Act 1958 — No. 341/1992.

Legal Profession Practice Act 1958 — Nos. 212 (*in lieu of that Tabled on 12 August 1992*), 298 and 299/1992.

Liquor Control Act 1987 — No. 330/1992.

Lotteries, Gaming and Betting Act 1966 — No. 344/1992.

Statutory Rules — *continued*

Magistrates' Court Act 1989 —

No. 324/1992;

No. 331/1992, together with a copy of sections 179, 179A, 179B, 179C and 179D of the Commonwealth Industrial Relations Act 1988 which, by section 32 of the *Interpretation of Legislation Act 1984*, is also required to be laid upon the Table;

No. 332/1992; and Nos. 4 and 9/1993.

Melbourne and Metropolitan Board of Works Act 1958 — No. 327/1992; and No. 13/1993.

Metropolitan Fire Brigades Act 1958 — No. 347/1992.

Nurses Act 1958 — Nos. 322 and 323/1992.

Optometrists Registration Act 1958 — No. 310/1992.

Police Regulation Act 1958 — No. 326/1992.

Property Law Act 1958 — No. 301/1992.

Public Authorities (Dividends) Act 1983 — No. 39/1993.

Public Records Act 1973 — No. 297/1992.

Public Sector Management Act 1992 — No. 315/1992.

Public Service Act 1974 — PSD Nos. 30 and 31/1992 and DEC No. 8/1992.

Road Safety Act 1986 — No. 321/1992; and Nos. 1, 2 and 19/1993.

Stock (Artificial Breeding) Act 1962 — No. 319/1992.

Subdivision Act 1988 — Transfer of Land Act 1958 — No. 302/1992.

Supreme Court Act 1986 — Nos. 294, 295 and 351/1992; and No. 5/1993.

Supreme Court Act 1986 — Juries Act 1967 — No. 6/1993.

Transfer of Land Act 1958 — No. 304/1992.

Transport Act 1983 — Nos. 345 and 352/1992; and Nos. 16 to 18/1993.

Valuation of Land Act 1960 — No. 296/1992.

Vegetation and Vine Diseases Act 1958 — No. 340/1992.

Water Act 1989 — No. 349/1992; and No. 24/1993.

Wildlife Act 1975 — No. 337/1992.

Zoological Parks and Gardens Act 1967 — No. 306/1992.

Stawell District Hospital — Report, 1991-92.

Tallangatta Hospital — Report, 1991-92.

The Constitution Act Amendment Act 1958 — Statement of functions conferred upon the Electoral Commissioner, January 1993.

Transport Superannuation Board — Report, 1991-92.

Tweddle Child and Family Health Service — Report, 1991-92 (two papers).

Upper Yarra Valley and Dandenong Ranges Authority — Report, year ended 30 September 1992.

Wangaratta College of TAFE — Report, 1991.

Wangaratta District Base Hospital — Report, 1991-92 (three papers).

Warracknabeal District Hospital — Report, 1991-92.

Water Act 1989 — Minister's reports of extensions of time granted to the following bodies to submit 1991-92 annual reports and the reasons therefor (seven papers):

Coliban Region Water Authority

Heathcote Water Board

Latrobe Region Water Authority

Shire of Bacchus Marsh

Shire of Numurkah

Shire of Warrnambool; and
 United Shire of Beechworth
 Werribee District Hospital — Report, 1991-92.
 West Moorabool Water Board — Report, 1990-91.
 Western Hospital — Report, 1991-92 (three papers).
 William Angliss College — Report, 1991.
 Williamstown Hospital — Report, 1991-92 (two papers).
 Wimmera Base Hospital — Report, 1991-92.
 Wodonga College of TAFE — Report, 1991.
 Wodonga District Hospital — Report, 1991-92 (two papers).
 Yallourn College of TAFE — Report, 1991.
 Yarrawonga District Hospital — Report, 1991-92.
 Yea and District Memorial Hospital — Report, 1991-92 (two papers).

* * * * *

PROCLAMATIONS — Proclamations of His Excellency the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Clerk pursuant to an Order of the Council on 27 October 1992:

- Agricultural and Veterinary Chemicals Act 1992 — Sections 1 to 5, 19 (4) and (5), 25, 27, 53, 54, 62, 65 to 76 and Schedule 1 — 11 March 1993 (*Gazette* No. G10, 11 March 1993).
- Children and Young Persons (Amendment) Act 1992 — Sections 3, 20 (10), 26 (3), 28, 30 (3), 30 (4), 31 (except paragraph (b) of section 31 (1)), 32, 34, 37 and 38 — 29 January 1993; sections 4 to 6, 8 to 12, 13 (except sub-section (2)), 14 to 19, 20 (2), 20 (4), 20 (5), 22 to 24, 26 (1), 26 (2), 27, 29, 30 (1), 30 (2), 33 (except sub-sections (1) and (2)), 35 and 36 — 22 February 1993 (*Gazette* No. G4, 28 January 1993).
- Chiropractors and Osteopaths (Amendment) Act 1992 — Sections 3 and 13 — 6 December 1992 (*Gazette* No. G47, 2 December 1992).
- Crimes (Confiscation of Profits) (Amendment) Act 1991 — Whole Act (except sections 26 and 37) — 1 September 1992; sections 26 and 37 — 6 December 1992 (*Gazette* No. G31, 12 August 1992).
- Dairy Industry Act 1992 — 24 December 1992 (*Gazette* No. S70, 24 December 1992).
- Employee Relations Act 1992 — Sections 88 and 172 (2) — 4 January 1993 (*Gazette* No. G48, 9 December 1992); sections 3 to 19, 53 to 55, 163, 164, 168, 169, 179 (3), 180, 183 and Schedule 1 — 27 November 1992; sections 36, 37, 51, 52, 105 to 110, 113 (3), 153 to 161, 179 (2), 181, 182 and Schedules 2 and 4 — 4 January 1993; remaining provisions — 1 March 1993 (*Gazette* No. S63, 27 November 1992).
- Gaming Machine Control Act 1991 — Section 161 (2) and (3) — 21 January 1993 (*Gazette* No. G3, 21 January 1993).
- Intellectually Disabled Persons' Services (Trust Money) Act 1992 — 1 January 1993 (*Gazette* No. G50, 23 December 1992).
- Police Regulation (Amendment) Act 1992 — 14 December 1992 (*Gazette* No. G48, 9 December 1992).
- Public Sector Management Act 1992 — Sections 3, 4, 5, 104 and 105 — 19 November 1992 (*Gazette* No. S60, 19 November 1992); sections 83 and 111 — 27 November 1992 (*Gazette* No. S63, 27 November 1992); remaining provisions (except clause 23 of Schedule 6) — 24 November 1992 (*Gazette* No. S62, 24 November 1992); clause 23 of Schedule 6 — 1 March 1993 (*Gazette* No. S9, 26 February 1993).

Proclamations — *continued*

Public Sector (Union Fees) Act 1992 — 24 December 1992 (*Gazette* No. G49, 16 December 1992).

State Owned Enterprises Act 1992 — Parts 2 to 5, 7 and Schedule 1 — 2 December 1992 (*Gazette* No. G47, 2 December 1992).

Sunshine Land Act 1992 — 16 December 1992 (*Gazette* No. G49, 16 December 1992).

Superannuation (Public Sector) Act 1992 — 27 November 1992 (*Gazette* No. 63, 27 November 1992).

Transport (Amendment) Act 1992 — 1 December 1992 (*Gazette* Nos. S65 and S66, 1 December 1992).

Victoria Park Land Act 1992 — Whole Act (except sections 1 to 4) — 1 February 1993 (*Gazette* No. G4, 28 January 1993).

* * * * *

The Honourable C.J. Hogg moved, That the Reports tabled by the Honourables B.A.E. Skeggs, M.A. Birrell and R.M. Hallam be taken into consideration on the next day of meeting.

Question — put and resolved in the affirmative.

The Honourable D.M. Evans moved, That the report of the Auditor-General on Salinity be taken into consideration on the next day of meeting

Question — put and resolved in the affirmative.

- 10 **EVIDENCE (UNSWORN EVIDENCE) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

Question — put.

The Council divided.

AYES, 26

The Hon. L. Asher (*Teller*)
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 B.W. Bishop
 R.H. Bowden (*Teller*)
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs

NOES, 11

The Hon. J.M. Brumby
 B.E. Davidson (*Teller*)
 C.J. Hogg
 R.S. Ives
 L. Kokocinski
 J. McLean (*Teller*)
 B.W. Mier
 D.A. Nardella
 B.T. Pullen
 T.C. Theophanous
 D.R. White

K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells

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.

11 **ADJOURNMENT** — The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 11.30 p.m., adjourned until tomorrow.

A.V. BRAY
 Clerk of the Legislative Council

No. 13 — Wednesday, 17 March 1993

- 1 The President took the Chair and read the Prayer.
- 2 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the direction of an Act of Parliament, were laid upon the Table by the Clerk:
 Statutory Rules under the following Acts of Parliament:
 Dangerous Goods Act 1985 — Nos. 33 to 35.
 Drugs, Poisons and Controlled Substances Act 1981 — No. 28.
 Food Act 1984 — No. 30.
 Health Act 1958 — Nos. 29 and 31.
 Marine Act 1988 — No. 38.
 Planning and Environment Act 1987 — No. 36.
 Stock Diseases Act 1968 — No. 27.
 Transport Act 1983 — No. 37.
- 2 **BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 1, be postponed until later this day.
- 3 **QUALIFICATION OF MEMBER** — The Honourable D.R. White moved, That, pursuant to Section 300 of *The Constitution Act Amendment Act 1958*, this House requires the Court of Disputed Returns to hear and determine whether the Honourable Kenneth Maurice Smith has contravened any of the provisions of Division 8 of Part II of the *Constitution Act 1975* and whether his seat has become vacant.
 The Honourable M.A. Birrell moved, That the debate be now adjourned.
 Question — That the debate be now adjourned — put and resolved in the affirmative.
 Ordered — That the debate be adjourned until the next day of meeting.
- 4 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order No. 71A.

- 5 **MEMBER'S FIRST SPEECH** — The Honourable R.I. Knowles moved, by leave, That the first speech of the Honourable J.M. Brumby be now heard.
Question — put and resolved in the affirmative.
- 6 **SHEEP OWNERS PROTECTION (REPEAL) BILL** — On the motion of the Honourable W.R. Baxter, leave was given to bring in a Bill to repeal the *Sheep Owners Protection Act 1961* 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 W.R. Baxter moved, That this Bill be now read a second time.
The Honourable B.E. Davidson moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until the next day of meeting.
- 7 **EVIDENCE (UNSWORN EVIDENCE) BILL** — This Bill was, according to Order, committed to a Committee of the whole.
House in Committee.
The President resumed the Chair; and the Honourable D.M. Evans having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, 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 therein.
- 8 **ADJOURNMENT** — The Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until Tuesday, 30 March 1993.
Question — put and resolved in the affirmative.
The Honourable R.I. Knowles moved, That the House do now adjourn.
Debate ensued.
Question — put and resolved in the affirmative.

And then the Council, at 4.35 p.m., adjourned until Tuesday, 30 March 1993.

A.V. BRAY
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 13

Tuesday, 30 March 1993

Mr. President takes the Chair at 2.30 p.m.

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- *1 SHEEP OWNERS PROTECTION (REPEAL) BILL — (*Hon. W.R. Baxter*) — Second reading — *Resumption of debate. (Hon. B.E. Davidson).*
- 2 STATEMENT OF 28 OCTOBER 1992 ON VICTORIA'S FINANCIAL MANAGEMENT STRATEGY — To be considered.

GENERAL BUSINESS

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Government for its hasty introduction of ill considered, poorly drafted and divisive legislation that it intends to pass by ambushing the people of Victoria instead of allowing time for community consultation and scrutiny.
- 2 THE HON. D.R. WHITE — To move, That this House condemns the Government for its plans to privatise and dismantle the highly successful Transport Accident Commission which is clearly against the public interest and places on record the fact that, on the re-election of a State Labor Government, the Transport Accident Commission will be re-constituted as a public authority with the sole responsibility for transport accident personal injury in this State.

ORDERS OF THE DAY

- 1 LOCAL GOVERNMENT BOARD — MINISTER'S ANSWER TO QUESTION WITHOUT NOTICE, 6 NOVEMBER 1992 — To be considered.
- 2 STATUTORY RULES SERIES 1991 — SCRUTINY OF ACTS AND REGULATIONS COMMITTEE'S REPORT — To be considered.

- 3 ALERT DIGESTS NOS. 1 AND 2, 1993, OF SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — To be considered.
- 4 MAJOR PROJECTS UNIT REPORT, 1991-92 — To be considered.
- 5 WORKCARE QUARTERLY REPORTS, 30 SEPTEMBER 1992 — To be considered.
- 6 WORKCOVER AUTHORITY QUARTERLY REPORT, 31 DECEMBER 1992 — To be considered.
- 7 SALINITY — AUDITOR-GENERAL'S REPORT, MARCH 1993 — To be considered.
- *8 QUALIFICATION OF MEMBER — Motion requiring Court of Disputed Returns to determine whether the Hon. K.M. Smith has contravened provisions of the *Constitution Act 1975* and whether his seat has become vacant — (*Hon. D.R. White*) — *Resumption of debate. (Hon. M.A. Birrell).*

A.V. BRAY
Clerk of the Legislative Council

B.A. CHAMBERLAIN
President

Tuesday, 30 March 1993

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw and L. Kokocinski.

* * * *

COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (ex-officio), R.A. Best, L. Kokocinski, B.A.E. Skeggs and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING — The Honourables the President, B.W. Bishop, G.H. Cox, B.W. Mier, D.A. Nardella, B.A.E. Skeggs and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables A.R. Brideson, B.W. Bishop, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE (JOINT) — The Honourables L. Asher and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall and B.W. Mier.

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 28 October 1992 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday	—	2.30 p.m.
Wednesday	—	10.00 a.m.
Thursday	—	10.00 a.m.

Business to take precedence—

Tuesday	—	Government business.
Wednesday	—	General business (until 2.00 p.m.).
Thursday	—	Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 27 October 1992, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

ADJOURNMENT OF BILLS [Effective until 30 June 1993]

By resolution of the Council on 16 March 1993 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 13 May 1993, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in August 1993: Provided that any Bill transmitted from the Legislative Assembly which is in the hands of the Clerk no later than 10.00 a.m. on 14 May 1993 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 14

Wednesday, 31 March 1993

Mr. President takes the Chair at 10.00 a.m.

GENERAL BUSINESS

[To take precedence until 2.00 p.m.]

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Government for its hasty introduction of ill considered, poorly drafted and divisive legislation that it intends to pass by ambushing the people of Victoria instead of allowing time for community consultation and scrutiny.
- 2 THE HON. D.R. WHITE — To move, That this House condemns the Government for its plans to privatise and dismantle the highly successful Transport Accident Commission which is clearly against the public interest and places on record the fact that, on the re-election of a State Labor Government, the Transport Accident Commission will be re-constituted as a public authority with the sole responsibility for transport accident personal injury in this State.
- *3 THE HON. T.C. THEOPHANOUS — To move, That this House condemns the Government for its handling of the closure of the Accident Compensation Tribunal and transfer from the Tribunal to the Victorian WorkCover Authority of \$139 million held in trust for the widows, widowers and dependents of injured workers and for intellectually disabled workers, which will lead to higher potential costs and lower returns to beneficiaries and their families.

ORDERS OF THE DAY

- 1 LOCAL GOVERNMENT BOARD — MINISTER'S ANSWER TO QUESTION WITHOUT NOTICE, 6 NOVEMBER 1992 — To be considered.
- 2 STATUTORY RULES SERIES 1991 — SCRUTINY OF ACTS AND REGULATIONS COMMITTEE'S REPORT — To be considered.
- 3 ALERT DIGESTS NOS. 1 AND 2, 1993, OF SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — To be considered.
- 4 MAJOR PROJECTS UNIT REPORT, 1991-92 — To be considered.
- 5 WORKCARE QUARTERLY REPORTS, 30 SEPTEMBER 1992 — To be considered.

- 6 WORKCOVER AUTHORITY QUARTERLY REPORT, 31 DECEMBER 1992 — To be considered.
- 7 SALINITY — AUDITOR-GENERAL'S REPORT, MARCH 1993 — To be considered.

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- *1 CRIMES (HIV) BILL — (*Hon. Haddon Storey*) — Second reading.
- 2 STATEMENT OF 28 OCTOBER 1992 ON VICTORIA'S FINANCIAL MANAGEMENT STRATEGY — To be considered.

A.V. BRAY
Clerk of the Legislative Council

B.A. CHAMBERLAIN
President

Wednesday, 31 March 1993

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

*TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

* * * *

COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

*HOUSE (JOINT) — The Honourables the President (ex-officio), R.A. Best, L. Kokocinski, B.A.E. Skeggs, D.A. Nardella and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING — The Honourables the President, B.W. Bishop, G.H. Cox, B.W. Mier, D.A. Nardella, B.A.E. Skeggs and D.T. Walpole.

*PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables A.R. Brideson, B.W. Bishop, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

*SCRUTINY OF ACTS AND REGULATIONS COMMITTEE (JOINT) — The Honourables L. Asher, J.M. Brumby and B.A.E. Skeggs.

*STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 28 October 1992 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday	—	2.30 p.m.
Wednesday	—	10.00 a.m.
Thursday	—	10.00 a.m.

Business to take precedence—

Tuesday	—	Government business.
Wednesday	—	General business (until 2.00 p.m.).
Thursday	—	Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 27 October 1992, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

ADJOURNMENT OF BILLS [Effective until 30 June 1993]

By resolution of the Council on 16 March 1993 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 13 May 1993, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in August 1993: Provided that any Bill transmitted from the Legislative Assembly which is in the hands of the Clerk no later than 10.00 a.m. on 14 May 1993 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS

Nos. 14 and 15

No. 14 — Tuesday, 30 March 1993

- 1 The President took the Chair and read the Prayer.
- 2 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order No. 71A.
- 3 **TEMPORARY CHAIRMAN OF COMMITTEES** — The President laid upon the Table the following Warrant nominating a Temporary Chairman of Committees:

LEGISLATIVE COUNCIL
VICTORIA

Pursuant to the provisions of the Standing Order of the Legislative Council numbered 160, I do hereby nominate —

The Honourable Robert Stuart Ives —

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

Given under my hand this thirtieth day of March, one thousand nine hundred and ninety-three.

Bruce Chamberlain
President of the Legislative Council

- 4 **HOUSE COMMITTEE** — The Honourable R.I. Knowles moved, by leave, That the Honourable D.A. Nardella be a member of the House Committee.
Question — put and resolved in the affirmative.
- 5 **PRIVILEGES COMMITTEE** — The Honourable R.I. Knowles moved, by leave, That the Honourable R.S. Ives be a member of the Privileges Committee.
Question — put and resolved in the affirmative.
- 6 **SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — The Honourable R.I. Knowles moved, by leave, That the Honourable J.M. Brumby be a member of the Scrutiny of Acts and Regulations Committee.
Question — put and resolved in the affirmative.
- 7 **STANDING ORDERS COMMITTEE** — The Honourable R.I. Knowles moved, by leave, That the Honourable D.A. Nardella be a member of the Standing Orders Committee.
Question — put and resolved in the affirmative.
- 8 **CRIMES (HIV) BILL** — On the motion (by leave without notice) of the Honourable Haddon Storey, leave was given to bring in a Bill to amend the *Crimes Act 1958* to create a new offence of intentionally causing a person to be infected with a very serious disease 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 PAPERS —

SUPREME COURT JUDGES — The Honourable Haddon Storey presented, by command of His Excellency the Governor, the Report of the Supreme Court Judges for the years 1991 and 1992

Ordered to lie on the Table.

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COUNTY COURT JUDGES — The Honourable Haddon Storey presented, by command of His Excellency the Governor, the Report of the County Court Judges for the year 1992.

Ordered to lie on the Table.

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WORKCOVER AUTHORITY — The Honourable R.M. Hallam moved, by leave, That there be laid before this House a copy of the WorkCover Authority Actuarial Report on WorkCover at 31 December 1992, given to Mr. President pursuant to section 38 of the *Accident Compensation Act 1985*.

Question — put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable R.M. Hallam and ordered to lie on the Table.

* * * * *

VISTEL LTD. — The Honourable R.M. Hallam moved, by leave, That there be laid before this House a copy of the Report of Vistel Ltd. for the year 1991-92.

Question — put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable R.M. Hallam and ordered to lie on the Table.

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SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — The Honourable B.A.E. Skeggs presented the Alert Digest, No. 3 of 1993, from the Scrutiny of Acts and Regulations Committee, together with an Appendix.

Ordered to lie on the Table and to be printed.

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SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — CUMULATIVE REPORT — The Honourable B.A.E. Skeggs presented the First Cumulative Report from the Scrutiny of Acts and Regulations Committee, together with an Appendix.

Ordered to lie on the Table and to be printed.

* * * * *

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — SUBORDINATE LEGISLATION — The Honourable B.A.E. Skeggs presented the Second Report from the Scrutiny of Acts and Regulations Committee on Subordinate Legislation concerning the Port of Melbourne Authority (Transport, Handling and Storage of Dangerous Substances and Oils) Regulations 1992 (S.R. No. 207/1992), 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:

Albury-Wodonga (Victoria) Corporation — Report, 1991-92.

Crimes Compensation Tribunal — Report, 1991-92.

Emergency Services Superannuation Scheme — Report, 1991-92.

Film Victoria — Report, 1991-92.

Museum Council — Report, 1991-92.

Parliamentary Contributory Superannuation Fund — Report, 1991-92.

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

- Bairnsdale (City) Planning Scheme — Amendment L36.
- Benalla (City) Planning Scheme — Amendments L21 and L22.
- Berwick Planning Scheme — Amendment L39 Part 2.
- Bright Planning Scheme — Amendment L31.
- Broadford Planning Scheme — Amendment L4.
- Broadmeadows Planning Scheme — Amendment L35.
- Brunswick Planning Scheme — Amendment L28.
- Bulla Planning Scheme — Amendment L66.
- Buninyong Planning Scheme — Amendment L43.
- Cranbourne Planning Scheme — Amendment L83.
- Croydon Planning Scheme — Amendment L53.
- Flinders Planning Scheme — Amendment L103.
- Footscray Planning Scheme — Amendments L34 and L39.
- Geelong Regional Planning Scheme — Amendments R124 and R126.
- Hastings Planning Scheme — Amendment L36 Part 1.
- Horsham (City) Planning Scheme — Amendments L39 and L40.
- Kowree Planning Scheme — Amendment L3.
- Lillydale Planning Scheme — Amendment L59.
- Maldon Planning Scheme — Amendment L5.
- Mansfield Planning Scheme — Amendment L14.
- Melbourne Planning Scheme — Amendments L118 and L119.
- Metropolitan Region Planning Schemes — Amendment RL153.
- Myrtleford Planning Scheme — Amendment L23.
- Nunawading Planning Scheme — Amendment L55.
- Omeo Planning Scheme — Amendment L7.
- Otway Planning Scheme — Amendment L21.
- Ripon Planning Scheme — Amendment L9.
- Sherbrooke Planning Scheme — Amendment L64.
- South Melbourne Planning Scheme — Amendment L53.
- Springvale Planning Scheme — Amendment L34.
- Traralgon (Shire) Planning Scheme — Amendment L41.
- Upper Yarra Planning Scheme — Amendment L25.
- Victoria — State Section Planning Schemes — Amendment L30.
- Warrnambool (City) Planning Scheme — Amendment L30.
- Werribee Planning Scheme — Amendment L55.

State Casual Employees Superannuation Fund — Report, 1991-92.

State Employees Retirement Benefits Board — Report, 1991-92.

State Library Council — Report, 1991-92.

Statutory Rules under the following Acts of Parliament:

- Agricultural and Veterinary Chemicals Act 1992 — No. 45.
- County Court Act 1958 — Nos. 41 to 43.
- Dentists Act 1972 — No. 50.
- Dietitians Act 1981 — No. 46.
- Fisheries Act 1968 — No. 47.
- Health Act 1958 — No. 32.
- Legal Profession Practice Act 1958 — No. 51.

Statutory Rules — *continued*

Market Court Act 1978 — No. 49.

Port of Melbourne Authority Act 1958 — No. 40.

Stock (Artificial Breeding) Act 1962 — No. 48.

Wildlife Act 1975 — No. 44.

* * * * *

LEGAL OPINION — CONSTITUTION ACT 1975 — HON. K.M. SMITH, M.L.C. — The Honourable Haddon Storey moved, by leave, That there be laid before this House a copy of the Legal Opinion of Mr Douglas Graham, Solicitor-General, relating to the question as to whether the Honourable K.M. Smith has contravened the provisions of Division 8 of Part II of the *Constitution Act 1975*.

Question — put and resolved in the affirmative.

The said opinion was thereupon presented by the Honourable Haddon Storey and ordered to lie on the Table.

- 10 QUALIFICATION OF MEMBER — The Order of the Day having been read for the resumption of the debate on the question, That, pursuant to Section 300 of *The Constitution Act Amendment Act 1958*, this House requires the Court of Disputed Returns to hear and determine whether the Honourable Kenneth Maurice Smith has contravened any of the provisions of Division 8 of Part II of the *Constitution Act 1975* and whether his seat has become vacant —

Debate resumed.

Question — put.

The Council divided.

AYES, 14

The Hon. J.M. Brumby
 B.E. Davidson
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives (*Teller*)
 L. Kokocinski (*Teller*)
 J. McLean
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole
 D.R. White

NOES, 29

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard (*Teller*)
 G.H. Cox
 G.R. Craige (*Teller*)
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey

C.A. Strong
Rosemary Varty
Dr. R.J.H. Wells
Sue deC. Wilding

And so it passed in the negative.

11 SHEEP OWNERS PROTECTION (REPEAL) BILL — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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 therein.

12 ADJOURNMENT — The Honourable R.I. Knowles 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.

A.V. BRAY
Clerk of the Legislative Council

No. 15 — Wednesday, 31 March 1993

- 1 The President took the Chair and read the Prayer.
- 2 MUTUAL RECOGNITION (VICTORIA) BILL — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to adopt the Mutual Recognition Act 1992 of the Commonwealth and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honourable M.A. Birrell, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 3 PARLIAMENTARY SALARIES AND SUPERANNUATION (BASIC SALARY) BILL — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Parliamentary Salaries and Superannuation Act 1968' and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honourable M.A. Birrell, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 PETITION — COUNTRY PASSENGER TRAIN SERVICES — The Honourable W.A.N. Hartigan presented a Petition from certain citizens of Victoria praying for the retention of nine country passenger train services, and in particular the Melbourne/Warrnambool and Melbourne/Dimboola services.
Ordered to lie on the Table.
- 5 BUSINESS POSTPONED — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 and 2, be postponed until later this day.

- 6 **ACCIDENT COMPENSATION TRIBUNAL** — The Honourable T.C. Theophanous moved, That this House condemns the Government for its handling of the closure of the Accident Compensation Tribunal and transfer from the Tribunal to the Victorian WorkCover Authority of \$139 million held in trust for the widows, widowers and dependents of injured workers and for intellectually disabled workers, which will lead to higher potential costs and lower returns to beneficiaries and their families.

Debate ensued.

The Honourable Dr. R.J.H. Wells moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

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

- 7 **BUSINESS OF THE HOUSE** — The Honourable R.I. Knowles moved, That so much of the Sessional Orders be suspended as would prevent General Business taking precedence over other business until 2.30 p.m. during the sitting of the Council this day.

Question — put and resolved in the affirmative.

- 8 **ACCIDENT COMPENSATION TRIBUNAL** — The Order of the Day having been read for the resumption of the debate on the question, That this House condemns the Government for its handling of the closure of the Accident Compensation Tribunal and transfer from the Tribunal to the Victorian WorkCover Authority of \$139 million held in trust for the widows, widowers and dependents of injured workers and for intellectually disabled workers, which will lead to higher potential costs and lower returns to beneficiaries and their families —

Debate resumed.

Question — put.

The Council divided.

AYES, 14

The Hon. J.M. Brumby
 B.E. Davidson
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 L. Kokocinski
 J. McLean
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen (*Teller*)
 T.C. Theophanous
 D.T. Walpole (*Teller*)
 D.R. White

NOES, 29

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood (*Teller*)
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan (*Teller*)
 R.I. Knowles

B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

And so it passed in the negative.

- 9 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order No. 71A.
- 10 **CRIMES (HIV) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.
 The Honourable B.T. Pullen moved, That the debate be now adjourned.
 Question — That the debate be now adjourned — put and resolved in the affirmative.
 Ordered — That the debate be adjourned until Wednesday, 14 April 1993.
- 11 **MUTUAL RECOGNITION (VICTORIA) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable M.A. Birrell) moved, That this Bill be now read a second time.
 The Honourable C.J. Hogg (for the Honourable D.R. White) moved, That the debate be now adjourned.
 Question — That the debate be now adjourned — put and resolved in the affirmative.
 Ordered — That the debate be adjourned until the next day of meeting.
- 12 **PARLIAMENTARY SALARIES AND SUPERANNUATION (BASIC SALARY) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable M.A. Birrell) moved, That this Bill be now read a second time.
 The Honourable C.J. Hogg (for the Honourable D.R. White) moved, That the debate be now adjourned.
 Question — That the debate be now adjourned — put and resolved in the affirmative.
 Ordered — That the debate be adjourned until the next day of meeting.
- 13 **ADJOURNMENT** — The Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until Tuesday next.
 Question — put and resolved in the affirmative.
 The Honourable R.I. Knowles moved, That the House do now adjourn.
 Debate ensued.
 Question — put and resolved in the affirmative.

And then the Council, at 3.42 p.m., adjourned until Tuesday next.

A.V. BRAY
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 15

Tuesday, 6 April 1993

Mr. President takes the Chair at 2.30 p.m.

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- *1 **MUTUAL RECOGNITION (VICTORIA) BILL** — *(from Assembly — Hon. M.A. Birrell)*
— Second reading — *Resumption of debate. (Hon. D.R. White).*
- *2 **PARLIAMENTARY SALARIES AND SUPERANNUATION (BASIC SALARY) BILL**
— *(from Assembly — Hon. M.A. Birrell)* — Second reading — *Resumption of*
debate. (Hon. D.R. White).
- 3 **STATEMENT OF 28 OCTOBER 1992 ON VICTORIA'S FINANCIAL MANAGEMENT**
STRATEGY — To be considered.

GENERAL BUSINESS

NOTICES OF MOTION

- 1 **THE HON. D.R. WHITE** — To move, That this House condemns the Government for its hasty introduction of ill considered, poorly drafted and divisive legislation that it intends to pass by ambushing the people of Victoria instead of allowing time for community consultation and scrutiny.
- 2 **THE HON. D.R. WHITE** — To move, That this House condemns the Government for its plans to privatise and dismantle the highly successful Transport Accident Commission which is clearly against the public interest and places on record the fact that, on the re-election of a State Labor Government, the Transport Accident Commission will be re-constituted as a public authority with the sole responsibility for transport accident personal injury in this State.

ORDERS OF THE DAY

- 1 **LOCAL GOVERNMENT BOARD — MINISTER'S ANSWER TO QUESTION WITHOUT NOTICE, 6 NOVEMBER 1992** — To be considered.
- 2 **STATUTORY RULES SERIES 1991 — SCRUTINY OF ACTS AND REGULATIONS COMMITTEE'S REPORT** — To be considered.

- 3 ALERT DIGESTS NOS. 1 AND 2, 1993, OF SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — To be considered.
- 4 MAJOR PROJECTS UNIT REPORT, 1991-92 — To be considered.
- 5 WORKCARE QUARTERLY REPORTS, 30 SEPTEMBER 1992 — To be considered.
- 6 WORKCOVER AUTHORITY QUARTERLY REPORT, 31 DECEMBER 1992 — To be considered.
- 7 SALINITY — AUDITOR-GENERAL'S REPORT, MARCH 1993 — To be considered.

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WEDNESDAY, 14 APRIL 1993

GOVERNMENT BUSINESS

ORDER OF THE DAY

- 1 CRIMES (HIV) BILL — (*Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (*Hon. B.T. Pullen*).

A.V. BRAY
Clerk of the Legislative Council

B.A. CHAMBERLAIN
President

Tuesday, 6 April 1993

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

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COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (ex-officio), R.A. Best, L. Kokocinski, B.A.E. Skeggs, D.A. Nardella and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING — The Honourables the President, B.W. Bishop, G.H. Cox, B.W. Mier, D.A. Nardella, B.A.E. Skeggs and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables A.R. Brideson, B.W. Bishop, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE (JOINT) — The Honourables L. Asher, J.M. Brumby and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 28 October 1992 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday	—	2.30 p.m.
Wednesday	—	10.00 a.m.
Thursday	—	10.00 a.m.

Business to take precedence—

Tuesday	—	Government business.
Wednesday	—	General business (until 2.00 p.m.).
Thursday	—	Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 27 October 1992, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

ADJOURNMENT OF BILLS [Effective until 30 June 1993]

By resolution of the Council on 16 March 1993 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 13 May 1993, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in August 1993: Provided that any Bill transmitted from the Legislative Assembly which is in the hands of the Clerk no later than 10.00 a.m. on 14 May 1993 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 16

Wednesday, 7 April 1993

Mr. President takes the Chair at 2.00 p.m.

BUSINESS TO TAKE PRECEDENCE

ORDER OF THE DAY

- *1 ANSWERS TO QUESTIONS ON NOTICE, FORM OF PETITION AND APPOINTMENT OF JOINT PRINTING COMMITTEE — STANDING ORDERS COMMITTEE'S REPORT — To be considered.

GOVERNMENT BUSINESS

NOTICES OF MOTION

- *1 THE HON. W.R. BAXTER — To move, That he have leave to bring in a Bill to amend the *Marine Act 1988* and for other purposes.
- *2 THE HON. R.I. KNOWLES — To move, That he have leave to bring in a Bill to amend the *Children and Young Persons Act 1989* with respect to the reporting of cases of physical injury or sexual abuse of children and with respect to the legal representation of parties to proceedings in the Family Division of the Children's Court and for other purposes.

ORDERS OF THE DAY

- *1 COMMERCIAL ARBITRATION (AMENDMENT) BILL — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).
- 2 STATEMENT OF 28 OCTOBER 1992 ON VICTORIA'S FINANCIAL MANAGEMENT STRATEGY — To be considered.

GENERAL BUSINESS

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Government for its hasty introduction of ill considered, poorly drafted and divisive legislation that it

intends to pass by ambushing the people of Victoria instead of allowing time for community consultation and scrutiny.

- 2 THE HON. D.R. WHITE — To move, That this House condemns the Government for its plans to privatise and dismantle the highly successful Transport Accident Commission which is clearly against the public interest and places on record the fact that, on the re-election of a State Labor Government, the Transport Accident Commission will be re-constituted as a public authority with the sole responsibility for transport accident personal injury in this State.

ORDERS OF THE DAY

- 1 LOCAL GOVERNMENT BOARD — MINISTER'S ANSWER TO QUESTION WITHOUT NOTICE, 6 NOVEMBER 1992 — To be considered.
- 2 STATUTORY RULES SERIES 1991 — SCRUTINY OF ACTS AND REGULATIONS COMMITTEE'S REPORT — To be considered.
- 3 ALERT DIGESTS NOS. 1 AND 2, 1993, OF SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — To be considered.
- 4 MAJOR PROJECTS UNIT REPORT, 1991-92 — To be considered.
- 5 WORKCARE QUARTERLY REPORTS, 30 SEPTEMBER 1992 — To be considered.
- 6 WORKCOVER AUTHORITY QUARTERLY REPORT, 31 DECEMBER 1992 — To be considered.
- 7 SALINITY — AUDITOR-GENERAL'S REPORT, MARCH 1993 — To be considered.

* * * *

WEDNESDAY, 14 APRIL 1993

GOVERNMENT BUSINESS

ORDER OF THE DAY

- 1 CRIMES (HIV) BILL — (*Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (*Hon. B.T. Pullen*).

A.V. BRAY
Clerk of the Legislative Council

B.A. CHAMBERLAIN
President

Wednesday, 7 April 1993

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

* * * *

COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (ex-officio), R.A. Best, L. Kokocinski, B.A.E. Skeggs, D.A. Nardella and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING — The Honourables the President, B.W. Bishop, G.H. Cox, B.W. Mier, D.A. Nardella, B.A.E. Skeggs and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables A.R. Brideson, B.W. Bishop, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE (JOINT) — The Honourables L. Asher, J.M. Brumby and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 28 October 1992 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday	—	2.30 p.m.
Wednesday	—	10.00 a.m.
Thursday	—	10.00 a.m.

Business to take precedence—

Tuesday	—	Government business.
Wednesday	—	General business (until 2.00 p.m.).
Thursday	—	Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 27 October 1992, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

ADJOURNMENT OF BILLS [Effective until 30 June 1993]

By resolution of the Council on 16 March 1993 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 13 May 1993, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in August 1993: Provided that any Bill transmitted from the Legislative Assembly which is in the hands of the Clerk no later than 10.00 a.m. on 14 May 1993 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS

Nos. 16 and 17

No. 16 — Tuesday, 6 April 1993

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACT** — The Honourable M.A. Birrell presented a Message from His Excellency the Governor informing the Council that he had, this day, given the Royal Assent to the undermentioned Act presented to him by the Clerk of the Parliaments:
Sheep Owners Protection (Repeal) Act.
- 3 **COMMERCIAL ARBITRATION (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Commercial Arbitration Act 1984' and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **SHEEP OWNERS PROTECTION (REPEAL) 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 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order No. 71A.
- 6 **PETITIONS** —
HUMAN EMBRYOS — The Honourable R.A. Best presented a Petition from certain citizens of Victoria praying that legislation be passed to prohibit harmful and destructive experimentation on human embryos.
Ordered to lie on the Table.

* * * * *
- ANIMAL AMBULANCE SERVICE** — The Honourable J.V.C. Guest presented a Petition from certain citizens of Victoria praying for the enactment of a law proclaiming the Animal Ambulance Service an ambulance service under section 23 of the *Ambulance Services Act 1986*.
Ordered to lie on the Table.
- 7 **PAPERS** —
OVERSEAS PROJECTS CORPORATION OF VICTORIA LIMITED — The Honourable Haddon Storey moved, by leave, That there be laid before this House a copy of the Report of the Overseas Projects Corporation of Victoria Limited for the year 1991-92.
Question — put and resolved in the affirmative.
The said Report was thereupon presented by the Honourable Haddon Storey and ordered to lie on the Table.

STANDING ORDERS COMMITTEE — ANSWERS TO QUESTIONS ON NOTICE, PETITIONS AND JOINT PRINTING COMMITTEE — On behalf of the President (Chairman), the Honourable R.S. de Fegely presented a report from the Standing Orders Committee upon Answers to Questions on Notice, the form of petition, and the appointment of a Joint Printing Committee.

Ordered to lie on the Table and to be printed.

The Honourable R.S. de Fegely moved, That the Report be taken into consideration on the next day of meeting.

Question — put and resolved in the affirmative.

* * * * *

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — The Honourable B.A.E. Skeggs presented Alert Digest, No. 4 of 1993, from the Scrutiny of Acts and Regulations Committee, together with an Appendix.

Ordered to lie on the Table and to be printed.

* * * * *

AUDITOR-GENERAL — The following paper was laid upon the Table by the Clerk pursuant to an Order of the Council on 29 October 1992.

Auditor-General — Report on National Tennis Centre Trust and the Zoological Board of Victoria, April 1993.

* * * * *

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 — Order in Council of 30 March 1993 amending regulations applying to land in Schedule Four.

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

Bulla Planning Scheme — Amendment L61.

Bungaree Planning Scheme — Amendment L16.

Frankston Planning Scheme — Amendment L45.

Hastings Planning Scheme — Amendments L74 Parts 1 and 2.

Heidelberg Planning Scheme — Amendment L54.

Nunawading Planning Scheme — Amendment L59.

Prahran Planning Scheme — Amendment L28.

Statutory Rule under the Supreme Court Act 1986 — No. 52.

Wildlife Act 1975 — Notices of closure of areas to hunting (four papers).

- 8 **MUTUAL RECOGNITION (VICTORIA) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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 **PARLIAMENTARY SALARIES AND SUPERANNUATION (BASIC SALARY) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

The Honourable D.R. White 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 redrafted to provide for -

- (a) the omission of the office of Parliamentary Secretaries from the Table to section 6 of the *Parliamentary Salaries and Superannuation Act 1968*; and
- (b) the reinstatement of salaries and allowances to certain office-holders at the rates provided prior to the 1992 election."

Debate ensued.

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

The Council divided.

AYES, 28

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells (*Teller*)
 Sue deC. Wilding (*Teller*)

NOES, 13

The Hon. J.M. Brumby
 B.E. Davidson
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 L. Kokocinski
 J. McLean
 B.W. Mier
 D.A. Nardella (*Teller*)
 P. Power (*Teller*)
 B.T. Pullen
 T.C. Theophanous
 D.R. White

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

Question — That this 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.

10 COMMERCIAL ARBITRATION (AMENDMENT) BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable Haddon Storey) moved, That this Bill be now read a second time.

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

The Honourable B.T. Pullen moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

11 STATE SUPERANNUATION SCHEMES — The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the following Resolution:

1. The operation of Standing Orders and Sessional Orders be suspended so far as to allow for the interruption of business at 10.15 a.m. on Wednesday, 7 April 1993 to permit the Minister for Finance, the Hon. I.W. Smith, M.P., to address the Members of both Houses and inform the public of the financial situation of State Superannuation Schemes and the subsequent implications for the State debt.
2. Any business under discussion and not disposed of at 10.15 a.m. on that day shall be resumed immediately at the conclusion of the Minister's address and the withdrawal of Members of the Legislative Council and any Member speaking at the time of interruption may, upon the resumption of debate thereon continue such speech.
3. The televising of the address be permitted in accordance with the guidelines for the televising and broadcasting of proceedings adopted by Resolution of the House on 27 October 1992.
4. The Speaker of the Legislative Assembly shall chair the sitting and the conduct of proceedings will be in accordance with the Standing Orders of the Legislative Assembly.

And invites Honourable Members of the Legislative Council to attend the Legislative Assembly Chamber at 10.15 a.m. on Wednesday, 7 April next, to hear the address by the Minister for Finance on the financial situation of State Superannuation Schemes and the subsequent implications for the State debt.

12 BUSINESS OF THE HOUSE — The Honourable R.I. Knowles moved, That so much of the Sessional Orders be suspended as would prevent General Business taking precedence over all other business in the period immediately following question time until 6.00 p.m. during the sitting of the Council on Wednesday, 7 April 1993.

Question — put and resolved in the affirmative.

13 ADJOURNMENT — The Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until tomorrow at 2.00 p.m.

Question — put and resolved in the affirmative.

The Honourable R.I. Knowles 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 at 2.00 p.m.

A.V. BRAY

Clerk of the Legislative Council

No. 17 — Wednesday, 7 April 1993

1 The President took the Chair and read the Prayer.

- 2 **BARLEY MARKETING BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act relating to the marketing of barley and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honourable W.R. Baxter, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 3 **SHOP TRADING (FURTHER AMENDMENT) (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Shop Trading (Further Amendment) Act 1991' and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honourable W.R. Baxter, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **PETITION — MANIFOLD HEIGHTS PRIMARY SCHOOL** — The Honourable W.A.N. Hartigan presented a Petition from certain citizens of Victoria praying that action be taken to ensure emergency teachers be employed to fill staff absences at Manifold Heights Primary School if all short term replacement teachers have been allocated on a particular day.
Ordered to lie on the Table.
- 5 **PAPERS — FINANCIAL MANAGEMENT STRATEGY** — The Honourable R.I. Knowles (for the Honourable R.M. Hallam) moved, by leave, That there be laid before this House a copy of the —
- (a) Statement "Restoring Victoria's Finances — Stage 2", presented by the Honourable Alan Stockdale, MP, Treasurer of Victoria, to the Legislative Assembly on 6 April 1993;
 - (b) Autumn Statement 1993 — Treasurer's Speech, presented by the Honourable Alan Stockdale, MP, Treasurer of Victoria, to the Legislative Assembly on 6 April 1993; and
 - (c) Consolidated Fund 1992-93 Budget Paper.
- Question — put and resolved in the affirmative.
The said papers were thereupon presented by the Honourable R.I. Knowles and ordered to lie on the Table.
The Honourable R.I. Knowles 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.
- 6 **BUSINESS POSTPONED** — Ordered — That the consideration of the Order of the Day, Business to take Precedence, be postponed until later this day.
- 7 **MARINE (AMENDMENT) BILL** — On the motion of the Honourable W.R. Baxter, leave was given to bring in a Bill to amend the *Marine Act 1988* 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 W.R. Baxter moved, That this Bill be now read a second time.
The Honourable W.R. Baxter made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.
The Honourable B.E. Davidson moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until Tuesday, 20 April 1993.

- 8 **CHILDREN AND YOUNG PERSONS (FURTHER AMENDMENT) BILL** — On the motion of the Honourable R.I. Knowles, leave was given to bring in a Bill to amend the *Children and Young Persons Act 1989* with respect to the reporting of cases of physical injury or sexual abuse of children and with respect to the legal representation of parties to proceedings in the Family Division of the Children's Court 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 R.I. Knowles moved, That this Bill be now read a second time.

The Honourable C.J. Hogg moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 9 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order No. 71A.

- 10 **BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 1, be postponed until later this day.

- 11 **TRANSPORT ACCIDENT COMMISSION** — The Honourable D.R. White moved, That this House condemns the Government for its plans to privatise and dismantle the highly successful Transport Accident Commission which is clearly against the public interest and places on record the fact that, on the re-election of a State Labor Government, the Transport Accident Commission will be re-constituted as a public authority with the sole responsibility for transport accident personal injury in this State.

Debate ensued.

Question — put.

The Council divided.

AYES, 10

The Hon. J.M. Brumby (*Teller*)
 B.E. Davidson
 D.E. Henshaw (*Teller*)
 C.J. Hogg
 R.S. Ives
 D.A. Nardella
 P. Power
 B.T. Pullen
 D.T. Walpole
 D.R. White

NOES, 26

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles

B.A.E. Skeggs
 K.M. Smith (*Teller*)
 Graeme Stoney (*Teller*)
 Haddon Storey
 C.A. Strong
 Dr. R.J.H. Wells
 Sue deC. Wilding

And so it passed in the negative.

- 12 **INTERPRETATION OF LEGISLATION (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Interpretation of Legislation Act 1984' and for other purposes*" and desiring the concurrence of the Council therein.
 On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message 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 (CROWN GRANTS AND RESERVES) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Crown Land (Reserves) Act 1978' and the 'Land Act 1958' and for other purposes*" and desiring the concurrence of the Council therein.
 On the motion of the Honourable R.I. Knowles (for the Honourable M.A. Birrell), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 14 **SHOP TRADING (FURTHER AMENDMENT) (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable W.R. Baxter moved, That this Bill be now read a second time.
 The Honourable C.J. Hogg (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.
 Question — That the debate be now adjourned — put and resolved in the affirmative.
 Ordered — That the debate be adjourned until the next day of meeting.
- 15 **LAND (CROWN GRANTS AND RESERVES) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable M.A. Birrell) moved, That this Bill be now read a second time.
 The Honourable B.T. Pullen moved, That the debate be now adjourned.
 Question — That the debate be now adjourned — put and resolved in the affirmative.
 Ordered — That the debate be adjourned until the next day of meeting.
- 16 **ADJOURNMENT** — The Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until Tuesday, 20 April 1993.
 Question — put and resolved in the affirmative.
 The Honourable R.I. Knowles moved, That the House do now adjourn.
 Debate ensued.
 Question — put and resolved in the affirmative.

And then the Council, at 6.37 p.m., adjourned until Tuesday, 20 April 1993.

A.V. BRAY
 Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 17

Tuesday, 20 April 1993

Mr. President takes the Chair at 2.30 p.m.

BUSINESS TO TAKE PRECEDENCE

ORDER OF THE DAY

- 1 ANSWERS TO QUESTIONS ON NOTICE, FORM OF PETITION AND APPOINTMENT OF JOINT PRINTING COMMITTEE — STANDING ORDERS COMMITTEE'S REPORT — To be considered.

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- *1 INTERPRETATION OF LEGISLATION (AMENDMENT) BILL — (*from Assembly — Hon. Haddon Storey*) — Second reading.
- *2 BARLEY MARKETING BILL — (*from Assembly — Hon. W.R. Baxter*) — Second reading.
- 3 COMMERCIAL ARBITRATION (AMENDMENT) BILL — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).
- *4 SHOP TRADING (FURTHER AMENDMENT) (AMENDMENT) BILL — (*from Assembly — Hon. W.R. Baxter*) — Second reading — *Resumption of debate.* (Hon. T.C. Theophanous).
- *5 LAND (CROWN GRANTS AND RESERVES) BILL — (*from Assembly — Hon. M.A. Birrell*) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).
- 6 CRIMES (HIV) BILL — (*Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).
- *7 MARINE (AMENDMENT) BILL — (*Hon. W.R. Baxter*) — Second reading — *Resumption of debate.* (Hon. B.E. Davidson).
- *8 CHILDREN AND YOUNG PERSONS (FURTHER AMENDMENT) BILL — (*Hon. R.I. Knowles*) — Second reading — *Resumption of debate.* (Hon. C.J. Hogg).

- *9 TREASURER'S STATEMENT OF 6 APRIL 1993 AND RELATED PAPERS ON VICTORIA'S FINANCES — To be considered.
- 10 STATEMENT OF 28 OCTOBER 1992 ON VICTORIA'S FINANCIAL MANAGEMENT STRATEGY — To be considered.

GENERAL BUSINESS

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Government for its hasty introduction of ill considered, poorly drafted and divisive legislation that it intends to pass by ambushing the people of Victoria instead of allowing time for community consultation and scrutiny.
- *2 THE HON. D.R. WHITE — To move, That the Council take note of the document entitled "An Address to the Parliament of Victoria on Public Sector Superannuation", prepared by the Honourable I.W. Smith, MP, Minister for Finance, for presentation to the Legislative Assembly on 7 April 1993.

ORDER OF THE DAY

- 1 LOCAL GOVERNMENT BOARD — MINISTER'S ANSWER TO QUESTION WITHOUT NOTICE, 6 NOVEMBER 1992 — To be considered.

A.V. BRAY
Clerk of the Legislative Council

B.A. CHAMBERLAIN
President

Tuesday, 20 April 1993

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

* * * *

COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (ex-officio), R.A. Best, L. Kokocinski, B.A.E. Skeggs, D.A. Nardella and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING — The Honourables the President, B.W. Bishop, G.H. Cox, B.W. Mier, D.A. Nardella, B.A.E. Skeggs and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables A.R. Bridesor, B.W. Bishop, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE (JOINT) — The Honourables L. Asher, J.M. Brumby and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 28 October 1992 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday	—	2.30 p.m.
Wednesday	—	10.00 a.m.
Thursday	—	10.00 a.m.

Business to take precedence—

Tuesday	—	Government business.
Wednesday	—	General business (until 2.00 p.m.).
Thursday	—	Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 27 October 1992, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

ADJOURNMENT OF BILLS [Effective until 30 June 1993]

By resolution of the Council on 16 March 1993 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 13 May 1993, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in August 1993: Provided that any Bill transmitted from the Legislative Assembly which is in the hands of the Clerk no later than 10.00 a.m. on 14 May 1993 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 18

Wednesday, 21 April 1993

Mr. President takes the Chair at 10.00 a.m.

GENERAL BUSINESS

[To take precedence until 2.00 p.m.]

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Government for its hasty introduction of ill considered, poorly drafted and divisive legislation that it intends to pass by ambushing the people of Victoria instead of allowing time for community consultation and scrutiny.
- 2 THE HON. D.R. WHITE — To move, That the Council take note of the document entitled "An Address to the Parliament of Victoria on Public Sector Superannuation", prepared by the Honourable I.W. Smith, MP, Minister for Finance, for presentation to the Legislative Assembly on 7 April 1993.
- *3 THE HON. D.A. NARDELLA — To move, That this House condemns the Government for the disgraceful treatment of State school cleaners before, and on, 31 December 1992, and the consequent extra workload and responsibilities falling unjustly on to teachers, students and parents which is not productive or efficient towards the education of students.

ORDER OF THE DAY

- 1 LOCAL GOVERNMENT BOARD — MINISTER'S ANSWER TO QUESTION WITHOUT NOTICE, 6 NOVEMBER 1992 — To be considered.

BUSINESS TO TAKE PRECEDENCE

ORDER OF THE DAY

- 1 ANSWERS TO QUESTIONS ON NOTICE, FORM OF PETITION AND APPOINTMENT OF JOINT PRINTING COMMITTEE — STANDING ORDERS COMMITTEE'S REPORT — To be considered.

* Indicates new entry.

GOVERNMENT BUSINESS

NOTICES OF MOTION

- *1 THE HON. R.I. KNOWLES — To move, That he have leave to bring in a Bill to amend the *Residential Tenancies Act 1980*, the *Caravan Parks and Movable Dwellings Act 1988*, the *Water Act 1989* and the *Melbourne and Metropolitan Board of Works Act 1958* and for other purposes.
- *2 THE HON. HADDON STOREY — To move, That he have leave to bring in a Bill to amend the *Estate Agents Act 1980* and for other purposes.
- *3 THE HON. R.I. KNOWLES — To move, That he have leave to bring in a Bill to regulate the taking and management of money in respect of pre-paid funeral contracts and to amend the *Ministry of Consumer Affairs Act 1973* and for other purposes.

ORDERS OF THE DAY

- 1 COMMERCIAL ARBITRATION (AMENDMENT) BILL — (*from Assembly — Hon. Haddon Storey*) — To be committed.
- 2 MARINE (AMENDMENT) BILL — (*Hon. W.R. Baxter*) — Second reading — *Resumption of debate.* (*Hon. B.E. Davidson*).
- 3 LAND (CROWN GRANTS AND RESERVES) BILL — (*from Assembly — Hon. M.A. Birrell*) — Second reading — *Resumption of debate.* (*Hon. B.T. Pullen*).
- 4 TREASURER'S STATEMENT OF 6 APRIL 1993 AND RELATED PAPERS ON VICTORIA'S FINANCES — To be considered.
- 5 CRIMES (HIV) BILL — (*Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (*Hon. B.T. Pullen*).
- 6 BARLEY MARKETING BILL — (*from Assembly — Hon. W.R. Baxter*) — Second reading — *Resumption of debate.* (*Hon. C.J. Hogg*).
- 7 INTERPRETATION OF LEGISLATION (AMENDMENT) BILL — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (*Hon. B.T. Pullen*).
- *8 VOCATIONAL EDUCATION AND TRAINING (COLLEGE EMPLOYMENT) BILL — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (*Hon. B.T. Pullen*).
- 9 STATEMENT OF 28 OCTOBER 1992 ON VICTORIA'S FINANCIAL MANAGEMENT STRATEGY — To be considered.

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

Wednesday, 21 April 1993

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

* * * *

COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (ex-officio), R.A. Best, L. Kokocinski, B.A.E. Skeggs, D.A. Nardella and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING — The Honourables the President, B.W. Bishop, G.H. Cox, B.W. Mier, D.A. Nardella, B.A.E. Skeggs and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables A.R. Brideson, B.W. Bishop, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE (JOINT) — The Honourables L. Asher, J.M. Brumby and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 28 October 1992 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday	—	2.30 p.m.
Wednesday	—	10.00 a.m.
Thursday	—	10.00 a.m.

Business to take precedence—

Tuesday	—	Government business.
Wednesday	—	General business (until 2.00 p.m.).
Thursday	—	Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 27 October 1992, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

ADJOURNMENT OF BILLS [Effective until 30 June 1993]

By resolution of the Council on 16 March 1993 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 13 May 1993, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in August 1993: Provided that any Bill transmitted from the Legislative Assembly which is in the hands of the Clerk no later than 10.00 a.m. on 14 May 1993 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS

Nos. 18 and 19

No. 18 — Tuesday, 20 April 1993

- 1 The President took the Chair and read the Prayer.
- 2 **THE LATE HONOURABLE JOSEPH HENRY SMITH** — The Honourable M.A. Birrell moved, That this House expresses its sincere sorrow at the death, on 2 April 1993, of the Honourable Joseph Henry Smith, 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 Goulburn from 1945 to 1947 and from 1950 to 1955, Minister without Portfolio from 1952 to 1953 and Commissioner of Crown Lands and Survey, Minister of Soldier Settlement and Minister for Conservation from 1953 to 1955.

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.

- 3 **ADJOURNMENT** — The Honourable M.A. Birrell moved, That as a further mark of respect to the memory of the late Honourable Joseph Henry Smith, the House do now adjourn until this day at 3.30 p.m.

Question — put and resolved in the affirmative.

And then the Council, at 2.42 p.m., adjourned until this day at 3.30 p.m.

- 1 The President took the Chair.
- 2 **ASSENT TO ACTS** — The Honourable M.A. Birrell presented a Message from His Excellency 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:
Mutual Recognition (Victoria) Act
Parliamentary Salaries and Superannuation (Basic Salary) Act.
- 3 **VOCATIONAL EDUCATION AND TRAINING (COLLEGE EMPLOYMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to provide for the employment of staff by TAFE college councils and by councils of universities with TAFE divisions, to repeal Part III of the 'Post-Secondary Education Act 1978', to amend the 'Vocational Education and Training Act 1990', the 'Public Sector Management Act 1992' and certain other Acts and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

4 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order No. 71A.

5 **PETITION — HUMAN EMBRYOS** — The Honourable B.W. Bishop presented a Petition bearing 159 signatures from certain citizens of Victoria praying that legislation be passed to prohibit harmful and destructive experimentation on human embryos.
Ordered to lie on the Table.

6 **PAPERS** —

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — The Honourable B.A.E. Skeggs presented Alert Digest No. 5 of 1993, from the Scrutiny of Acts and Regulations Committee, together with an Appendix.
Ordered to lie on the Table and to be printed.

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SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — COMMENCEMENT BY PROCLAMATION — The Honourable B.A.E. Skeggs presented a Report from the Scrutiny of Acts and Regulations Committee upon Commencement by Proclamation.
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:

Anne Caudle Centre — Report, 1991-92.

Bendigo Hospital — Report, 1991-92.

Box Hill College of TAFE — Report, 1991.

Broadmeadows College of TAFE — Report, 1991.

Building Societies Reserve Board — Report, 1991-92.

Chiropodists Registration Board — Report, 1992 (two papers).

Credit Co-operatives Reserve Board — Report, 1991-92.

Dandenong College of TAFE — Report, 1991.

Employment and Training Department — Report, 1991-92 [incorporating the Report of the State Training Board].

Frankston College of TAFE — Report, 1991.

Friendly Societies Reserve Board — Report, 1 February 1992 to 30 June 1992.

Gaming Machine Control Act 1991 — Victorian Gaming Commission (Amendment) Rules 1993.

Goulburn Valley College of TAFE — Report, 1991.

Hampton Rehabilitation Hospital — Report, 1991-92 (two papers).

Korumburra District Hospital — Report, 1991-92 (two papers).

Melbourne College of Printing and Graphic Arts — Report, 1991.

National Gallery Council — Report, 1991-92.

North West Hospital — Report, 1991-92 (two papers).

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

Ararat (City) Planning Scheme — Amendment L13 Part 2.

Berwick Planning Scheme — Amendment L57.

Box Hill Planning Scheme — Amendment L18.

Coburg Planning Scheme — Amendment L34.

Collingwood Planning Scheme — Amendment L12.

Planning and Environment Act 1987 — *continued*

- Cranbourne Planning Scheme — Amendment L74.
- Gisborne Planning Scheme — Amendment L21 Part 1.
- Hastings Planning Scheme — Amendments L57 and L59.
- Heidelberg Planning Scheme — Amendment L39.
- Keilor Planning Scheme — Amendment L43.
- Kilmore Planning Scheme — Amendments L52 and L58.
- Mildura (City) Planning Scheme — Amendment L31.
- Moe Planning Scheme — Amendment L26.
- Moorabbin Planning Scheme — Amendment L19 Part 1.
- Otway Planning Scheme — Amendments L7 and L23.
- Pakenham Planning Scheme — Amendment L70.
- Preston Planning Scheme — Amendment L40.
- Sherbrooke Planning Scheme — Amendment L68.
- Tambo Planning Scheme — Amendment L54.
- Upper Yarra Planning Scheme — Amendment L24.
- Warragul Planning Scheme — Amendment L23.
- Waverley Planning Scheme — Amendments L29 and L40.
- Whittlesea Planning Scheme — Amendments L30, L50, L64, L77 and L79.

Prahran College of TAFE — Report, 1991.

Royal Melbourne Institute of Technology Limited — Report, 1991.

Statutory Rules under the following Acts of Parliament:

- Conservation, Forests and Lands Act 1987 — No. 60.
- Fisheries Act 1968 — No. 55.
- Health Services Act 1988 — No. 54.
- Human Tissue Act 1982 — No. 62.
- Magistrates' Court Act 1989 — No. 57.
- Melbourne and Metropolitan Board of Works Act 1958 — Nos. 58 and 59.
- National Parks Act 1975 — No. 53.
- Racing Act 1958 — No. 56.

Sunraysia College of TAFE — Report, 1991.

Western Metropolitan College of TAFE — Report, 1991.

Westernport Memorial Hospital — Report, 1991-92 (two papers).

Wildlife Act 1975 — Notice of closure of areas to hunting.

Wimmera Community College of TAFE — Report, 1991.

7 **BUSINESS POSTPONED** — Ordered — That the consideration of the Order of the Day, Business to take Precedence, be postponed until later this day.

8 **INTERPRETATION OF LEGISLATION (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.

The Honourable B.T. Pullen moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

9 **BARLEY MARKETING BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable W.R. Baxter moved, That this Bill be now read a second time.

The Honourable C.J. Hogg moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 10 **VOCATIONAL EDUCATION AND TRAINING (COLLEGE EMPLOYMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.

The Honourable B.T. Pullen moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 11 **COMMERCIAL ARBITRATION (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time, and after further debate, the question being put 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.

Ordered — That the Bill be committed to a Committee of the whole later this day.

- 12 **SHOP TRADING (FURTHER AMENDMENT) (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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 Honourable D.M. Evans 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 Orders of the Day, Government Business, Nos. 5 to 7 inclusive, be postponed until later this day.

- 14 **CHILDREN AND YOUNG PERSONS (FURTHER AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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 therein.

- 15 **ADJOURNMENT** — The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 11.58 p.m., adjourned until tomorrow.

A.V. BRAY
Clerk of the Legislative Council

No. 19 — Wednesday, 21 April 1993

1 The President took the Chair and read the Prayer.

2 PETITIONS —

HUMAN EMBRYOS — The Honourables B.A.E. Skeggs and J. McLean each presented a Petition bearing 194 and 139 signatures, respectively, from certain citizens of Victoria praying that legislation be passed to prohibit harmful and destructive experimentation on human embryos.

Severally ordered to lie on the Table.

* * * * *

STATE DEFICIT LEVY —

The Honourable G.B. Ashman presented a Petition bearing 2,991 signatures from certain citizens of Victoria praying that the Council support an amendment to the *State Deficit Levy Act 1992* designed to fairly take account of the individual's ability to pay.

The Honourable L. Kokocinski presented a Petition bearing 115 signatures from certain citizens of Victoria praying for the withdrawal of the State Deficit Levy.

The Honourable D.A. Nardella presented a Petition bearing 2,636 signatures from certain citizens of Victoria praying for the immediate withdrawal of the State Deficit Levy.

Severally ordered to lie on the Table.

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WALLARANO PRIMARY SCHOOL — The Honourable Sue deC. Wilding presented a Petition bearing 135 signatures from certain citizens of Victoria praying that action be taken to ensure adequate replacement teachers be employed to cover teacher absences at Wallarano Primary School.

Ordered to lie on the Table.

3 **BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 1, be postponed until later this day.

4 **PUBLIC SECTOR SUPERANNUATION** — The Honourable D.R. White moved, That the Council take note of the document entitled "An Address to the Parliament of Victoria on Public Sector Superannuation", prepared by the Honourable I.W. Smith, MP, Minister for Finance, for presentation to the Legislative Assembly on 7 April 1993.

Debate ensued.

General Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders, the debate stood adjourned in the name of the Honourable Rosemary Varty.

5 **BUSINESS POSTPONED** — Ordered — That the consideration of the Order of the Day, Business to take Precedence, be postponed until later this day.

6 **RESIDENTIAL TENANCIES (WATER AND UTILITIES CHARGES) BILL** — On the motion of the Honourable R.I. Knowles, leave was given to bring in a Bill to amend the *Residential Tenancies Act 1980*, the *Caravan Parks and Movable Dwellings Act 1988*, the *Water Act 1989* and the *Melbourne and Metropolitan Board Works Act 1958* 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 R.I. Knowles moved, That this Bill be now read a second time.

The Honourable D.R. White (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 7 **ESTATE AGENTS (AMENDMENT) BILL** — On the motion of the Honourable Haddon Storey, leave was given to bring in a Bill to amend the *Estate Agents Act 1980* 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 Haddon Storey moved, That this Bill be now read a second time.

The Honourable B.T. Pullen moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 8 **FUNERALS (PRE-PAID MONEY) BILL** — On the motion of the Honourable R.I. Knowles, leave was given to bring in a Bill to regulate the taking and management of money in respect of pre-paid funeral contracts and to amend the *Ministry of Consumer Affairs Act 1973* 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 R.I. Knowles moved, That this Bill be now read a second time.

The Honourable D.R. White (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 9 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order No. 71A.

- 10 **ECONOMIC DEVELOPMENT COMMITTEE** — By leave, the Honourable R.I. Knowles moved, by leave, That the Honourable B.W. Mier be a member of the Economic Development Committee.

Question — put and resolved in the affirmative.

- 11 **COMMERCIAL ARBITRATION (AMENDMENT) BILL** — This Bill was, according to Order, committed to a committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable P.R. Hall having reported that the Committee had agreed to the Bill with amendments, and had amended the title thereof, which amended title is as follows: "*An Act to amend the 'Commercial Arbitration Act 1984' and the 'Legal Profession Practice Act 1958' and for other purposes*", the House ordered the Report to be taken into consideration this day, whereupon 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 therein.

- 12 **MARINE (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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, 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 the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

- 13 **LAND (CROWN GRANTS AND RESERVES) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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.

House in Committee.

The President resumed the Chair; and the Honourable D.M. Evans 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 **TREASURER'S STATEMENT — VICTORIA'S FINANCES** — The Order of the Day having been read for the consideration of the Treasurer's Statement of 6 April 1993 and related papers on Victoria's finances —

The Honourable R.M. Hallam moved, That the Council take note of the —

- (a) Statement "Restoring Victoria's Finances — Stage 2" presented by the Honourable Alan Stockdale, M.P., Treasurer of Victoria, to the Legislative Assembly on 6 April 1993;
- (b) Autumn Statement 1993 — Treasurer's Speech, presented by the Honourable Alan Stockdale, M.P., Treasurer of Victoria, to the Legislative Assembly on 6 April 1993; and
- (c) Consolidated Fund 1992-93 Budget Paper.

Debate ensued.

The Honourable R.A. Best moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 15 **CORRECTIONS (MANAGEMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Corrections Act 1986' to enable correctional services to be provided on a contractual basis, to make further provision with respect to drug testing within prisons, to extend the power to make regulations with respect to the conduct and personal appearance of officers and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable W.R. Baxter, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

16 **DEBITS TAX (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Debits Tax Act 1990' and the 'State Taxation (Amendment) Act 1992' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

17 **FINANCIAL INSTITUTIONS DUTY (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Financial Institutions Duty Act 1982' and the 'State Taxation (Amendment) Act 1992' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message 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 R.I. Knowles moved, That the Council, at its rising, adjourn until Tuesday next.

Question — put and resolved in the affirmative.

The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 11.11 p.m., adjourned until Tuesday next.

A.V. BRAY
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 19

Tuesday, 27 April 1993

Mr. President takes the Chair at 2.30 p.m.

BUSINESS TO TAKE PRECEDENCE

ORDER OF THE DAY

- 1 ANSWERS TO QUESTIONS ON NOTICE, FORM OF PETITION AND APPOINTMENT OF JOINT PRINTING COMMITTEE — STANDING ORDERS COMMITTEE'S REPORT — To be considered.

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- *1 DEBITS TAX (AMENDMENT) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading.
- *2 CORRECTIONS (MANAGEMENT) BILL — (*from Assembly — Hon. W.R. Baxter*) — Second reading.
- *3 FINANCIAL INSTITUTIONS DUTY (AMENDMENT) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading.
- 4 BARLEY MARKETING BILL — (*from Assembly — Hon. W.R. Baxter*) — Second reading — *Resumption of debate. (Hon. C.J. Hogg).*
- 5 CRIMES (HIV) BILL — (*Hon. Haddon Storey*) — Second reading — *Resumption of debate. (Hon. B.T. Pullen).*
- 6 INTERPRETATION OF LEGISLATION (AMENDMENT) BILL — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate. (Hon. B.T. Pullen).*
- 7 VOCATIONAL EDUCATION AND TRAINING (COLLEGE EMPLOYMENT) BILL — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate. (Hon. B.T. Pullen).*
- *8 RESIDENTIAL TENANCIES (WATER AND UTILITIES CHARGES) BILL — (*Hon. R.I. Knowles*) — Second reading — *Resumption of debate. (Hon. T.C. Theophanous).*

- *9 ESTATE AGENTS (AMENDMENT) BILL — (Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. B.T. Pullen).
- *10 FUNERALS (PRE-PAID MONEY) BILL — (Hon. R.I. Knowles) — Second reading — Resumption of debate. (Hon. T.C. Theophanous).
- 11 TREASURER'S STATEMENT OF 6 APRIL 1993 AND RELATED PAPERS ON VICTORIA'S FINANCES — Motion to take note of papers — (Hon. R.M. Hallam) — Resumption of debate. (Hon. R.A. Best).
- 12 STATEMENT OF 28 OCTOBER 1992 ON VICTORIA'S FINANCIAL MANAGEMENT STRATEGY — To be considered.

GENERAL BUSINESS

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Government for its hasty introduction of ill considered, poorly drafted and divisive legislation that it intends to pass by ambushing the people of Victoria instead of allowing time for community consultation and scrutiny.
- 2 THE HON. D.A. NARDELLA — To move, That this House condemns the Government for the disgraceful treatment of State school cleaners before, and on, 31 December 1992, and the consequent extra workload and responsibilities falling unjustly on to teachers, students and parents which is not productive or efficient towards the education of students.

ORDERS OF THE DAY

- 1 LOCAL GOVERNMENT BOARD — MINISTER'S ANSWER TO QUESTION WITHOUT NOTICE, 6 NOVEMBER 1992 — To be considered.
- *2 PUBLIC SECTOR SUPERANNUATION — Motion to take note of document prepared by the Hon. I.W. Smith, MP, Minister for Finance, 7 April 1993 — (Hon. D.R. White) — Resumption of debate. (Hon. Rosemary Varty).

A.V. BRAY
Clerk of the Legislative Council

B.A. CHAMBERLAIN
President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

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COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

*ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis, B.W. Mier and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (ex-officio), R.A. Best, L. Kokocinski, B.A.E. Skeggs, D.A. Nardella and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING — The Honourables the President, B.W. Bishop, G.H. Cox, B.W. Mier, D.A. Nardella, B.A.E. Skeggs and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables A.R. Brideson, B.W. Bishop, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE (JOINT) — The Honourables L. Asher, J.M. Brumby and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 28 October 1992 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday	—	2.30 p.m.
Wednesday	—	10.00 a.m.
Thursday	—	10.00 a.m.

Business to take precedence—

Tuesday	—	Government business.
Wednesday	—	General business (until 2.00 p.m.).
Thursday	—	Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

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AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 27 October 1992, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

ADJOURNMENT OF BILLS [Effective until 30 June 1993]

By resolution of the Council on 16 March 1993 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 13 May 1993, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in August 1993: Provided that any Bill transmitted from the Legislative Assembly which is in the hands of the Clerk no later than 10.00 a.m. on 14 May 1993 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 20

Wednesday, 28 April 1993

Mr. President takes the Chair at 10.00 a.m.

GENERAL BUSINESS

[To take precedence until 2.00 p.m.]

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Government for its hasty introduction of ill considered, poorly drafted and divisive legislation that it intends to pass by ambushing the people of Victoria instead of allowing time for community consultation and scrutiny.
- 2 THE HON. D.A. NARDELLA — To move, That this House condemns the Government for the disgraceful treatment of State school cleaners before, and on, 31 December 1992, and the consequent extra workload and responsibilities falling unjustly on to teachers, students and parents which is not productive or efficient towards the education of students.
- *3 THE HON. D.M. EVANS — To move, That the Council take note of the report of the Auditor-General on Salinity, March 1993.
- *4 THE HON. D.T. WALPOLE — To move, That this House condemns the Government for its gross mishandling of industrial relations which has led to the highest level of industrial disputes for 12 years, provided a vehicle for employers to seek to exploit workers, and for seeking to prevent Victorian workers obtaining the protection of Federal Awards.

ORDERS OF THE DAY

- 1 LOCAL GOVERNMENT BOARD — MINISTER'S ANSWER TO QUESTION WITHOUT NOTICE, 6 NOVEMBER 1992 — To be considered.
- 2 PUBLIC SECTOR SUPERANNUATION — Motion to take note of document prepared by the Hon. I.W. Smith, MP, Minister for Finance, 7 April 1993 — (*Hon. D.R. White*) — *Resumption of debate.* (*Hon. Rosemary Varty*).

BUSINESS TO TAKE PRECEDENCE

ORDER OF THE DAY

- 1 ANSWERS TO QUESTIONS ON NOTICE, FORM OF PETITION AND APPOINTMENT OF JOINT PRINTING COMMITTEE — STANDING ORDERS COMMITTEE'S REPORT — To be considered.

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- 1 DEBITS TAX (AMENDMENT) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate.* (*Hon. D.R. White*).
- *2 TREASURY CORPORATION OF VICTORIA (DEBT CENTRALISATION) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading.
- *3 LEGAL PROFESSION PRACTICE (GUARANTEE FUND) BILL — (*Hon. Haddon Storey*) — Second reading.
- *4 HEALTH AND COMMUNITY SERVICES (GENERAL AMENDMENT) BILL — (*Hon. R.I. Knowles*) — Second reading.
- *5 PAY-ROLL TAX (AMENDMENT) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading.
- *6 LAND TAX (AMENDMENT) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading.
- 7 RESIDENTIAL TENANCIES (WATER AND UTILITIES CHARGES) BILL — (*Hon. R.I. Knowles*) — To be further considered in Committee.
- 8 FINANCIAL INSTITUTIONS DUTY (AMENDMENT) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate.* (*Hon. D.R. White*).
- 9 CORRECTIONS (MANAGEMENT) BILL — (*from Assembly — Hon. W.R. Baxter*) — Second reading — *Resumption of debate.* (*Hon. B.E. Davidson*).
- 10 VOCATIONAL EDUCATION AND TRAINING (COLLEGE EMPLOYMENT) BILL — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (*Hon. B.T. Pullen*).
- 11 INTERPRETATION OF LEGISLATION (AMENDMENT) BILL — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (*Hon. B.T. Pullen*).
- 12 ESTATE AGENTS (AMENDMENT) BILL — (*Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (*Hon. B.T. Pullen*).
- 13 TREASURER'S STATEMENT OF 6 APRIL 1993 AND RELATED PAPERS ON VICTORIA'S FINANCES — Motion to take note of papers — (*Hon. R.M. Hallam*) — *Resumption of debate.* (*Hon. R.A. Best*).
- 14 STATEMENT OF 28 OCTOBER 1992 ON VICTORIA'S FINANCIAL MANAGEMENT STRATEGY — To be considered.

Wednesday, 28 April 1993

At 6.00 p.m. —

*JOINT SITTINGS IN THE LEGISLATIVE ASSEMBLY CHAMBER — Vacancy in the Senate and appointments to the Victorian Institute of Marine Sciences, Swinburne University of Technology, Victoria University of Technology, Deakin University and La Trobe University Councils and the Victorian Health Promotion Foundation.

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

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COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis, B.W. Mier and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (ex-officio), R.A. Best, L. Kokocinski, B.A.E. Skeggs, D.A. Nardella and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING — The Honourables the President, B.W. Bishop, G.H. Cox, B.W. Mier, D.A. Nardella, B.A.E. Skeggs and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables A.R. Brideson, B.W. Bishop, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE (JOINT) — The Honourables L. Asher, J.M. Brumby and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

Wednesday, 28 April 1993

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 28 October 1992 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday	—	2.30 p.m.
Wednesday	—	10.00 a.m.
Thursday	—	10.00 a.m.

Business to take precedence—

Tuesday	—	Government business.
Wednesday	—	General business (until 2.00 p.m.).
Thursday	—	Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 27 October 1992, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

ADJOURNMENT OF BILLS [Effective until 30 June 1993]

By resolution of the Council on 16 March 1993 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 13 May 1993, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in August 1993: Provided that any Bill transmitted from the Legislative Assembly which is in the hands of the Clerk no later than 10.00 a.m. on 14 May 1993 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 21

Thursday, 29 April 1993

Mr. President takes the Chair at 10.00 a.m.

BUSINESS TO TAKE PRECEDENCE

NOTICES OF MOTION

*1 THE HON. R.I. KNOWLES — To move —

(a) That the following be adopted as a Standing Order of the Council:

71AA (a) If a Minister does not furnish an answer to a question on notice within 30 days of the asking of that question and does not, within that period, provide to the Member who asked the question an explanation satisfactory to that Member as to why an answer has not been provided —

(i) at the conclusion of the normal time for answering questions on notice on any day after that period the Member may ask the relevant Minister for an explanation; and

(ii) at the conclusion of any such explanation the Member may move, without notice, "That the Council take note of the explanation".

(b) 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 and precedence shall be given to such a motion on the next day of meeting in accordance with Standing Order No. 86.

(b) That the following consequential amendment be made to Standing Order No. 86:

After paragraph (e) insert —

"(f) a motion pursuant to Standing Order No. 71AA:".

(c) That the Council adopt the following guidelines relating to the operation of Standing Order No. 71AA:

- Ministers accept that they have a responsibility to answer a question relevantly and within a reasonable time.
- It is recognized that Ministers have the right to restrict the answer to a question if provision of all of the information

sought is too costly. However, in such cases they should contact the Member to determine whether a compromise may be possible by withdrawing the question and substituting another in a mutually acceptable form.

- It is accepted that lack of justification of excessive costs and resources necessary to devote to preparation of an answer may constitute reasonable grounds for not answering a question, provided this is limited to genuine cases.
- Immediately it is apparent to a Minister that it will be difficult to produce an answer to a question within 30 days the Minister should advise the Member accordingly.
- If the information sought is considered by the Minister to be of a nature that is not normally provided (e.g., Cabinet documents), the Minister has the right to inform the Member of that view. The Member then has the option of using other means to obtain the information (e.g., Freedom of Information legislation).
- In view of the large number of Government documents being produced and the rule that questions should not ask for information available in accessible documents, Members should consider whether the information is readily available in known documents before placing a question on notice. When the question is asked and the information is found to be readily available in accessible documents, the questioner should be so advised.
- A Member intending to ask for an explanation as to why an answer has not been provided should contact the Minister or his office the day before failure to supply an answer is to be raised in the House to discuss the likelihood of an answer being provided or the reasons for the delay, particularly in the case of complex questions.

***2 THE HON. R.I. KNOWLES — To move —**

- (a) That the following amendment be made to Standing Order No. 250:
After "prayer" insert "or request".
- (b) That the Council endorse the form of petition recommended by the Standing Orders Committee in its report upon answers to questions on notice, the form of petition, and the appointment of a joint printing committee, presented to this House on 6 April 1993.

***3 THE HON. R.I. KNOWLES — To move, That the Council adopt the following proposed joint standing order:**

9A At the commencement of each Session a Committee comprising four Members of each House shall be appointed to consider and report upon all matters relating to Parliamentary printing with the exception of those relating to the publication of the Victorian Parliamentary Debates; three Members shall form a quorum which shall not consist exclusively of Members of the Legislative Council or Members of the Legislative Assembly.

Thursday, 29 April 1993

ORDER OF THE DAY

- 1 ANSWERS TO QUESTIONS ON NOTICE, FORM OF PETITION AND APPOINTMENT OF JOINT PRINTING COMMITTEE — STANDING ORDERS COMMITTEE'S REPORT — To be considered.

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- *1 MEAT INDUSTRY BILL — (*from Assembly — Hon. W.R. Baxter*) — Second reading.
- *2 CITY OF GREATER GEELONG BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading.
- *3 MURRAY-DARLING BASIN BILL — (*from Assembly — Hon. M.A. Birrell*) — Second reading.
- 4 LAND TAX (AMENDMENT) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate.* (*Hon. D.R. White*).
- 5 CORRECTIONS (MANAGEMENT) BILL — (*from Assembly — Hon. W.R. Baxter*) — Second reading — *Resumption of debate.* (*Hon. B.E. Davidson*).
- 6 VOCATIONAL EDUCATION AND TRAINING (COLLEGE EMPLOYMENT) BILL — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (*Hon. B.T. Pullen*).
- 7 TREASURER'S STATEMENT OF 6 APRIL 1993 AND RELATED PAPERS ON VICTORIA'S FINANCES — Motion to take note of papers — (*Hon. R.M. Hallam*) — *Resumption of debate.* (*Hon. R.S. de Fegely*).
- 8 TREASURY CORPORATION OF VICTORIA (DEBT CENTRALISATION) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate.* (*Hon. D.R. White*).
- 9 LEGAL PROFESSION PRACTICE (GUARANTEE FUND) BILL — (*Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (*Hon. B.T. Pullen*).
- 10 HEALTH AND COMMUNITY SERVICES (GENERAL AMENDMENT) BILL — (*Hon. R.I. Knowles*) — Second reading — *Resumption of debate.* (*Hon. C.J. Hogg*).
- 11 INTERPRETATION OF LEGISLATION (AMENDMENT) BILL — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (*Hon. B.T. Pullen*).
- 12 ESTATE AGENTS (AMENDMENT) BILL — (*Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (*Hon. B.T. Pullen*).
- 13 STATEMENT OF 28 OCTOBER 1992 ON VICTORIA'S FINANCIAL MANAGEMENT STRATEGY — To be considered.

GENERAL BUSINESS

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Government for its hasty introduction of ill considered, poorly drafted and divisive legislation that it intends to pass by ambushing the people of Victoria instead of allowing time for community consultation and scrutiny.
- 2 THE HON. D.M. EVANS — To move, That the Council take note of the report of the Auditor-General on Salinity, March 1993.
- 3 THE HON. D.T. WALPOLE — To move, That this House condemns the Government for its gross mishandling of industrial relations which has led to the highest level of industrial disputes for 12 years, provided a vehicle for employers to seek to exploit workers, and for seeking to prevent Victorian workers obtaining the protection of Federal Awards.

ORDERS OF THE DAY

- 1 LOCAL GOVERNMENT BOARD — MINISTER'S ANSWER TO QUESTION WITHOUT NOTICE, 6 NOVEMBER 1992 — To be considered.
- 2 PUBLIC SECTOR SUPERANNUATION — Motion to take note of document prepared by the Hon. I.W. Smith, MP, Minister for Finance, 7 April 1993 — (*Hon. D.R. White*) — *Resumption of debate. (Hon. Rosemary Varty).*
- *3 STATE SCHOOL CLEANERS — Motion condemning Government for treatment of cleaners before, and on, 31 December 1992 and consequent extra workload and responsibilities imposed on teachers, students and parents — (*Hon. D.A. Nardella*) — *Resumption of debate. (Hon. C.J. Hogg).*

A.V. BRAY
Clerk of the Legislative Council

B.A. CHAMBERLAIN
President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

* * * *

COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis, B.W. Mier and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (ex-officio), R.A. Best, L. Kokocinski, B.A.E. Skeggs, D.A. Nardella and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING — The Honourables the President, B.W. Bishop, G.H. Cox, B.W. Mier, D.A. Nardella, B.A.E. Skeggs and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables A.R. Brideson, B.W. Bishop, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE (JOINT) — The Honourables L. Asher, J.M. Brumby and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 28 October 1992 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday	—	2.30 p.m.
Wednesday	—	10.00 a.m.
Thursday	—	10.00 a.m.

Business to take precedence—

Tuesday	—	Government business.
Wednesday	—	General business (until 2.00 p.m.).
Thursday	—	Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 27 October 1992, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

ADJOURNMENT OF BILLS [Effective until 30 June 1993]

By resolution of the Council on 16 March 1993 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 13 May 1993, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in August 1993: Provided that any Bill transmitted from the Legislative Assembly which is in the hands of the Clerk no later than 10.00 a.m. on 14 May 1993 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS

Nos. 20, 21 and 22

No. 20 — Tuesday, 27 April 1993

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The Honourable M.A. Birrell presented a Message from His Excellency 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:
 - Shop Trading (Further Amendment) (Amendment) Act*
 - Land (Crown Grants and Reserves) Act.*
- 3 **LAND TAX (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Land Tax Act 1958' and the 'Land Tax (Revision) Act 1991' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 4 **PAY-ROLL TAX (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Pay-roll Tax Act 1971' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 5 **JOINT SITTING — SENATE VACANCY** — The President announced the receipt of —
 - (a) a Message from His Excellency the Governor transmitting a despatch from the President of the Senate notifying that a vacancy had happened in the Senate through the resignation of Senator the Honourable John Norman Button; 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 the place and time of the Joint Sitting as the Assembly Chamber on Wednesday, 28 April 1993 at 6.00 p.m., and desiring the concurrence of the Council.

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

The Honourable R.I. Knowles 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 John Norman Button and, as proposed by the Assembly, the place and time of such meeting be the Legislative Assembly Chamber on Wednesday, 28 April 1993 at 6.00 p.m.

Question — put and resolved in the affirmative.

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

6 JOINT SITTING — APPOINTMENTS TO VARIOUS BODIES — The President announced the receipt of —

- (a) letters from the Minister for Tertiary Education and Training, the Minister for Conservation and Environment and the Minister for Health seeking a Joint Sitting for the purpose of making the following appointments:

Two Members to replace the Honourable David Ernest Henshaw, M.B.E., M.L.C., and the Honourable Dr. Ronald James Herbert Wells, M.L.C., on the Victorian Institute of Marine Sciences.

One Member to replace Mrs. Carolyn Dorothy Hirsh on the Swinburne University of Technology Council.

Two Members to replace the Honourable Robert Clive Fordham and the Honourable Thomas Carter Reynolds, M.P., for the term ending 30 June 1993; and three Members for a three year term commencing on 1 July 1993, on the Victoria University of Technology Council.

One Member to replace Mr. Stephen Noel Elder, M.P., on the Deakin University Council.

One Member to replace Mr. Peter Batchelor, M.P., on the La Trobe University Council.

One Member to succeed Mr. Edward Joseph Micallef, M.P., on the Victorian Health Promotion Foundation from 23 May 1993; 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, 28 April 1993 at 6.00 p.m., and desiring the concurrence of the Council.

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

The Honourable R.I. Knowles moved, by leave, That this House meet the Legislative Assembly for the purpose of sitting and voting together to recommend Members for appointment to the Councils of the Victorian Institute of Marine Sciences, Swinburne University of Technology, Victoria University of Technology, Deakin University and La Trobe University and to elect a Member of Parliament 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, 28 April 1993 at 6.00 p.m.

Question — put and resolved in the affirmative.

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

7 QUESTIONS — Questions without notice were taken pursuant to Standing Order No. 71A.

8 PETITIONS —

HUMAN EMBRYOS — The Honourable G.P. Connard presented a Petition bearing 143 signatures from certain citizens of Victoria praying that legislation be passed to prohibit harmful and destructive experimentation on human embryos.

Ordered to lie on the Table.

* * * * *

BANNOCKBURN PRIMARY SCHOOL — The Honourable W.A.N. Hartigan presented a Petition bearing 75 signatures from certain citizens of Victoria praying that action be taken to ensure emergency teachers be employed to fill staff absences at Bannockburn Primary School if all short term replacement teachers have been allocated on a particular day.

Ordered to lie on the Table.

- 9 **LEGAL PROFESSION PRACTICE (GUARANTEE FUND) BILL** — On the motion (by leave without notice) of the Honourable Haddon Storey, leave was given to bring in a Bill to amend the *Legal Profession Practice Act 1958* 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 **HEALTH AND COMMUNITY SERVICES (GENERAL AMENDMENT) BILL** — On the motion (by leave without notice) of the Honourable R.I. Knowles, leave was given to bring in a Bill to amend the *Drugs, Poisons and Controlled Substances Act 1981*, to amend the *Health Act 1958*, to amend the *Health Services Act 1988*, to amend the *Mental Health Act 1986*, to make miscellaneous amendments to various 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.

11 **PAPERS** —

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — The Honourable B.A.E. Skeggs presented Alert Digest No. 6 of 1993 from the Scrutiny of Acts and Regulations Committee, together with an Appendix.

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:

Exhibition Trust — Report, 1992.

Mental Health Act 1986 — Report of Community Visitors, 1991-92.

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

Alexandra Planning Scheme — Amendment L28.

Bairnsdale (Shire) Planning Scheme — Amendment L35.

Bendigo Planning Scheme — Amendment L34.

Berwick Planning Scheme — Amendment L60.

Brunswick Planning Scheme — Amendment L31.

Cranbourne Planning Scheme — Amendments L82 and L85.

Doncaster and Templestowe Planning Scheme — Amendment L41 Part 1A.

Dundas Planning Scheme — Amendment L4.

Essendon Planning Scheme — Amendment L41.

Geelong Regional Planning Scheme — Amendment R113.

Hastings Planning Scheme — Amendment L95.

Healesville Planning Scheme — Amendment L1 Part 2.

Kilmore Planning Scheme — Amendment L62.

Lillydale Planning Scheme — Amendment L105.

Melbourne Planning Scheme — Amendment L108.

Morwell Planning Scheme — Amendment L36.

Nunawading Planning Scheme — Amendment L51.

Preston Planning Scheme — Amendment L41.

Warrnambool (City) Planning Scheme — Amendment L24.

- 12 **BUSINESS POSTPONED** — Ordered — That the consideration of the Order of the Day, Business to take Precedence, be postponed until later this day.

- 13 **DEBITS TAX (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.
The Honourable D.R. White moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until the next day of meeting.
- 14 **CORRECTIONS (MANAGEMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable W.R. Baxter moved, That this Bill be now read a second time.
The Honourable B.E. Davidson moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until the next day of meeting.
- 15 **FINANCIAL INSTITUTIONS DUTY (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.
The Honourable D.R. White moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until the next day of meeting.
- 16 **BARLEY MARKETING BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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 Honourable D.M. Evans 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 **TREASURY CORPORATION OF VICTORIA (DEBT CENTRALISATION) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Treasury Corporation of Victoria Act 1992' and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 18 **CRIMES (HIV) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —
Debate resumed.
The Honourable D.R. White moved, That the debate be now adjourned.
Debate ensued.
Question — put.
The Council divided.

AYES, 11

NOES, 25

The Hon. J.M. Brumby
B.E. Davidson

The Hon. L. Asher
G.B. Ashman (Teller)

C.J. Hogg
 R.S. Ives
 L. Kokocinski
 B.W. Mier
 D.A. Nardella (*Teller*)
 P. Power
 B.T. Pullen (*Teller*)
 T.C. Theophanous
 D.R. White

B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 P.R. Davis (*Teller*)
 R.S. de Fegely
 D.M. Evans
 W. Forwood
 P.R. Hall
 R.M. Hallam
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

And so it passed in the negative.

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

The Council divided.

AYES, 24

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson (*Teller*)
 G.P. Connard (*Teller*)
 G.H. Cox
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood
 P.R. Hall
 R.M. Hallam
 R.I. Knowles
 B.A.E. Skeggs

NOES, 11

The Hon. J.M. Brumby
 B.E. Davidson
 C.J. Hogg
 R.S. Ives
 L. Kokocinski
 B.W. Mier
 D.A. Nardella
 P. Power (*Teller*)
 B.T. Pullen
 T.C. Theophanous (*Teller*)
 D.R. White

Graeme Stoney
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

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 therein.

- 19 **BUSINESS OF THE HOUSE** — The Honourable R.I. Knowles moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 10.00 p.m. during the sitting of the Council this day.

Question — put and resolved in the affirmative.

- 20 **BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 6 to 9 inclusive, be postponed until later this day.

- 21 **FUNERALS (PRE-PAID MONEY) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

The Honourable T.C. Theophanous 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 redrafted to provide for the establishment of a Registration Board and registration procedures for funeral directors and to make it unlawful for funeral directors to enter into a pre-paid funeral contract, accept monies for a pre-paid funeral or advertise pre-paid funerals unless they are registered."

Debate ensued.

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

The Council divided.

AYES, 27

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox (*Teller*)
 G.R. Craige (*Teller*)
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood
 P.R. Hall
 R.M. Hallam
 R.I. Knowles

NOES, 11

The Hon. J.M. Brumby
 B.E. Davidson
 C.J. Hogg
 R.S. Ives (*Teller*)
 L. Kokocinski (*Teller*)
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen
 T.C. Theophanous
 D.R. White

B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

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

Question — That this 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 Honourable D.M. Evans having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, 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 therein.

- 22 **RESIDENTIAL TENANCIES (WATER AND UTILITIES CHARGES) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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 Honourable D.M. Evans 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.

- 23 **ADJOURNMENT** — The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 11.55 p.m., adjourned until tomorrow.

A.V. BRAY
 Clerk of the Legislative Council

No. 21 — Wednesday, 28 April 1993

- 1 The President took the Chair and read the Prayer.
- 2 **CITY OF GREATER GEELONG BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to constitute the Greater Geelong City Council, to abolish the Geelong Regional Commission, to repeal the 'Geelong Regional Commission Act 1977' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 3 **MELBOURNE UNIVERSITY COUNCIL** — The Honourable R.I. Knowles moved, by leave, That the Honourable W. Forwood be recommended to the Governor in Council for appointment to the Council of the Melbourne University.

Question — put and resolved in the affirmative.

- 4 **PETITION — LIBERAL MEMBERS' PAY RISES** — The Honourable D.A. Nardella presented a Petition bearing 10 signatures from certain citizens of Victoria praying that legislation be enacted to cancel pay rises granted to Liberal Members of Parliament in late 1992.

Ordered to lie on the Table.

- 5 **PAPER — LAW REFORM COMMITTEE — PROGRESS AND FUTURE DIRECTIONS** — The Honourable J.V.C. Guest presented an Interim Report from the Law Reform Committee upon its Progress and Future Directions on its inquiries into Restitution for Victims of Crime, proposed changes to the Wills Act and Directors and Managers of Insolvent Corporations, together with Appendices.

Ordered to lie on the Table and to be printed.

- 6 **BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 1, be postponed until later this day.

- 7 **STATE SCHOOL CLEANERS** — The Honourable D.A. Nardella moved, That this House condemns the Government for the disgraceful treatment of State school cleaners before, and on, 31 December 1992, and the consequent extra workload and responsibilities falling unjustly on to teachers, students and parents which is not productive or efficient towards the education of students.

Debate ensued.

General Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders, the debate stood adjourned in the name of the Honourable C.J. Hogg.

- 8 **BUSINESS POSTPONED** — Ordered — That the consideration of the Order of the Day, Business to take Precedence, and Order of the Day, Government Business, No. 1, be postponed until later this day.

- 9 **TREASURY CORPORATION OF VICTORIA (DEBT CENTRALISATION) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable D.R. White moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

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

- 10 **LEGAL PROFESSION PRACTICE (GUARANTEE FUND) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.

The Honourable B.T. Pullen moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 11 **HEALTH AND COMMUNITY SERVICES (GENERAL AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.

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

The Honourable C.J. Hogg moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 12 **PAY-ROLL TAX (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable D.R. White moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

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

- 13 **LAND TAX (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable D.R. White moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

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

- 14 **QUESTIONS** — Questions without notice were taken and answers were given to certain questions on notice pursuant to Standing Order No. 71A.

- 15 **DEBITS TAX (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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 **RESIDENTIAL TENANCIES (WATER AND UTILITIES CHARGES) 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 Honourable D.M. Evans 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 therein.

- 17 **FINANCIAL INSTITUTIONS DUTY (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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 **BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 9 to 12 inclusive, be postponed until later this day.

- 19 **TREASURER'S STATEMENT — VICTORIA'S FINANCES** — The Order of the Day having been read for the resumption of the debate on the question, That the Council take note of the Treasurer's Statement and related papers on Victoria's Finances (for motion see page 121 *ante*) —

Debate resumed.

Interruption —

- 20 **JOINT SITTING** — The 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 John Norman Button, and to recommend Members for appointment to the Councils of the Victorian Institute of Marine Sciences, Swinburne University of Technology, Victoria University of Technology, Deakin University and La Trobe University, and to elect a Member of Parliament 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. Kim Carr

was chosen to hold the vacant place in the Senate;

Mr. Peter James Loney, M.P., and

Mr. Garry Howard Spry, M.P.

were chosen to be recommended for appointment to the Council of the Victorian Institute of Marine Sciences;

The Honourable Robert Stuart Ives, M.L.C.,

was chosen to be recommended for appointment to the Swinburne University of Technology Council;

Mr. George Ian Davis, M.P., and

The Honourable Joan Elizabeth Kirner, A.M., M.P.,

were chosen to be recommended for appointment to the Victoria University of Technology Council for the term ending on 30 June 1993;

Mr. George Ian Davis, M.P.,

The Honourable David Mylor Evans, M.L.C., and

The Honourable Joan Elizabeth Kirner, A.M., M.P.,

were chosen to be recommended for appointment to the Victoria University of Technology Council for the term commencing on 1 July 1993;

Mrs. Ann Mary Henderson, M.P.,

was chosen to be recommended for appointment to the Deakin University Council;

The Honourable Theo Charles Theophanous, M.L.C.,

was chosen to be recommended for appointment to the La Trobe University Council; and

Mr. Bruce Allan Mildenhall, M.P.,

was elected to the Victorian Health Promotion Foundation with effect from 23 May 1993.

21 **TREASURER'S STATEMENT — VICTORIA'S FINANCES** — Debate continued on the question, That the Council take note of the Treasurer's Statement and related papers on Victoria's Finances.

The Honourable Dr. R.J.H. Wells moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

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

22 **BUSINESS OF THE HOUSE** — The Honourable R.I. Knowles moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 10.00 p.m. during the sitting of the Council this day.

Question — put and resolved in the affirmative.

23 **PAY-ROLL TAX (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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.

24 **TREASURER'S STATEMENT — VICTORIA'S FINANCES** — The Order of the Day having been read for the resumption of the debate on the question, That the Council take note of the Treasurer's Statement and related papers on Victoria's Finances (for motion see page 121 *ante*) —

Debate resumed.

The Honourable R.S. de Fegely moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

25 **MEAT INDUSTRY BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to provide for a system of inspection and licensing in the meat industry, to establish standards for facilities and processes used in that industry, to enable the regulation of meat transport vehicles, to establish the Victorian Meat Authority, to repeal the 'Abattoir and Meat Inspection Act 1973', the 'Poultry Processing Act 1968' and the 'Abattoir and Meat Inspection (Arrangements) Act 1987' to repeal or amend various other Acts and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable W.R. Baxter, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

26 **MURRAY-DARLING BASIN BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to approve and provide for carrying out an agreement entered into between the Commonwealth, New South Wales, Victoria and South Australia with regard to the water, land and other environmental resources of the Murray-Darling Basin, and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable M.A. Birrell, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

27 **ADJOURNMENT** — The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

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

THURSDAY, 29 APRIL 1993

Debate continued.

Question — put and resolved in the affirmative.

And then the Council, at 12.26 a.m., adjourned until this day.

A.V. BRAY

Clerk of the Legislative Council

No. 22 — Thursday, 29 April 1993

- 1 The President took the Chair and read the Prayer.
- 2 **STATE DEFICIT LEVY (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'State Deficit Levy Act 1992' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message 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 —**

AUDITOR-GENERAL — VISITING MEDICAL OFFICER ARRANGEMENTS — The following paper was laid upon the Table by the Clerk pursuant to an Order of the Council on 29 October 1992:

Auditor-General — Report on Visiting Medical Officer Arrangements, April 1993.

* * * * *

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

Police Regulation Act 1958 — Report of the Deputy Ombudsman on the Alleged Suppression of Police Investigations, Police Intelligence and Related Matters, Volumes 1 to 3, April 1993.

- 4 **STANDING ORDERS — ANSWERS TO QUESTIONS ON NOTICE** — The Honourable R.I. Knowles moved —

(a) That the following be adopted as a Standing Order of the Council:

71AA (a) If a Minister does not furnish an answer to a question on notice within 30 days of the asking of that question and does not, within that period, provide to the Member who asked the question an explanation satisfactory to that Member as to why an answer has not been provided —

- (i) at the conclusion of the normal time for answering questions on notice on any day after that period the Member may ask the relevant Minister for an explanation; and

(ii) at the conclusion of any such explanation the Member may move, without notice, "That the Council take note of the explanation".

(b) 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 and precedence shall be given to such a motion on the next day of meeting in accordance with Standing Order No. 86.

(b) That the following consequential amendment be made to Standing Order No. 86:

After paragraph (e) insert —

"(f) a motion pursuant to Standing Order No. 71AA:".

(c) That the Council adopt the following guidelines relating to the operation of Standing Order No. 71AA:

- Ministers accept that they have a responsibility to answer a question relevantly and within a reasonable time.
- It is recognized that Ministers have the right to restrict the answer to a question if provision of all of the information sought is too costly. However, in such cases they should contact the Member to determine whether a compromise may be possible by withdrawing the question and substituting another in a mutually acceptable form.
- It is accepted that lack of justification of excessive costs and resources necessary to devote to preparation of an answer may constitute reasonable grounds for not answering a question, provided this is limited to genuine cases.
- Immediately it is apparent to a Minister that it will be difficult to produce an answer to a question within 30 days the Minister should advise the Member accordingly.
- If the information sought is considered by the Minister to be of a nature that is not normally provided (e.g., Cabinet documents), the Minister has the right to inform the Member of that view. The Member then has the option of using other means to obtain the information (e.g., Freedom of Information legislation).
- In view of the large number of Government documents being produced and the rule that questions should not ask for information available in accessible documents, Members should consider whether the information is readily available in known documents before placing a question on notice. When the question is asked and the information is found to be readily available in accessible documents, the questioner should be so advised.
- A Member intending to ask for an explanation as to why an answer has not been provided should contact the Minister or his office the day before failure to supply an answer is to be raised in the House to discuss the likelihood of an answer being provided or the reasons for the delay, particularly in the case of complex questions.

Debate ensued.

Question — put and resolved in the affirmative.

- 5 **STANDING ORDERS — FORM OF PETITION** — The Honourable R.I. Knowles moved —
- (a) That the following amendment be made to Standing Order No. 250:
After "prayer" insert "or request".
 - (b) That the Council endorse the form of petition recommended by the Standing Orders Committee in its report upon answers to questions on notice, the form of petition, and the appointment of a joint printing committee, presented to this House on 6 April 1993.
- Debate ensued.
Question — put and resolved in the affirmative.
- 6 **JOINT STANDING ORDERS — JOINT PRINTING COMMITTEE** — The Honourable R.I. Knowles moved, That the Council adopt the following proposed Joint Standing Order:
- 9A At the commencement of each Session a Committee comprising four Members of each House shall be appointed to consider and report upon all matters relating to Parliamentary printing with the exception of those relating to the publication of the Victorian Parliamentary Debates; three Members shall form a quorum which shall not consist exclusively of Members of the Legislative Council or Members of the Legislative Assembly.
- Debate ensued.
Question — put and resolved in the affirmative.
Ordered — That a Message be sent to the Assembly acquainting them of the foregoing Resolution and desiring their concurrence therein.
- 7 **STANDING ORDERS COMMITTEE REPORT — ORDER DISCHARGED** — The Order of the Day having been read for the consideration of the Report of the Standing Orders Committee upon Answers to Questions on Notice, the form of Petition and the appointment of a Joint Printing Committee —
- The Honourable R.I. Knowles moved, That the said Order be discharged.
Question — put and resolved in the affirmative.
- 8 **BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 1, be postponed until later this day.
- 9 **CITY OF GREATER GEELONG BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.
- The Honourable D.E. Henshaw moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until the next day of meeting.
- 10 **MURRAY-DARLING BASIN BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable M.A. Birrell moved, That this Bill be now read a second time.
- The Honourable M.A. Birrell made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.
The Honourable B.T. Pullen moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until the next day of meeting.
- 11 **BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 4, be postponed until later this day.

12 **CORRECTIONS (MANAGEMENT) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

Question — put.

The Council divided.

AYES, 24

NOES, 10

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best (*Teller*)
 B.W. Bishop (*Teller*)
 R.H. Bowden
 A.R. Brideson
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

The Hon. J.M. Brumby (*Teller*)
 B.E. Davidson (*Teller*)
 C.J. Hogg
 R.S. Ives
 L. Kokocinski
 J. McLean
 B.W. Mier
 D.A. Nardella
 B.T. Pullen
 D.R. White

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 **VOCATIONAL EDUCATION AND TRAINING (COLLEGE EMPLOYMENT) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

The Honourable B.T. Pullen 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 direction of the changes intimated by the Government to the *Employee Relations Act 1992* have become clear and have been implemented."

Debate ensued.

Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders —

14 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order No. 71A.

15 VOCATIONAL EDUCATION AND TRAINING (COLLEGE EMPLOYMENT) BILL —
 Debate continued on the question, That this Bill be now read a second time and on the
 reasoned amendment.

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

AYES, 27

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson (*Teller*)
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong (*Teller*)
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

NOES, 11

The Hon. J.M. Brumby
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives (*Teller*)
 L. Kokocinski
 J. McLean
 B.W. Mier
 D.A. Nardella
 P. Power (*Teller*)
 B.T. Pullen
 D.T. Walpole

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

Question — That this 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 Honourable D.M. Evans having reported that
 the Committee had agreed to the Bill with amendments, the House ordered the Report
 to be taken into consideration this day, whereupon 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 therein.

16 ASSENT TO ACT — The Honourable M.A. Birrell presented a Message from His
 Excellency the Governor informing the Council that he had, this day, given the Royal
 Assent to the undermentioned Act presented to him by the Clerk of the Parliaments:
Debits Tax (Amendment) Act.

17 STATE ELECTRICITY COMMISSION — The President announced the receipt of a Message from the Assembly acquainting the Council that they had agreed to a Resolution that the State Electricity Commission continue to exist, and desiring the concurrence of the Council therein.

Ordered — That the Message be taken into consideration on the next day of meeting.

18 LAND (AMENDMENT) BILL — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Land Act 1958' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable W.R. Baxter (for the Honourable R.M. Hallam), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

19 MEAT INDUSTRY BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable W.R. Baxter moved, That this Bill be now read a second time.

The Honourable C.J. Hogg moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

20 ADJOURNMENT — The Honourable Haddon Storey moved, That the Council, at its rising, adjourn until Tuesday, 11 May 1993.

Question — put and resolved in the affirmative.

The Honourable Haddon Storey 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, 11 May 1993.

A.V. BRAY
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 22

Tuesday, 11 May 1993

Mr. President takes the Chair at 2.30 p.m.

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- *1 STATE DEFICIT LEVY (AMENDMENT) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading.
- *2 LAND (AMENDMENT) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading.
- 3 LAND TAX (AMENDMENT) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate.* (*Hon. D.R. White*).
- 4 TREASURY CORPORATION OF VICTORIA (DEBT CENTRALISATION) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate.* (*Hon. D.R. White*).
- 5 LEGAL PROFESSION PRACTICE (GUARANTEE FUND) BILL — (*Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (*Hon. B.T. Pullen*).
- 6 HEALTH AND COMMUNITY SERVICES (GENERAL AMENDMENT) BILL — (*Hon. R.I. Knowles*) — Second reading — *Resumption of debate.* (*Hon. C.J. Hogg*).
- 7 ESTATE AGENTS (AMENDMENT) BILL — (*Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (*Hon. B.T. Pullen*).
- 8 CITY OF GREATER GEELONG BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate.* (*Hon. D.E. Henshaw*).
- 9 TREASURER'S STATEMENT OF 6 APRIL 1993 AND RELATED PAPERS ON VICTORIA'S FINANCES — Motion to take note of papers — (*Hon. R.M. Hallam*) — *Resumption of debate.* (*Hon. R.S. de Fegely*).
- 10 MEAT INDUSTRY BILL — (*from Assembly — Hon. W.R. Baxter*) — Second reading — *Resumption of debate.* (*Hon. C.J. Hogg*).
- 11 MURRAY-DARLING BASIN BILL — (*from Assembly — Hon. M.A. Birrell*) — Second reading — *Resumption of debate.* (*Hon. B.T. Pullen*).
- *12 STATE ELECTRICITY COMMISSION — PUBLIC BODIES REVIEW COMMITTEE'S RECOMMENDATIONS — MESSAGE OF THE ASSEMBLY — To be considered.

- 13 INTERPRETATION OF LEGISLATION (AMENDMENT) BILL — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (*Hon. B.T. Pullen*).
- 14 STATEMENT OF 28 OCTOBER 1992 ON VICTORIA'S FINANCIAL MANAGEMENT STRATEGY — To be considered.

GENERAL BUSINESS

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Government for its hasty introduction of ill considered, poorly drafted and divisive legislation that it intends to pass by ambushing the people of Victoria instead of allowing time for community consultation and scrutiny.
- 2 THE HON. D.M. EVANS — To move, That the Council take note of the report of the Auditor-General on Salinity, March 1993.
- 3 THE HON. D.T. WALPOLE — To move, That this House condemns the Government for its gross mishandling of industrial relations which has led to the highest level of industrial disputes for 12 years, provided a vehicle for employers to seek to exploit workers, and for seeking to prevent Victorian workers obtaining the protection of Federal Awards.

ORDERS OF THE DAY

- 1 LOCAL GOVERNMENT BOARD — MINISTER'S ANSWER TO QUESTION WITHOUT NOTICE, 6 NOVEMBER 1992 — To be considered.
- 2 PUBLIC SECTOR SUPERANNUATION — Motion to take note of document prepared by the Hon. I.W. Smith, MP, Minister for Finance, 7 April 1993 — (*Hon. D.R. White*) — *Resumption of debate.* (*Hon. Rosemary Varty*).
- 3 STATE SCHOOL CLEANERS — Motion condemning Government for treatment of cleaners before, and on, 31 December 1992 and consequent extra workload and responsibilities imposed on teachers, students and parents — (*Hon. D.A. Nardella*) — *Resumption of debate.* (*Hon. C.J. Hogg*).

A.V. BRAY
Clerk of the Legislative Council

B.A. CHAMBERLAIN
President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

* * * *

COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis, B.W. Mier and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (ex-officio), R.A. Best, L. Kokocinski, B.A.E. Skeggs, D.A. Nardella and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

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PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables A.R. Brideson, B.W. Bishop, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE (JOINT) — The Honourables L. Asher, J.M. Brumby and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 28 October 1992 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday	—	2.30 p.m.
Wednesday	—	10.00 a.m.
Thursday	—	10.00 a.m.

Business to take precedence—

Tuesday	—	Government business.
Wednesday	—	General business (until 2.00 p.m.).
Thursday	—	Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 27 October 1992, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

ADJOURNMENT OF BILLS [Effective until 30 June 1993]

By resolution of the Council on 16 March 1993 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 13 May 1993, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in August 1993: Provided that any Bill transmitted from the Legislative Assembly which is in the hands of the Clerk no later than 10.00 a.m. on 14 May 1993 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 23

Wednesday, 12 May 1993

Mr. President takes the Chair at 10.00 a.m.

GENERAL BUSINESS

[To take precedence until 2.00 p.m.]

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Government for its hasty introduction of ill considered, poorly drafted and divisive legislation that it intends to pass by ambushing the people of Victoria instead of allowing time for community consultation and scrutiny.
- 2 THE HON. D.M. EVANS — To move, That the Council take note of the report of the Auditor-General on Salinity, March 1993.
- 3 THE HON. D.T. WALPOLE — To move, That this House condemns the Government for its gross mishandling of industrial relations which has led to the highest level of industrial disputes for 12 years, provided a vehicle for employers to seek to exploit workers, and for seeking to prevent Victorian workers obtaining the protection of Federal Awards.
- *4 THE HON. D.R. WHITE — To move, That this House is of the opinion that the 3 cent levy per litre on petrol and diesel proposed by the Government to be placed in a Trust Fund exclusively for roads be dedicated to construction of stage one of the Western Bypass and the Domain tunnel, and that the remaining funds be applied to major State arterial roads such as — (a) the duplication of the Calder Highway; (b) the Melbourne to Geelong road upgrading; (c) the Princes Highway east of Traralgon; and (d) the Springvale Bypass and, further, that the introduction of the tax not proceed until such a commitment is made.

ORDERS OF THE DAY

- 1 LOCAL GOVERNMENT BOARD — MINISTER'S ANSWER TO QUESTION WITHOUT NOTICE, 6 NOVEMBER 1992 — To be considered.
- 2 PUBLIC SECTOR SUPERANNUATION — Motion to take note of document prepared by the Hon. I.W. Smith, MP, Minister for Finance, 7 April 1993 — (*Hon. D.R. White*) — *Resumption of debate.* (*Hon. Rosemary Varty*).

- 3 STATE SCHOOL CLEANERS — Motion condemning Government for treatment of cleaners before, and on, 31 December 1992 and consequent extra workload and responsibilities imposed on teachers, students and parents — (Hon. D.A. Nardella) — *Resumption of debate.* (Hon. C.J. Hogg).

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- *1 APPROPRIATION (1992-93) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading.
- *2 SUPPLY (1993-94, No. 1) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading.
- *3 SUPPLY (PARLIAMENT 1993-94, No. 1) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading.
- *4 BOARD OF STUDIES BILL — (from Assembly — Hon. Haddon Storey) — Second reading.
- *5 ETHNIC AFFAIRS COMMISSION BILL — (from Assembly — Hon. M.A. Birrell) — Second reading.
- *6 POLICE REGULATION (DISCIPLINE) BILL — (from Assembly — Hon. W.R. Baxter) — Second reading.
- *7 INSTITUTE OF EDUCATIONAL ADMINISTRATION (REPEAL) BILL — (from Assembly — Hon. Haddon Storey) — Second reading.
- *8 FORESTS (S.E.A.S. SAPFOR LTD AGREEMENT) BILL — (from Assembly — Hon. M.A. Birrell) — Second reading.
- *9 DOCKLANDS AUTHORITY (AMENDMENT) BILL — (from Assembly — Hon. M.A. Birrell) — Second reading.
- *10 LAND (MISCELLANEOUS MATTERS) BILL — (from Assembly — Hon. M.A. Birrell) — Second reading.
- *11 EGG INDUSTRY (DEREGULATION) BILL — (from Assembly — Hon. W.R. Baxter) — Second reading.
- 12 HEALTH AND COMMUNITY SERVICES (GENERAL AMENDMENT) BILL — (Hon. R.I. Knowles) — Second reading — *Resumption of debate.* (Hon. C.J. Hogg).
- *13 STAMPS (AMENDMENT) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — *Resumption of debate.* (Hon. D.R. White).
- 14 TREASURY CORPORATION OF VICTORIA (DEBT CENTRALISATION) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — *Resumption of debate.* (Hon. D.R. White).
- 15 LAND TAX (AMENDMENT) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — *Resumption of debate.* (Hon. D.R. White).

Wednesday, 12 May 1993

- *16 **AUDIT (TENDER BOARD) BILL** — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. D.R. White).
- 17 **MEAT INDUSTRY BILL** — (from Assembly — Hon. W.R. Baxter) — Second reading — Resumption of debate. (Hon. C.J. Hogg).
- *18 **CASINO CONTROL (AMENDMENT) BILL** — (from Assembly — Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. D.R. White).
- *19 **GAMING MACHINE CONTROL (AMENDMENT) BILL** — (from Assembly — Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. D.R. White).
- *20 **TERTIARY EDUCATION BILL** — (from Assembly — Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. B.T. Pullen).
- *21 **CARAVAN PARKS AND MOVABLE DWELLINGS (AMENDMENT) BILL** — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. P. Power).
- 22 **STATE DEFICIT LEVY (AMENDMENT) BILL** — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. D.R. White).
- *23 **APPROPRIATION (PARLIAMENT 1992-93) BILL** — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. D.R. White).
- 24 **MURRAY-DARLING BASIN BILL** — (from Assembly — Hon. M.A. Birrell) — Second reading — Resumption of debate. (Hon. B.T. Pullen).
- 25 **LAND (AMENDMENT) BILL** — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. D.R. White).
- 26 **LEGAL PROFESSION PRACTICE (GUARANTEE FUND) BILL** — (Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. B.T. Pullen).
- 27 **ESTATE AGENTS (AMENDMENT) BILL** — (Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. B.T. Pullen).
- 28 **TREASURER'S STATEMENT OF 6 APRIL 1993 AND RELATED PAPERS ON VICTORIA'S FINANCES** — Motion to take note of papers — (Hon. R.M. Hallam) — Resumption of debate. (Hon. R.S. de Fegely).
- 29 **STATE ELECTRICITY COMMISSION — PUBLIC BODIES REVIEW COMMITTEE'S RECOMMENDATIONS — MESSAGE OF THE ASSEMBLY** — To be considered.
- 30 **INTERPRETATION OF LEGISLATION (AMENDMENT) BILL** — (from Assembly — Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. B.T. Pullen).
- 31 **STATEMENT OF 28 OCTOBER 1992 ON VICTORIA'S FINANCIAL MANAGEMENT STRATEGY** — To be considered.

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

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COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis, B.W. Mier and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables C.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (ex-officio), R.A. Best, L. Kokocinski, B.A.E. Skeggs, D.A. Nardella and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

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PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables A.R. Brideson, B.W. Bishop, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE (JOINT) — The Honourables L. Asher, J.M. Brumby and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

Wednesday, 12 May 1993

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 28 October 1992 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday	—	2.30 p.m.
Wednesday	—	10.00 a.m.
Thursday	—	10.00 a.m.

Business to take precedence—

Tuesday	—	Government business.
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Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 27 October 1992, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

*ADJOURNMENT OF BILLS [Effective until 30 June 1993]

By resolution of the Council on 16 March 1993 (*as subsequently amended on 11 May 1993*) where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 20 May 1993, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in August 1993: Provided that any Bill transmitted from the Legislative Assembly which is in the hands of the Clerk no later than 10.00 a.m. on 21 May 1993 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 24

Thursday, 13 May 1993

Mr. President takes the Chair at 10.00 a.m.

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- 1 BOARD OF STUDIES BILL — (from Assembly — Hon. Haddon Storey) — Second reading — *Resumption of debate.* (Hon. C.J. Hogg).
- 2 GAMING MACHINE CONTROL (AMENDMENT) BILL — (from Assembly — Hon. Haddon Storey) — Second reading — *Resumption of debate.* (Hon. D.R. White).
- 3 MURRAY-DARLING BASIN BILL — (from Assembly — Hon. M.A. Birrell) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).
- 4 ETHNIC AFFAIRS COMMISSION BILL — (from Assembly — Hon. M.A. Birrell) — Second reading — *Resumption of debate.* (Hon. C.J. Hogg).
- 5 POLICE REGULATION (DISCIPLINE) BILL — (from Assembly — Hon. W.R. Baxter) — Second reading — *Resumption of debate.* (Hon. B.E. Davidson).
- 6 FORESTS (S.E.A.S. SAPFOR LTD AGREEMENT) BILL — (from Assembly — Hon. M.A. Birrell) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).
- 7 DOCKLANDS AUTHORITY (AMENDMENT) BILL — (from Assembly — Hon. M.A. Birrell) — Second reading — *Resumption of debate.* (Hon. D. R. White).
- 8 LAND (MISCELLANEOUS MATTERS) BILL — (from Assembly — Hon. M.A. Birrell) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).
- 9 EGG INDUSTRY (DEREGULATION) BILL — (from Assembly — Hon. W.R. Baxter) — Second reading — *Resumption of debate.* (Hon. C.J. Hogg).
- 10 CASINO CONTROL (AMENDMENT) BILL — (from Assembly — Hon. Haddon Storey) — Second reading — *Resumption of debate.* (Hon. D.R. White).
- 11 STATE DEFICIT LEVY (AMENDMENT) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — *Resumption of debate.* (Hon. D.R. White).
- ‡12 APPROPRIATION (1992-93) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — *Resumption of debate.* (Hon. D. R. White).

- ‡13 SUPPLY (1993-94, No. 1) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. D. R. White).
- ‡14 TREASURER'S STATEMENT OF 6 APRIL 1993 AND RELATED PAPERS ON VICTORIA'S FINANCES — Motion to take note of papers — (Hon. R.M. Hallam) — Resumption of debate. (Hon. R.S. de Fegely).
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- ‡16 SUPPLY (PARLIAMENT 1993-94, No. 1) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. D. R. White).
- 17 LEGAL PROFESSION PRACTICE (GUARANTEE FUND) BILL — (Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. B.T. Pullen).
- 18 LAND (AMENDMENT) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. D.R. White).
- 19 INSTITUTE OF EDUCATIONAL ADMINISTRATION (REPEAL) BILL — (from Assembly — Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. C.J. Hogg).
- 20 ESTATE AGENTS (AMENDMENT) BILL — (Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. B.T. Pullen).
- 21 STATE ELECTRICITY COMMISSION — PUBLIC BODIES REVIEW COMMITTEE'S RECOMMENDATIONS — MESSAGE OF THE ASSEMBLY — To be considered.
- 22 INTERPRETATION OF LEGISLATION (AMENDMENT) BILL — (from Assembly — Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. B.T. Pullen).
- 23 STATEMENT OF 28 OCTOBER 1992 ON VICTORIA'S FINANCIAL MANAGEMENT STRATEGY — To be considered.

GENERAL BUSINESS

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Government for its hasty introduction of ill considered, poorly drafted and divisive legislation that it intends to pass by ambushing the people of Victoria instead of allowing time for community consultation and scrutiny.
- 2 THE HON. D.M. EVANS — To move, That the Council take note of the report of the Auditor-General on Salinity, March 1993.
- 3 THE HON. D.T. WALPOLE — To move, That this House condemns the Government for its gross mishandling of industrial relations which has led to the highest level of industrial disputes for 12 years, provided a vehicle for employers to seek to exploit workers, and for seeking to prevent Victorian workers obtaining the protection of Federal Awards.

Thursday, 13 May 1993

ORDERS OF THE DAY

- 1 LOCAL GOVERNMENT BOARD — MINISTER'S ANSWER TO QUESTION WITHOUT NOTICE, 6 NOVEMBER 1992 — To be considered.
- 2 PUBLIC SECTOR SUPERANNUATION — Motion to take note of document prepared by the Hon. I.W. Smith, MP, Minister for Finance, 7 April 1993 — (*Hon. D.R. White*) — *Resumption of debate.* (*Hon. Rosemary Varty*).
- 3 STATE SCHOOL CLEANERS — Motion condemning Government for treatment of cleaners before, and on, 31 December 1992 and consequent extra workload and responsibilities imposed on teachers, students and parents — (*Hon. D.A. Nardella*) — *Resumption of debate.* (*Hon. C.J. Hogg*).
- *4 ROAD FUNDS FUEL LEVY — Motion for Trust Fund money derived from 3 cent levy on fuel to be dedicated to stage one of Western Bypass and the Domain tunnel, and for remaining funds to be applied to certain major State arterial roads and, further, that introduction of the tax not proceed until such a commitment is made — (*Hon. D.R. White*) — *Resumption of debate.* (*Hon. G.B. Ashman*).

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

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* * * *

COMMITTEES

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CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

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STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

Thursday, 13 May 1993

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

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ADJOURNMENT OF BILLS [Effective until 30 June 1993]

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LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 25

Friday, 14 May 1993

Mr. President takes the Chair at 10.00 a.m.

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- *1 SENTENCING (AMENDMENT) BILL — (*from Assembly — Hon. Haddon Storey*) — Second reading.
- *2 BUSINESS FRANCHISE (PETROLEUM PRODUCTS) (AMENDMENT) BILL — (*from Assembly — Hon. W.R. Baxter*) — Second reading.
- *3 ACCIDENT COMPENSATION (WORKCOVER INSURANCE) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading.
- 4 LEGAL PROFESSION PRACTICE (GUARANTEE FUND) BILL — (*Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (*Hon. B.T. Pullen*).
- 5 ESTATE AGENTS (AMENDMENT) BILL — (*Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (*Hon. B.T. Pullen*).
- 6 LAND (AMENDMENT) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate.* (*Hon. D.R. White*).
- 7 ETHNIC AFFAIRS COMMISSION BILL — (*from Assembly — Hon. M.A. Birrell*) — Second reading — *Resumption of debate.* (*Hon. C.J. Hogg*).
- 8 POLICE REGULATION (DISCIPLINE) BILL — (*from Assembly — Hon. W.R. Baxter*) — Second reading — *Resumption of debate.* (*Hon. B.E. Davidson*).
- 9 LAND (MISCELLANEOUS MATTERS) BILL — (*from Assembly — Hon. M.A. Birrell*) — Second reading — *Resumption of debate.* (*Hon. B.T. Pullen*).
- 10 EGG INDUSTRY (DEREGULATION) BILL — (*from Assembly — Hon. W.R. Baxter*) — Second reading — *Resumption of debate.* (*Hon. C.J. Hogg*).
- 11 CASINO CONTROL (AMENDMENT) BILL — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (*Hon. D.R. White*).
- 12 STATE DEFICIT LEVY (AMENDMENT) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate.* (*Hon. D.R. White*).

- ‡13 **APPROPRIATION (1992-93) BILL** — (from Assembly — Hon. R.M. Hallam) — Second reading — *Resumption of debate.* (Hon. D.R. White).
- ‡14 **SUPPLY (1993-94, No. 1) BILL** — (from Assembly — Hon. R.M. Hallam) — Second reading — *Resumption of debate.* (Hon. D.R. White).
- ‡15 **TREASURER'S STATEMENT OF 6 APRIL 1993 AND RELATED PAPERS ON VICTORIA'S FINANCES** — Motion to take note of papers — (Hon. R.M. Hallam) — *Resumption of debate.* (Hon. R.S. de Fegely).
- ‡16 **APPROPRIATION (PARLIAMENT 1992-93) BILL** — (from Assembly — Hon. R.M. Hallam) — Second reading — *Resumption of debate.* (Hon. D.R. White).
- ‡17 **SUPPLY (PARLIAMENT 1993-94, No. 1) BILL** — (from Assembly — Hon. R.M. Hallam) — Second reading — *Resumption of debate.* (Hon. D.R. White).
- 18 **INSTITUTE OF EDUCATIONAL ADMINISTRATION (REPEAL) BILL** — (from Assembly — Hon. Haddon Storey) — Second reading — *Resumption of debate.* (Hon. C.J. Hogg).
- 19 **STATE ELECTRICITY COMMISSION — PUBLIC BODIES REVIEW COMMITTEE'S RECOMMENDATIONS — MESSAGE OF THE ASSEMBLY** — To be considered.
- *20 **FUNERALS (PRE-PAID MONEY) BILL — AMENDMENTS OF THE ASSEMBLY** — To be considered.
- 21 **INTERPRETATION OF LEGISLATION (AMENDMENT) BILL** — (from Assembly — Hon. Haddon Storey) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).
- 22 **STATEMENT OF 28 OCTOBER 1992 ON VICTORIA'S FINANCIAL MANAGEMENT STRATEGY** — To be considered.

GENERAL BUSINESS

NOTICES OF MOTION

- 1 **THE HON. D.R. WHITE** — To move, That this House condemns the Government for its hasty introduction of ill considered, poorly drafted and divisive legislation that it intends to pass by ambushing the people of Victoria instead of allowing time for community consultation and scrutiny.
- 2 **THE HON. D.M. EVANS** — To move, That the Council take note of the report of the Auditor-General on Salinity, March 1993.
- 3 **THE HON. D.T. WALPOLE** — To move, That this House condemns the Government for its gross mishandling of industrial relations which has led to the highest level of industrial disputes for 12 years, provided a vehicle for employers to seek to exploit workers, and for seeking to prevent Victorian workers obtaining the protection of Federal Awards.

‡ Cognate matters — To be debated concurrently pursuant to Order of the Council on 12 May 1993.

‡ Cognate Bills — Second reading to be debated concurrently pursuant to Order of the Council on 12 May 1993.

Friday, 14 May 1993

ORDERS OF THE DAY

- 1 LOCAL GOVERNMENT BOARD — MINISTER'S ANSWER TO QUESTION WITHOUT NOTICE, 6 NOVEMBER 1992 — To be considered.
- 2 PUBLIC SECTOR SUPERANNUATION — Motion to take note of document prepared by the Hon. I.W. Smith, MP, Minister for Finance, 7 April 1993 — (*Hon. D.R. White*) — *Resumption of debate.* (*Hon. Rosemary Varty*).
- 3 STATE SCHOOL CLEANERS — Motion condemning Government for treatment of cleaners before, and on, 31 December 1992 and consequent extra workload and responsibilities imposed on teachers, students and parents — (*Hon. D.A. Nardella*) — *Resumption of debate.* (*Hon. C.J. Hogg*).
- 4 ROAD FUNDS FUEL LEVY — Motion for Trust Fund money derived from 3 cent levy on fuel to be dedicated to stage one of Western Bypass and the Domain tunnel, and for remaining funds to be applied to certain major State arterial roads and, further, that introduction of the tax not proceed until such a commitment is made — (*Hon. D.R. White*) — *Resumption of debate.* (*Hon. G.B. Ashman*).

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

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COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis, B.W. Mier and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (ex-officio), R.A. Best, L. Kokocinski, B.A.E. Skeggs, D.A. Nardella and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING — The Honourables the President, B.W. Bishop, G.H. Cox, B.W. Mier, D.A. Nardella, B.A.E. Skeggs and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables A.R. Brideson, B.W. Bishop, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE (JOINT) — The Honourables L. Asher, J.M. Brumby and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

Friday, 14 May 1993

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 28 October 1992 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday	—	2.30 p.m.
Wednesday	—	10.00 a.m.
Thursday	—	10.00 a.m.

Business to take precedence—

Tuesday	—	Government business.
Wednesday	—	General business (until 2.00 p.m.).
Thursday	—	Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

†No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 27 October 1992, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

ADJOURNMENT OF BILLS [Effective until 30 June 1993]

By resolution of the Council on 16 March 1993 (*as subsequently amended on 11 May 1993*) where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 20 May 1993, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in August 1993: Provided that any Bill transmitted from the Legislative Assembly which is in the hands of the Clerk no later than 10.00 a.m. on 21 May 1993 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS

Nos. 23, 24, 25 and 26

No. 23 — Tuesday, 11 May 1993

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The Honourable M.A. Birrell presented Messages from His Excellency 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 4 May 1993 -
 - Barley Marketing Act*
 - Financial Institutions Duty (Amendment) Act*
 - Pay-roll Tax (Amendment) Act.*
 - On 11 May 1993 -
 - Children and Young Persons (Further Amendment) Act*
 - Corrections (Management) Act*
 - Evidence (Unsworn Evidence) Act*
 - Subordinate Legislation (Amendment) Act*
 - Vocational Education and Training (College Employment) Act*
 - Commercial Arbitration (Amendment) Act.*
- 3 **CASINO CONTROL (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Casino Control Act 1991' and the 'Gaming Machine Control Act 1991' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **GAMING MACHINE CONTROL (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Gaming Machine Control Act 1991' and the 'Casino Control Act 1991' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 5 **APPROPRIATION (1992-93) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to appropriate certain sums out of the Consolidated Fund by programs for recurrent services and for certain works and purposes for the financial year 1992-93 and to appropriate the supplies granted for recurrent services and for certain works and purposes under the 'Appropriation (Interim Provision 1992-93) Act 1992' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 6 **SUPPLY (1993-94, NO. 1) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to make interim provision for the appropriation of moneys out of the Consolidated Fund for recurrent services and for certain works and purposes for the financial year 1993-94*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 7 **BOARD OF STUDIES BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to establish the Board of Studies, to repeal the 'Victorian Curriculum and Assessment Board Act 1986' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 8 **APPROPRIATION (PARLIAMENT 1992-93) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to appropriate certain sums out of the Consolidated Fund by programs for recurrent services and for certain works and purposes for the financial year 1992-93 and to appropriate the supplies granted for recurrent services and for certain works and purposes under the 'Appropriation (Interim Provision, Parliament 1992-93) Act 1992' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 9 **SUPPLY (PARLIAMENT 1993-94, NO. 1) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to make interim provision for the appropriation of moneys out of the Consolidated Fund for recurrent services and for certain works and purposes for the Parliament for the financial year 1993-94*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 10 **STAMPS (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Stamps Act 1958', the 'Transport Accident Act 1986' and the 'State Taxation (Amendment) Act 1992' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 11 **ETHNIC AFFAIRS COMMISSION BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to create a new Ethnic Affairs Commission, to repeal the 'Ethnic Affairs Commission Act 1982' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable M.A. Birrell, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 12 **TERTIARY EDUCATION BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to provide for the better promotion, development and co-ordination of post-secondary education in Victoria, to abolish the Post-Secondary Education Commission, to repeal the 'Post-Secondary Education Act 1978', to amend the 'Vocational Education and Training Act 1990' and certain other Acts and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 13 **POLICE REGULATION (DISCIPLINE) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Police Regulation Act 1958' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable W.R. Baxter, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 14 **INSTITUTE OF EDUCATIONAL ADMINISTRATION (REPEAL) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to repeal the 'Institute of Educational Administration Act 1980', to make provisions concerning the assets, liabilities and staff of the Institute and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 15 **CARAVAN PARKS AND MOVABLE DWELLINGS (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Caravan Parks and Movable Dwellings Act 1988', to replace the former licencing system with a registration system, to consequentially amend the 'Local Government Act 1989' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 16 **AUDIT (TENDER BOARD) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend section 49 of the 'Audit Act 1958' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 17 **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:

Children and Young Persons (Further Amendment) Bill
Evidence (Unsworn Evidence) Bill

Subordinate Legislation (Amendment) Bill.

Acquainting the Council that they have agreed to the amendments made by the Council in the following Bills:

Commercial Arbitration (Amendment) Bill

Vocational Education and Training (College Employment) Bill.

18 **QUESTIONS** — Questions without notice were taken and answers were given to certain questions on notice pursuant to Standing Order No. 71A.

19 **ADJOURNMENT OF BILLS** — The Honourable R.I. Knowles moved, by leave, That the Order of the Council of 16 March 1993 providing for the adjournment of debate on Bills received after 13 May 1993 until the first sitting day in August 1993 be amended as follows:

(a) omit "13 May 1993" and insert "20 May 1993"; and

(b) omit "14 May 1993" and insert "21 May 1993".

Question — put and resolved in the affirmative.

20 **PETITION — HUMAN EMBRYOS** — The Honourable C.J. Hogg presented a Petition bearing 196 signatures from certain citizens of Victoria praying that legislation be passed to prohibit harmful and destructive experimentation on human embryos.

Ordered to lie on the Table.

21 **PAPERS** —

COMMISSION OF AUDIT — The Honourable R.M. Hallam moved, by leave, That there be laid before this House a copy of the Report of the Victorian Commission of Audit, Volumes 1 and 2, May 1993.

Question — put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable R.M. Hallam and ordered to lie on the Table.

* * * * *

HEALTH COMPUTING SERVICES — The Honourable R.I. Knowles moved, by leave, That there be laid before this House a copy of the Report of Health Computing Services — Victoria Limited for the year 1991-92.

Question — put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable R.I. Knowles and ordered to lie on the Table.

* * * * *

OBSTETRIC AND PAEDIATRIC MORTALITY AND MORBIDITY — The Honourable R.I. Knowles moved, by leave, That there be laid before this House a copy of the Report of the Consultative Council on Obstetric and Paediatric Mortality and Morbidity for the year 1990.

Question — put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable R.I. Knowles and ordered to lie on the Table.

* * * * *

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — The Honourable B.A.E. Skeggs presented Alert Digest No. 7 of 1993 from the Scrutiny of Acts and Regulations Committee, together with an Appendix.

Ordered to lie on the Table and to be printed.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — INTERPRETATION OF LEGISLATION ACT — The Honourable B.A.E. Skeggs presented the First Report from the Scrutiny of Acts and Regulations Committee upon the Operation of Section 32 of the *Interpretation of Legislation Act 1984*, 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:

City of Melbourne Superannuation Fund — Report, 1991-92.

Council of Adult Education — Report, 1992.

Dental Board — Report, year ended 30 September 1992 [incorporating the Report of the Specialist Practitioners Qualifications Committee].

Health Department — Report, 1991-92.

Latrobe Regional Hospital — Report, 1991-92 (two papers).

Monash University — Report of the Council, 1990, together with Statutes approved by the Governor in Council, 1990 (20 papers).

Ombudsman — Report on the Investigation of a complaint of unjust dismissal because of allegations made by facilitated communication, May 1993.

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

Alberton Planning Scheme — Amendment L25.

Bairnsdale (City) Planning Scheme — Amendments L29 and L32 Part 1.

Benalla (Shire) Planning Scheme — Amendments L11.

Berwick Planning Scheme — Amendments L54 Part 1 and L56.

Bright Planning Scheme — Amendment L14.

Brunswick Planning Scheme — Amendment L26.

Camberwell Planning Scheme — Amendment L31.

Essendon Planning Scheme — Amendments L42 and L44.

Frankston Planning Scheme — Amendment L46.

Geelong Regional Planning Scheme — Amendments L131 and R133.

Hastings Planning Scheme — Amendments L63, L75, L104 and L110.

Heidelberg Planning Scheme — Amendments L26 and L35.

Huntly Planning Scheme — Amendment L28.

Malvern Planning Scheme — Amendment L15.

Melbourne Planning Scheme — Amendment L73.

Metropolitan Region Planning Schemes — Amendment R117.

Moorabbin Planning Scheme — Amendments L23 and L29.

Myrtleford Planning Scheme — Amendment L27.

Rodney Planning Scheme — Amendment L50.

Sale Planning Scheme — Amendment L17.

South Melbourne Planning Scheme — Amendment L48.

Sunshine Planning Scheme — Amendment L55.

Statutory Rules under the following Acts of Parliament:

Drugs, Poisons and Controlled Substances Act 1981 — No. 63.

Estate Agents Act 1980 — No. 64.

Melbourne and Metropolitan Board of Works Act 1958 — No. 65.

Wildlife Act 1975 — Notices of closure of areas to hunting (Shires of Kerang and Donald) (two papers).

West Gippsland Hospital — Report, 1991-92 (two papers).

Woorayl District Memorial Hospital — Report, 1991-92 (two papers).

- 22 **STATE DEFICIT LEVY (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.
 The Honourable D.R. White moved, That the debate be now adjourned.
 Question — That the debate be now adjourned — put and resolved in the affirmative.
 Ordered — That the debate be adjourned until later this day.
- 23 **GAMING MACHINE CONTROL (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.
 The Honourable D.R. White moved, That the debate be now adjourned.
 Question — That the debate be now adjourned — put and resolved in the affirmative.
 Ordered — That the debate be adjourned until later this day.
- 24 **LAND (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.
 The Honourable D.R. White moved, That the debate be now adjourned.
 Question — That the debate be now adjourned — put and resolved in the affirmative.
 Ordered — That the debate be adjourned until later this day.
- 25 **CASINO CONTROL (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.
 The Honourable Haddon Storey made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.
 The Honourable D.R. White moved, That the debate be now adjourned.
 Question — That the debate be now adjourned — put and resolved in the affirmative.
 Ordered — That the debate be adjourned until later this day.
- 26 **STAMPS (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.
 The Honourable D.R. White moved, That the debate be now adjourned.
 Question — That the debate be now adjourned — put and resolved in the affirmative.
 Ordered — That the debate be adjourned until later this day.
- 27 **TERTIARY EDUCATION BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.
 The Honourable B.T. Pullen moved, That the debate be now adjourned.
 Question — That the debate be now adjourned — put and resolved in the affirmative.
 Ordered — That the debate be adjourned until the next day of meeting.
- 28 **APPROPRIATION (PARLIAMENT 1992-93) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.
 The Honourable D.R. White moved, That the debate be now adjourned.
 Question — That the debate be now adjourned — put and resolved in the affirmative.
 Ordered — That the debate be adjourned until later this day.

- 29 **CARAVAN PARKS AND MOVABLE DWELLINGS (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.
The Honourable P. Power moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until later this day.
- 30 **AUDIT (TENDER BOARD) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.
The Honourable D.R. White moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until later this day.
- 31 **BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 3 to 7 inclusive, be postponed until later this day.
- 32 **CITY OF GREATER GEELONG BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time, and after further debate, the question being put 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.
Ordered — That the Bill be committed to a Committee of the whole later this day.
- 33 **BUSINESS OF THE HOUSE** — The Honourable R.I. Knowles moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 10.00 p.m. during the sitting of the Council this day.
Question — put and resolved in the affirmative.
- 34 **FORESTS (S.E.A.S. SAPFOR LTD AGREEMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to ratify an agreement with S.E.A.S. Sapfor Ltd and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honourable R.I. Knowles, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 35 **DOCKLANDS AUTHORITY (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Docklands Authority Act 1991' and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honourable R.I. Knowles (for the Honourable M.A. Birrell), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 36 **LAND (MISCELLANEOUS MATTERS) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to revoke the permanent reservations of certain Crown lands, to revoke the permanent reservations and Crown grants of other lands, to amend the Crown grants of certain land, to amend the 'Land Act 1958' and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honourable R.I. Knowles (for the Honourable M.A. Birrell), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 37 **MARINE (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.
- 38 **CITY OF GREATER GEELONG BILL** — This Bill was, according to Order, committed to a Committee of the whole.
House in Committee.
The President resumed the Chair; and the Honourable D.M. Evans 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.
- 39 **JOINT STANDING ORDERS — JOINT PRINTING COMMITTEE** — The President announced the receipt of a Message from the Assembly acquainting the Council that they have concurred with the Council and have agreed to the Resolution to adopt Joint Standing Order 9A relating to the appointment of a Joint Printing Committee.
- 40 **EGG INDUSTRY (DEREGULATION) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to deregulate the egg industry, to repeal the 'Egg Industry Act 1989', to transfer the property, rights and liabilities of the Victorian Egg Marketing Board to the Egg Industry Co-operative Limited and to make various other provisions with respect to the egg industry*" and desiring the concurrence of the Council therein.
On the motion of the Honourable W.R. Baxter, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 41 **ADJOURNMENT** — The Honourable R.I. Knowles moved, That the House do now adjourn.
Debate ensued.
Question — put and resolved in the affirmative.
- And then the Council, at 11.53 p.m., adjourned until tomorrow.

A.V. BRAY
Clerk of the Legislative Council

No. 24 — Wednesday, 12 May 1993

- 1 The President took the Chair and read the Prayer.
- 2 **BUSINESS OF THE HOUSE** — The Honourable R.I. Knowles moved, by leave, That so much of the Sessional Orders be suspended until the end of May 1993 as would prevent new business being taken after 10.00 p.m. during the sitting of the Council each day.
Question — put and resolved in the affirmative.
- 3 **PAPER — AUDITOR-GENERAL** — The following paper was laid upon the Table by the Clerk pursuant to an Order of the Council on 29 October 1992:
Auditor-General — Report on Ministerial Portfolios, May 1993.

4 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 3 inclusive, be postponed until later this day.

5 **ROAD FUNDS FUEL LEVY** — The Honourable D.R. White moved, That this House is of the opinion that the 3 cent levy per litre on petrol and diesel proposed by the Government to be placed in a Trust Fund exclusively for roads be dedicated to construction of stage one of the Western Bypass and the Domain tunnel, and that the remaining funds be applied to major State arterial roads such as —

- (a) the duplication of the Calder Highway;
- (b) the Melbourne to Geelong road upgrading;
- (c) the Princes Highway east of Traralgon; and
- (d) the Springvale Bypass;

and, further, that the introduction of the tax not proceed until such a commitment is made.

The Honourable B.E. Davidson moved, as an amendment, That in paragraph (c) the word "of" be omitted with the view of inserting in place thereof "to".

Question — put and resolved in the affirmative.

Debate ensued.

General Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders, the debate stood adjourned in the name of the Honourable G.B. Ashman.

6 **APPROPRIATION (1992-93) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable D.R. White moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

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

7 **SUPPLY (1993-94, NO. 1) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable C.J Hogg (for the Honourable D.R. White) moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

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

8 **COGNATE DEBATE** — The Honourable R.M. Hallam moved, by leave, That this House authorizes and requires the Honourable the President to permit the second reading debate on the Appropriation (1992-93) Bill and the Supply (1993-94, No. 1) Bill to be taken concurrently with further debate on the motion to take note of the Treasurer's Statement of 6 April 1993 and related papers on Victoria's finances.

Question — put and resolved in the affirmative.

9 **SUPPLY (PARLIAMENT 1993-94, NO. 1) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable D.R. White moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

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

10 **COGNATE DEBATE** — The Honourable R.M. Hallam moved, by leave, That this House authorizes and requires the Honourable the President to permit the second reading

debate on the Appropriation (Parliament 1992-93) Bill and the Supply (Parliament 1993-94, No. 1) Bill to be taken concurrently.

Question — put and resolved in the affirmative.

- 11 **BOARD OF STUDIES BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.

The Honourable C.J. Hogg moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 12 **ETHNIC AFFAIRS COMMISSION BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable M.A. Birrell moved, That this Bill be now read a second time.

The Honourable C.J. Hogg moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

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

- 13 **QUESTIONS** — Questions without notice were taken and answers were given to certain questions on notice pursuant to Standing Order No. 71A.

- 14 **POLICE REGULATION (DISCIPLINE) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable W.R. Baxter moved, That this Bill be now read a second time.

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

The Honourable C.J. Hogg (for the Honourable B.E. Davidson) moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 15 **INSTITUTE OF EDUCATIONAL ADMINISTRATION (REPEAL) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.

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

The Honourable C.J. Hogg moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 16 **FORESTS (S.E.A.S. SAPPOR LTD AGREEMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable M.A. Birrell moved, That this Bill be now read a second time.

The Honourable B.T. Pullen moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 17 **DOCKLANDS AUTHORITY (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable M.A. Birrell moved, That this Bill be now read a second time.

The Honourable C.J. Hogg (for the Honourable D.R. White) moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 18 **LAND (MISCELLANEOUS MATTERS) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable M.A. Birrell moved, That this Bill be now read a second time.

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

The Honourable B.T. Pullen moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 19 **EGG INDUSTRY (DEREGULATION) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable W.R. Baxter moved, That this Bill be now read a second time.

The Honourable C.J. Hogg moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 20 **HEALTH AND COMMUNITY SERVICES (GENERAL AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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.

House in Committee.

The President resumed the Chair; and the Honourable D.M. Evans having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon 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 transmitted to the Assembly with a Message desiring their concurrence therein.

- 21 **BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 13 and 14, be postponed until later this day.

- 22 **LAND TAX (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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.

- 23 **TREASURY CORPORATION OF VICTORIA (DEBT CENTRALISATION) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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.

- 24 **AUDIT (TENDER BOARD) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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.
- 25 **MEAT INDUSTRY BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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.
- 26 **STAMPS (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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.
- 27 **BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 18 and 19, be postponed until later this day.
- 28 **TERTIARY EDUCATION BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —
Debate resumed.
Question — put.
The Council divided.

AYES, 26

The Hon. L. Asher (*Teller*)
G.B. Ashman
B.N. Atkinson
W.R. Baxter
R.A. Best (*Teller*)
M.A. Birrell
B.W. Bishop
R.H. Bowden
A.R. Brideson
G.P. Connard
G.H. Cox
G.R. Craige
P.R. Davis
R.S. de Fegely
D.M. Evans
W. Forwood
J.V.C. Guest
P.R. Hall
R.M. Hallam
R.I. Knowles
B.A.E. Skeggs
K.M. Smith

NOES, 11

The Hon. B.E. Davidson
D.E. Henshaw
C.J. Hogg
R.S. Ives
L. Kokocinski
J. McLean (*Teller*)
B.W. Mier
D.A. Nardella
P. Power
B.T. Pullen
D.T. Walpole (*Teller*)

Haddon Storey
C.A. Strong
Rosemary Varty
Sue deC. Wilding

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 Honourable D.M. Evans 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.

- 29 **CARAVAN PARKS AND MOVABLE DWELLINGS (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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.

- 30 **CRIMES (HIV) BILL** — The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to this Bill without amendment.

- 31 **ADJOURNMENT** — The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 11.47 p.m., adjourned until tomorrow.

A.V. BRAY
Clerk of the Legislative Council

No. 25 — Thursday, 13 May 1993

- 1 The President took the Chair and read the Prayer.
- 2 **BUSINESS FRANCHISE (PETROLEUM PRODUCTS) (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Business Franchise (Petroleum Products) Act 1979' and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honourable R.M. Hallam (for the Honourable W.R. Baxter), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 3 **ACCIDENT COMPENSATION (WORKCOVER INSURANCE) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to require compulsory WorkCover insurance for employers and to establish a WorkCover insurance system, to generally amend the 'Accident Compensation Act*

1985' and the 'Workers Compensation Act 1958' and to make minor amendments to the 'Stamps Act 1958' and the 'Accident Compensation (WorkCover) Act 1992' and for other purposes" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message 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 —

LOCAL GOVERNMENT (REPORTING AND ACCOUNTING) REGULATIONS 1992 —

The Honourable R.M. Hallam moved, by leave, That, pursuant to section 32 (7) (a) of the *Interpretation of Legislation Act 1984*, there be laid before this House by the Minister for Local Government copies of the documents identified in Appendix 1 of the First Report of the Scrutiny of Acts and Regulations Committee on the Operation of Section 32 of the *Interpretation of Legislation Act 1984* concerning the Local Government (Reporting and Accounting) Regulations 1992 (Statutory Rule No. 276 of 1992), which Report was tabled in this House on 11 May 1993.

Question — put and resolved in the affirmative.

The said documents were thereupon presented by the Honourable R.M. Hallam and ordered to lie on the Table.

* * * * *

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — The Honourable B.A.E. Skeggs presented Alert Digest No. 8 of 1993 from the Scrutiny of Acts and Regulations Committee, together with an Appendix and Submissions.

Ordered to lie on the Table and the Report and Appendix 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:

Dried Fruits Board — Report, 1992.

Yarra Bend Park Trust — Report, 1991-92.

- 5 **BOARD OF STUDIES BILL —** The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —
Debate resumed.

Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders —

- 6 **QUESTIONS —** Questions without notice were taken and an answer was given to a question on notice pursuant to Standing Order No. 71A.

- 7 **BOARD OF STUDIES 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 Honourable D.M. Evans 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.

- 8 **SENTENCING (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to increase penalties for serious sexual offenders and serious violent offenders, to empower courts to impose indefinite sentences on persons convicted of serious offences, to make certain other amendments to the 'Sentencing Act 1991', to repeal the 'Community Protection Act 1990', to amend the Crimes Act 1958' and certain other Acts and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 9 **GAMING MACHINE CONTROL (AMENDMENT) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

The Honourable B.W. Mier 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 redrafted so as to allow the Gaming Commission to declare that the amounts payable under section 136 of the *Gaming Machine Control Act 1991* by certain gaming machine operators holding a general licence, are to be paid as if they are holders of a club licence."

Debate ensued.

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

The Council divided.

AYES, 25

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson (*Teller*)
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood (*Teller*)
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

NOES, 10

The Hon. J.M. Brumby
 B.E. Davidson
 D.E. Henshaw (*Teller*)
 C.J. Hogg
 R.S. Ives (*Teller*)
 L. Kokocinski
 B.W. Mier
 P. Power
 B.T. Pullen
 D.R. White

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

Question — That this 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 Honourable D.M. Evans 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 **FUNERALS (PRE-PAID MONEY)** — The President announced the receipt of a Message from the Assembly returning this Bill and acquainting the Council that they have agreed to the same with amendments, and desiring the concurrence of the Council therein.

Ordered — That the amendments be taken into consideration on the next day of meeting.

- 11 **MURRAY-DARLING BASIN BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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, 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 **BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 4 and 5, be postponed until later this day.

- 13 **FORESTS (S.E.A.S. SAPFOR LTD AGREEMENT) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

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

FRIDAY, 14 MAY 1993

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 **DOCKLANDS AUTHORITY (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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 **ADJOURNMENT** — The Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until this day at 10.00 a.m.

Question — put and resolved in the affirmative.

The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 12.21 a.m., adjourned until this day at 10.00 a.m.

A.V. BRAY
Clerk of the Legislative Council

No. 26 — Friday, 14 May 1993

- 1 The President took the Chair and read the Prayer.
- 2 **PETITION — STATE DEFICIT LEVY** — The Honourable B.W. Mier presented a Petition bearing 190 signatures from certain citizens of Victoria praying for the immediate withdrawal of the State Deficit Levy.
Ordered to lie on the Table.
- 3 **PAPERS —**
WORKCOVER AUTHORITY — The Honourable R.M. Hallam moved, by leave, That there be laid before this House a copy of the Report and financial statements of the WorkCover Authority for the quarter ending 31 March 1993, given to Mr. President pursuant to section 38 of the *Accident Compensation Act 1985*.
Question — put and resolved in the affirmative.
The said report was thereupon presented by the Honourable R.M. Hallam 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:
Flora and Fauna Guarantee Act 1988 — Order in Council of 6 May 1993 adding items to Schedule 2 — List of Taxa and Communities of Flora or Fauna which are threatened, and Schedule 3 — List of Potentially threatening processes.
Legal Profession Practice Act 1958 — Amendment to By-law 86A of the Law Institute of Victoria.
State Employees Retirement Benefits Fund — Triennial Actuarial Investigation as at 30 June 1992.
- 4 **BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 1, be postponed until later this day.
- 5 **BUSINESS FRANCHISE (PETROLEUM PRODUCTS) (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable W.R. Baxter moved, That this Bill be now read a second time.
The Honourable B.E. Davidson moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until later this day.
- 6 **ACCIDENT COMPENSATION (WORKCOVER INSURANCE) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.
The Honourable D.R. White (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.
 Ordered — That the debate be adjourned until later this day.

- 7 **PAPER — SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — By leave, the Honourable B.A.E. Skeggs presented Alert Digest No. 8 of 1993 from the Scrutiny of Acts and Regulations Committee, together with an Appendix and Submissions [*in lieu of that tabled on 13 May 1993*].

Ordered to lie on the Table and the Report and Appendix to be printed.

- 8 **BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 4, be postponed until later this day.

- 9 **ESTATE AGENTS (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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 Honourable J.V.C. Guest having reported that the Committee had agreed to the Bill with an amendment, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, 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 therein.

- 10 **BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 6, be postponed until later this day.

- 11 **ETHNIC AFFAIRS COMMISSION BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time — Debate resumed.

The Honourable C.J. Hogg 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 redrafted to provide for the appointment and payment of -

- (a) a full-time chairperson and deputy chairperson; and
- (b) such officers and employees as are necessary for the proper functioning of the Commission."

Debate ensued.

Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders —

- 12 **QUESTIONS** — Questions without notice were taken and an answer was given to a question on notice pursuant to Standing Order No. 71A.

- 13 **ETHNIC AFFAIRS COMMISSION BILL** —

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

AYES, 26

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell

NOES, 11

The Hon. J.M. Brumby (*Teller*)
 B.E. Davidson
 D.E. Henshaw
 C.J. Hogg
 L. Kokocinski (*Teller*)
 J. McLean

B.W. Bishop
 R.H. Bowden (*Teller*)
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 R.S. de Fegely
 D.M. Evans
 W. Forwood
 J.V.C. Guest (*Teller*)
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Sue deC. Wilding

B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen
 D.R. White

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

Question — That this 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 LEGAL PROFESSION PRACTICE (GUARANTEE FUND) BILL — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

The Honourable B.T. Pullen moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this House declines to read this Bill a second time until the Law Reform Committee of the Parliament has inquired into and reported upon the most appropriate way of funding law reform and, in particular, the operation of a Law Reform Account as part of the Solicitors Guarantee Fund."

Debate ensued.

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

AYES, 24

The Hon. L. Asher
 G.B. Ashman (*Teller*)
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop

NOES, 10

The Hon. J.M. Brumby
 B.E. Davidson
 D.E. Henshaw (*Teller*)
 L. Kokocinski
 J. McLean
 B.W. Mier
 D.A. Nardella

R.H. Bowden
 A.R. Brideson (*Teller*)
 G.P. Connard
 G.H. Cox
 G.R. Craige
 R.S. de Fegely
 W. Forwood
 J.V.C. Guest
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Sue deC. Wilding

P. Power (*Teller*)
 B.T. Pullen
 D.R. White

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

Question — That this 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 Honourable D.M. Evans having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, 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 therein.

- 15 **EDUCATION ACTS (TEACHERS) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to make further provision for the employment of members of the teaching service, to establish a Standards Council of the Teaching Profession and Merit Protection Boards, to amend the 'Education Act 1958' and the 'Teaching Service Act 1981' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 16 **LAND (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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 **BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 8, be postponed until later this day.

- 18 **LAND (MISCELLANEOUS MATTERS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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, 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.

19 **RESIDENTIAL TENANCIES (WATER AND UTILITIES CHARGES) BILL** — The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to this Bill without amendment.

20 **LOCAL GOVERNMENT (GENERAL AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Local Government Act 1989', the 'Local Government (Miscellaneous) Act 1958', the 'Local Government (Elections) Act 1992', the 'Local Government (Consequential Provisions) Act 1989', the 'Weights and Measures Act 1958' and the 'Municipal Association of Victoria Act 1907' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles (for the Honourable R.M. Hallam), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

21 **BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 10 to 19 inclusive, be postponed until the next day of meeting.

22 **FUNERALS (PRE-PAID MONEY) BILL** — The Order of the Day having been read for the consideration of the amendments made by the Assembly in this Bill, the said amendments were read and are as follows:

1. Clause 3, line 21, after "investment" insert "or an interest in an investment".
2. Clause 3, page 3, lines 22 to 27, omit all words and expressions on these lines and insert -
 - "(a) a reference to money paid in respect of a pre-paid funeral contract includes a reference to money paid in respect of any investment the assignment or transfer of which, or the assignment or transfer of an interest in which, or the promise of the assignment or transfer of which, or the promise of the assignment or transfer of an interest in which forms the consideration or part of the consideration for the contract; and"
3. Clause 3, page 4, after line 6 insert -
 - "and
 - (d) in the case of an agreement or arrangement under which a funeral service is or was to be supplied or arranged to be supplied in respect of the first person to die of two or more named persons -
 - (i) a reference to the death of the person in respect of whom a funeral or funeral service is or was to be supplied (however expressed) is a reference to the death of the first of those named persons to die; and
 - (ii) a reference to an investment or payment being made or having been made in the name of the person in respect of whom a funeral or funeral service is to be supplied (however expressed) is a reference to an investment or payment being made or having been made in the names of each of those named persons in the alternative."
4. Clause 5, page 5, line 24, after "investment" insert "or an interest in an investment".
5. Clause 5, page 5, line 27, after "be" insert "made or to have been made".
6. Clause 7, lines 15 to 19, omit all words and expressions on these lines and insert -

"() A funeral organiser must ensure that any investment or payment under section 6 is made -

- (a) if the money is paid to the funeral organiser in cash, before the end of the third business day; and
- (b) if the money is paid to the funeral organiser otherwise than in cash, before the end of the seventh business day -

after the money is received by the funeral organiser or by any agent or associate of the funeral organiser."

7. Clause 7, line 21, omit "14" and insert "21".
8. Clause 11, line 7, after "be" insert "or may be".
9. Clause 14, page 13, line 34, after "investment" insert "or any interest in an investment".
10. Clause 14, page 13, line 36, after "investment" insert "or an interest in an investment".
11. Clause 24, line 36, after "investment" (where first occurring) insert "or of an interest in an investment".
12. Clause 24, page 18, line 2, after "is" insert "made".
13. Clause 24, page 18, line 12, omit "14" and insert "21".

On the motion of the Honourable R.I. Knowles, and after debate, the Council agreed to the amendments made by the Assembly in this Bill and ordered that a Message be sent to the Assembly acquainting them therewith.

23 SENTENCING (AMENDMENT) BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.

The Honourable B.T. Pullen moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

24 ADJOURNMENT — The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 5.40 p.m., adjourned until Tuesday next.

A.V. BRAY
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 26

Tuesday, 18 May 1993

Mr. President takes the Chair at 2.30 p.m.

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- *1 EDUCATION ACTS (TEACHERS) BILL — (*from Assembly — Hon. Haddon Storey*) — Second reading.
- *2 LOCAL GOVERNMENT (GENERAL AMENDMENT) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading.
- 3 BUSINESS FRANCHISE (PETROLEUM PRODUCTS) (AMENDMENT) BILL — (*from Assembly — Hon. W.R. Baxter*) — Second reading — *Resumption of debate.* (Hon. B.E. Davidson).
- 4 EGG INDUSTRY (DEREGULATION) BILL — (*from Assembly — Hon. W.R. Baxter*) — Second reading — *Resumption of debate.* (Hon. C.J. Hogg).
- 5 POLICE REGULATION (DISCIPLINE) BILL — (*from Assembly — Hon. W.R. Baxter*) — Second reading — *Resumption of debate.* (Hon. B.E. Davidson).
- 6 ACCIDENT COMPENSATION (WORKCOVER INSURANCE) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate.* (Hon. T.C. Theophanous).
- 7 CASINO CONTROL (AMENDMENT) BILL — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (Hon. D.R. White).
- 8 STATE DEFICIT LEVY (AMENDMENT) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate.* (Hon. D.R. White).
- 9 INSTITUTE OF EDUCATIONAL ADMINISTRATION (REPEAL) BILL — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (Hon. C.J. Hogg).
- 10 SENTENCING (AMENDMENT) BILL — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).
- †11 APPROPRIATION (1992-93) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate.* (Hon. D.R. White).

* Indicates new entry.

† Cognate matters — To be debated concurrently pursuant to Order of the Council on 12 May 1993.

- ‡12 SUPPLY (1993-94, No. 1) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. D.R. White).
- ‡13 TREASURER'S STATEMENT OF 6 APRIL 1993 AND RELATED PAPERS ON VICTORIA'S FINANCES — Motion to take note of papers — (Hon. R.M. Hallam) — Resumption of debate. (Hon. R.S. de Fegely).
- ‡14 APPROPRIATION (PARLIAMENT 1992-93) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. D.R. White).
- ‡15 SUPPLY (PARLIAMENT 1993-94, No. 1) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. D.R. White).
- 16 STATE ELECTRICITY COMMISSION — PUBLIC BODIES REVIEW COMMITTEE'S RECOMMENDATIONS — MESSAGE OF THE ASSEMBLY — To be considered.
- 17 INTERPRETATION OF LEGISLATION (AMENDMENT) BILL — (from Assembly — Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. B.T. Pullen).
- 18 STATEMENT OF 28 OCTOBER 1992 ON VICTORIA'S FINANCIAL MANAGEMENT STRATEGY — To be considered.

GENERAL BUSINESS

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Government for its hasty introduction of ill considered, poorly drafted and divisive legislation that it intends to pass by ambushing the people of Victoria instead of allowing time for community consultation and scrutiny.
- 2 THE HON. D.M. EVANS — To move, That the Council take note of the report of the Auditor-General on Salinity, March 1993.
- 3 THE HON. D.T. WALPOLE — To move, That this House condemns the Government for its gross mishandling of industrial relations which has led to the highest level of industrial disputes for 12 years, provided a vehicle for employers to seek to exploit workers, and for seeking to prevent Victorian workers obtaining the protection of Federal Awards.

ORDERS OF THE DAY

- 1 LOCAL GOVERNMENT BOARD — MINISTER'S ANSWER TO QUESTION WITHOUT NOTICE, 6 NOVEMBER 1992 — To be considered.
- 2 PUBLIC SECTOR SUPERANNUATION — Motion to take note of document prepared by the Hon. I.W. Smith, MP, Minister for Finance, 7 April 1993 — (Hon. D.R. White) — Resumption of debate. (Hon. Rosemary Varty).
- 3 STATE SCHOOL CLEANERS — Motion condemning Government for treatment of cleaners before, and on, 31 December 1992 and consequent extra workload and

Tuesday, 18 May 1993

responsibilities imposed on teachers, students and parents — (Hon. D.A. Nardella)
— *Resumption of debate.* (Hon. C.J. Hogg).

- 4 ROAD FUNDS FUEL LEVY — Motion for Trust Fund money derived from 3 cent levy on fuel to be dedicated to stage one of Western Bypass and the Domain tunnel, and for remaining funds to be applied to certain major State arterial roads and, further, that introduction of the tax not proceed until such a commitment is made — (Hon. D.R. White) — *Resumption of debate.* (Hon. G.B. Ashman).

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

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COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis, B.W. Mier and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (ex-officio), R.A. Best, L. Kokocinski, B.A.E. Skeggs, D.A. Nardella and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING — The Honourables the President, B.W. Bishop, G.H. Cox, B.W. Mier, D.A. Nardella, B.A.E. Skeggs and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables A.R. Brideson, B.W. Bishop, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE (JOINT) — The Honourables L. Asher, J.M. Brumby and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

Tuesday, 18 May 1993

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 28 October 1992 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday	—	2.30 p.m.
Wednesday	—	10.00 a.m.
Thursday	—	10.00 a.m.

Business to take precedence—

Tuesday	—	Government business.
Wednesday	—	General business (until 2.00 p.m.).
Thursday	—	Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

†No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 27 October 1992, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

ADJOURNMENT OF BILLS [Effective until 30 June 1993]

By resolution of the Council on 16 March 1993 (*as subsequently amended on 11 May 1993*) where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 20 May 1993, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in August 1993: Provided that any Bill transmitted from the Legislative Assembly which is in the hands of the Clerk no later than 10.00 a.m. on 21 May 1993 may be taken through all stages.

† Suspended on 12 May 1993 until the end of May 1993.

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 27

Wednesday, 19 May 1993

Mr. President takes the Chair at 10.00 a.m.

GENERAL BUSINESS

[To take precedence until 2.00 p.m.]

NOTICES OF MOTION

- 1 **THE HON. D.R. WHITE** — To move, That this House condemns the Government for its hasty introduction of ill considered, poorly drafted and divisive legislation that it intends to pass by ambushing the people of Victoria instead of allowing time for community consultation and scrutiny.
- 2 **THE HON. D.M. EVANS** — To move, That the Council take note of the report of the Auditor-General on Salinity, March 1993.
- 3 **THE HON. D.T. WALPOLE** — To move, That this House condemns the Government for its gross mishandling of industrial relations which has led to the highest level of industrial disputes for 12 years, provided a vehicle for employers to seek to exploit workers, and for seeking to prevent Victorian workers obtaining the protection of Federal Awards.

ORDERS OF THE DAY

- 1 **LOCAL GOVERNMENT BOARD — MINISTER'S ANSWER TO QUESTION WITHOUT NOTICE, 6 NOVEMBER 1992** — To be considered.
- 2 **PUBLIC SECTOR SUPERANNUATION** — Motion to take note of document prepared by the Hon. I.W. Smith, MP, Minister for Finance, 7 April 1993 — (*Hon. D.R. White*) — *Resumption of debate.* (*Hon. Rosemary Varty*).
- 3 **STATE SCHOOL CLEANERS** — Motion condemning Government for treatment of cleaners before, and on, 31 December 1992 and consequent extra workload and responsibilities imposed on teachers, students and parents — (*Hon. D.A. Nardella*) — *Resumption of debate.* (*Hon. C.J. Hogg*).
- 4 **ROAD FUNDS FUEL LEVY** — Motion for Trust Fund money derived from 3 cent levy on fuel to be dedicated to stage one of Western Bypass and the Domain tunnel, and for remaining funds to be applied to certain major State arterial roads and, further, that introduction of the tax not proceed until such a commitment is made — (*Hon. D.R. White*) — *Resumption of debate.* (*Hon. G.B. Ashman*).

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- *1 CROWN LAND ACTS (AMENDMENT) BILL — (from Assembly — Hon. M.A. Birrell) — Second reading.
- *2 VICTORIAN PLANTATIONS CORPORATION BILL — (from Assembly — Hon. M.A. Birrell) — Second reading.
- *3 CRIMES (CRIMINAL TRIALS) BILL— (from Assembly — Hon. Haddon Storey) — Second reading.
- *4 SUBDIVISION (AMENDMENT) BILL — (from Assembly — Hon. R.I Knowles) — Second reading.
- 5 STATE DEFICIT LEVY (AMENDMENT) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. D.R. White).
- 6 LOCAL GOVERNMENT (GENERAL AMENDMENT) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. P. Power).
- 7 POLICE REGULATION (DISCIPLINE) BILL — (from Assembly — Hon. W.R. Baxter) — To be further considered in Committee.
- 8 BUSINESS FRANCHISE (PETROLEUM PRODUCTS) (AMENDMENT) BILL — (from Assembly — Hon. W.R. Baxter) — Second reading — Resumption of debate. (Hon. B.E. Davidson).
- 9 INSTITUTE OF EDUCATIONAL ADMINISTRATION (REPEAL) BILL — (from Assembly — Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. C.J. Hogg).
- 10 EGG INDUSTRY (DEREGULATION) BILL — (from Assembly — Hon. W.R. Baxter) — Second reading — Resumption of debate. (Hon. C.J. Hogg).
- 11 ACCIDENT COMPENSATION (WORKCOVER INSURANCE) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. T.C. Theophanous).
- 12 SENTENCING (AMENDMENT) BILL — (from Assembly — Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. B.T. Pullen).
- 13 EDUCATION ACTS (TEACHERS) BILL — (from Assembly — Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. C.J. Hogg).
- 14 STATE ELECTRICITY COMMISSION — PUBLIC BODIES REVIEW COMMITTEE'S RECOMMENDATIONS — MESSAGE OF THE ASSEMBLY — To be considered.
- ‡15 APPROPRIATION (1992-93) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. D.R. White).

*Indicates new entry.

‡Cognate matters — To be debated concurrently pursuant to Order of the Council on 12 May 1993.

Wednesday, 19 May 1993

- ‡16 SUPPLY (1993-94, No. 1) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. D.R. White).
- ‡17 TREASURER'S STATEMENT OF 6 APRIL 1993 AND RELATED PAPERS ON VICTORIA'S FINANCES — Motion to take note of papers — (Hon. R.M. Hallam) — Resumption of debate. (Hon. R.S. de Fegely).
- ‡18 APPROPRIATION (PARLIAMENT 1992-93) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. D.R. White).
- ‡19 SUPPLY (PARLIAMENT 1993-94, No. 1) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. D.R. White).
- 20 INTERPRETATION OF LEGISLATION (AMENDMENT) BILL — (from Assembly — Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. B.T. Pullen).
- 21 STATEMENT OF 28 OCTOBER 1992 ON VICTORIA'S FINANCIAL MANAGEMENT STRATEGY — To be considered.

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

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COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis, B.W. Mier and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (ex-officio), R.A. Best, L. Kokocinski, B.A.E. Skeggs, D.A. Nardella and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING — The Honourables the President, B.W. Bishop, G.H. Cox, B.W. Mier, D.A. Nardella, B.A.E. Skeggs and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables A.R. Brideson, B.W. Bishop, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE (JOINT) — The Honourables L. Asher, J.M. Brumby and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

Wednesday, 19 May 1993

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

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Thursday	—	10.00 a.m.

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Wednesday	—	General business (until 2.00 p.m.).
Thursday	—	Government business.

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†No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 27 October 1992, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

ADJOURNMENT OF BILLS [Effective until 30 June 1993]

By resolution of the Council on 16 March 1993 (*as subsequently amended on 11 May 1993*) where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 20 May 1993, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in August 1993: Provided that any Bill transmitted from the Legislative Assembly which is in the hands of the Clerk no later than 10.00 a.m. on 21 May 1993 may be taken through all stages.

† Suspended on 12 May 1993 until the end of May 1993.

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 28

Thursday, 20 May 1993

Mr. President takes the Chair at 10.00 a.m.

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- *1 FREEDOM OF INFORMATION (AMENDMENT) BILL — (*from Assembly — Hon. Haddon Storey*) — Second reading.
- 2 LOCAL GOVERNMENT (GENERAL AMENDMENT) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate.* (Hon. P. Power).
- 3 SENTENCING (AMENDMENT) BILL — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).
- 4 BUSINESS FRANCHISE (PETROLEUM PRODUCTS) (AMENDMENT) BILL — (*from Assembly — Hon. W.R. Baxter*) — Second reading — *Resumption of debate.* (Hon. B.E. Davidson).
- 5 EGG INDUSTRY (DEREGULATION) BILL — (*from Assembly — Hon. W.R. Baxter*) — Second reading — *Resumption of debate.* (Hon. C.J. Hogg).
- 6 INSTITUTE OF EDUCATIONAL ADMINISTRATION (REPEAL) BILL — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (Hon. C.J. Hogg).
- 7 CROWN LAND ACTS (AMENDMENT) BILL — (*from Assembly — Hon. M.A. Birrell*) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).
- 8 SUBDIVISION (AMENDMENT) BILL — (*from Assembly — Hon. R.I Knowles*) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).
- 9 ACCIDENT COMPENSATION (WORKCOVER INSURANCE) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate.* (Hon. T.C. Theophanous).
- 10 EDUCATION ACTS (TEACHERS) BILL — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (Hon. C.J. Hogg).
- 11 VICTORIAN PLANTATIONS CORPORATION BILL — (*from Assembly — Hon. M.A. Birrell*) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).

*Indicates new entry.

- 12 **CRIMES (CRIMINAL TRIALS) BILL**— (from Assembly — Hon. Haddon Storey) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).
- 13 **STATE ELECTRICITY COMMISSION — PUBLIC BODIES REVIEW COMMITTEE'S RECOMMENDATIONS — MESSAGE OF THE ASSEMBLY** — To be considered.
- ‡14 **APPROPRIATION (1992-93) BILL** — (from Assembly — Hon. R.M. Hallam) — Second reading — *Resumption of debate.* (Hon. D.R. White).
- ‡15 **SUPPLY (1993-94, No. 1) BILL** — (from Assembly — Hon. R.M. Hallam) — Second reading — *Resumption of debate.* (Hon. D.R. White).
- ‡16 **TREASURER'S STATEMENT OF 6 APRIL 1993 AND RELATED PAPERS ON VICTORIA'S FINANCES** — Motion to take note of papers — (Hon. R.M. Hallam) — *Resumption of debate.* (Hon. R.S. de Fegeley).
- °17 **APPROPRIATION (PARLIAMENT 1992-93) BILL** — (from Assembly — Hon. R.M. Hallam) — Second reading — *Resumption of debate.* (Hon. D.R. White).
- °18 **SUPPLY (PARLIAMENT 1993-94, No. 1) BILL** — (from Assembly — Hon. R.M. Hallam) — Second reading — *Resumption of debate.* (Hon. D.R. White).
- 19 **INTERPRETATION OF LEGISLATION (AMENDMENT) BILL** — (from Assembly — Hon. Haddon Storey) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).
- 20 **STATEMENT OF 28 OCTOBER 1992 ON VICTORIA'S FINANCIAL MANAGEMENT STRATEGY** — To be considered.

GENERAL BUSINESS

NOTICES OF MOTION

- 1 **THE HON. D.R. WHITE** — To move, That this House condemns the Government for its hasty introduction of ill considered, poorly drafted and divisive legislation that it intends to pass by ambushing the people of Victoria instead of allowing time for community consultation and scrutiny.
- 2 **THE HON. D.M. EVANS** — To move, That the Council take note of the report of the Auditor-General on Salinity, March 1993.

ORDERS OF THE DAY

- 1 **LOCAL GOVERNMENT BOARD — MINISTER'S ANSWER TO QUESTION WITHOUT NOTICE, 6 NOVEMBER 1992** — To be considered.
- 2 **PUBLIC SECTOR SUPERANNUATION** — Motion to take note of document prepared by the Hon. I.W. Smith, MP, Minister for Finance, 7 April 1993 — (Hon. D.R. White) — *Resumption of debate.* (Hon. Rosemary Varty).

‡Cognate matters — To be debated concurrently pursuant to Order of the Council on 12 May 1993.

°Cognate Bills — Second reading to be debated concurrently pursuant to Order of the Council on 12 May 1993.

- 3 STATE SCHOOL CLEANERS — Motion condemning Government for treatment of cleaners before, and on, 31 December 1992 and consequent extra workload and responsibilities imposed on teachers, students and parents — (Hon. D.A. Nardella) — *Resumption of debate.* (Hon. C.J. Hogg).
- 4 ROAD FUNDS FUEL LEVY — Motion for Trust Fund money derived from 3 cent levy on fuel to be dedicated to stage one of Western Bypass and the Domain tunnel, and for remaining funds to be applied to certain major State arterial roads and, further, that introduction of the tax not proceed until such a commitment is made — (Hon. D.R. White) — *Resumption of debate.* (Hon. G.B. Ashman).
- *5 INDUSTRIAL RELATIONS — Motion condemning Government for its gross mishandling of industrial relations and for seeking to prevent Victorian workers obtaining Federal award protection — (Hon. D.T. Walpole) — *Resumption of debate.* (Hon. B.W. Mier).

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

* * * *

COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis, B.W. Mier and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (ex-officio), R.A. Best, L. Kokocinski, B.A.E. Skeggs, D.A. Nardella and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING — The Honourables the President, B.W. Bishop, G.H. Cox, B.W. Mier, D.A. Nardella, B.A.E. Skeggs and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables A.R. Brideson, B.W. Bishop, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE (JOINT) — The Honourables L. Asher, J.M. Brumby and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 28 October 1992 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday	—	2.30 p.m.
Wednesday	—	10.00 a.m.
Thursday	—	10.00 a.m.

Business to take precedence—

Tuesday	—	Government business.
Wednesday	—	General business (until 2.00 p.m.).
Thursday	—	Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

†No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 27 October 1992, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

ADJOURNMENT OF BILLS [Effective until 30 June 1993]

By resolution of the Council on 16 March 1993 (*as subsequently amended on 11 May 1993*) where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 20 May 1993, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in August 1993: Provided that any Bill transmitted from the Legislative Assembly which is in the hands of the Clerk no later than 10.00 a.m. on 21 May 1993 may be taken through all stages.

† Suspended on 12 May 1993 until the end of May 1993.

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 29

Friday, 21 May 1993

Mr. President takes the Chair at 10.00 a.m.

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- *1 SUPERANNUATION (COMPLIANCE) BILL — (*from Assembly — Hon. R.M. Hallam*)
— Second reading.
- *2 EMERGENCY SERVICES SUPERANNUATION (SPECIAL PAYMENTS) BILL —
(*from Assembly — Hon. W.R. Baxter*) — Second reading.
- *3 RACING (AMENDMENT) BILL — (*from Assembly — Hon. W.R. Baxter*) — Second
reading.
- *4 TATTERSALL CONSULTATIONS (REPORTING) BILL — (*from Assembly — Hon.*
R.M. Hallam) — Second reading.
- *5 THE VICTORIA RACING CLUB (AMENDMENT) BILL — (*from Assembly — Hon.*
W.R. Baxter) — Second reading.
- 6 SENTENCING (AMENDMENT) BILL — (*from Assembly — Hon. Haddon Storey*) —
Motion for second reading and reasoned amendment of the Hon. B.T. Pullen —
Resumption of debate. (Hon. D.A. Nardella).
- 7 EDUCATION ACTS (TEACHERS) BILL — (*from Assembly — Hon. Haddon Storey*) —
Second reading — *Resumption of debate. (Hon. C.J. Hogg).*
- 8 BUSINESS FRANCHISE (PETROLEUM PRODUCTS) (AMENDMENT) BILL — (*from*
Assembly — Hon. W.R. Baxter) — Second reading — *Resumption of debate. (Hon.*
B.E. Davidson).
- 9 EGG INDUSTRY (DEREGULATION) BILL — (*from Assembly — Hon. W.R. Baxter*)
— Second reading — *Resumption of debate. (Hon. C.J. Hogg).*
- 10 INSTITUTE OF EDUCATIONAL ADMINISTRATION (REPEAL) BILL — (*from*
Assembly — Hon. Haddon Storey) — Second reading — *Resumption of debate.*
(Hon. C.J. Hogg).
- 11 FREEDOM OF INFORMATION (AMENDMENT) BILL — (*from Assembly — Hon.*
Haddon Storey) — Second reading — *Resumption of debate. (Hon. B.T. Pullen).*

- 12 CROWN LAND ACTS (AMENDMENT) BILL — (from Assembly — Hon. M.A. Birrell) — Second reading — Resumption of debate. (Hon. B.T. Pullen).
- 13 SUBDIVISION (AMENDMENT) BILL — (from Assembly — Hon. R.I Knowles) — Second reading — Resumption of debate. (Hon. B.T. Pullen).
- 14 ACCIDENT COMPENSATION (WORKCOVER INSURANCE) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. T.C. Theophanous).
- 15 VICTORIAN PLANTATIONS CORPORATION BILL — (from Assembly — Hon. M.A. Birrell) — Second reading — Resumption of debate. (Hon. B.T. Pullen).
- 16 CRIMES (CRIMINAL TRIALS) BILL— (from Assembly — Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. B.T. Pullen).
- *17 CLUB KENO BILL — (from Assembly — Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. D.R. White).
- 18 STATE ELECTRICITY COMMISSION — PUBLIC BODIES REVIEW COMMITTEE'S RECOMMENDATIONS — MESSAGE OF THE ASSEMBLY — To be considered.
- ‡19 APPROPRIATION (1992-93) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. D.R. White).
- ‡20 SUPPLY (1993-94, No. 1) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. D.R. White).
- ‡21 TREASURER'S STATEMENT OF 6 APRIL 1993 AND RELATED PAPERS ON VICTORIA'S FINANCES — Motion to take note of papers — (Hon. R.M. Hallam) — Resumption of debate. (Hon. R.S. de Fegely).
- ‡22 APPROPRIATION (PARLIAMENT 1992-93) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. D.R. White).
- ‡23 SUPPLY (PARLIAMENT 1993-94, No. 1) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. D.R. White).
- 24 INTERPRETATION OF LEGISLATION (AMENDMENT) BILL — (from Assembly — Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. B.T. Pullen).
- 25 STATEMENT OF 28 OCTOBER 1992 ON VICTORIA'S FINANCIAL MANAGEMENT STRATEGY — To be considered.

GENERAL BUSINESS

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Government for its hasty introduction of ill considered, poorly drafted and divisive legislation that it

‡Cognate matters — To be debated concurrently pursuant to Order of the Council on 12 May 1993.

‡Cognate Bills — Second reading to be debated concurrently pursuant to Order of the Council on 12 May 1993.

Friday, 21 May 1993

intends to pass by ambushing the people of Victoria instead of allowing time for community consultation and scrutiny.

- 2 THE HON. D.M. EVANS — To move, That the Council take note of the report of the Auditor-General on Salinity, March 1993.

ORDERS OF THE DAY

- 1 LOCAL GOVERNMENT BOARD — MINISTER'S ANSWER TO QUESTION WITHOUT NOTICE, 6 NOVEMBER 1992 — To be considered.
- 2 PUBLIC SECTOR SUPERANNUATION — Motion to take note of document prepared by the Hon. I.W. Smith, MP, Minister for Finance, 7 April 1993 — (*Hon. D.R. White*) — *Resumption of debate.* (*Hon. Rosemary Varty*).
- 3 STATE SCHOOL CLEANERS — Motion condemning Government for treatment of cleaners before, and on, 31 December 1992 and consequent extra workload and responsibilities imposed on teachers, students and parents — (*Hon. D.A. Nardella*) — *Resumption of debate.* (*Hon. C.J. Hogg*).
- 4 ROAD FUNDS FUEL LEVY — Motion for Trust Fund money derived from 3 cent levy on fuel to be dedicated to stage one of Western Bypass and the Domain tunnel, and for remaining funds to be applied to certain major State arterial roads and, further, that introduction of the tax not proceed until such a commitment is made — (*Hon. D.R. White*) — *Resumption of debate.* (*Hon. G.B. Ashman*).
- 5 INDUSTRIAL RELATIONS — Motion condemning Government for its gross mishandling of industrial relations and for seeking to prevent Victorian workers obtaining Federal award protection — (*Hon. D.T. Walpole*) — *Resumption of debate.* (*Hon. B.W. Mier*).

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

* * * *

COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis, B.W. Mier and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (ex-officio), R.A. Best, L. Kokocinski, B.A.E. Skeggs, D.A. Nardella and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING — The Honourables the President, B.W. Bishop, G.H. Cox, B.W. Mier, D.A. Nardella, B.A.E. Skeggs and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables A.R. Brideson, B.W. Bishop, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE (JOINT) — The Honourables L. Asher, J.M. Brumby and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

Friday, 21 May 1993

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 28 October 1992 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday	—	2.30 p.m.
Wednesday	—	10.00 a.m.
Thursday	—	10.00 a.m.

Business to take precedence—

Tuesday	—	Government business.
Wednesday	—	General business (until 2.00 p.m.).
Thursday	—	Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

†No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 27 October 1992, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

ADJOURNMENT OF BILLS [Effective until 30 June 1993]

By resolution of the Council on 16 March 1993 (*as subsequently amended on 11 May 1993*) where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 20 May 1993, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in August 1993: Provided that any Bill transmitted from the Legislative Assembly which is in the hands of the Clerk no later than 10.00 a.m. on 21 May 1993 may be taken through all stages.

† Suspended on 12 May 1993 until the end of May 1993.

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS

Nos. 27, 28, 29 and 30

No. 27 — Tuesday, 18 May 1993

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The Honourable M.A. Birrell presented a Message from His Excellency 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:
- City of Greater Geelong Act*
Stamps (Amendment) Act
Tertiary Education Act.
- 3 **COMPLAINT — PRIVILEGE** — The President announced that he had received a letter from the Honourable D.R. White concerning the publication on 17 May 1993 of a press report relating to the recommendations of a report of the Economic Development Committee which had not yet been tabled in the House.
- The President having determined that the matter merited precedence over other business —*
- The Honourable D.R. White moved, That, at 8.00 p.m.. this day, he be permitted to move —
- That the matters raised with Mr. President in relation to the premature publication of a recommendation contained in the interim report of the Economic Development Committee on its inquiry into the Victorian building and construction industry be referred to the Privileges Committee for inquiry and report.
- Question — put and resolved in the affirmative.
- 4 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order No. 71A.
- 5 **PAPERS** —
- AUDITOR-GENERAL** — The following paper was laid upon the Table by the Clerk pursuant to an Order of the Council on 29 October 1992:
- Auditor-General — Report on Timber Industry Strategy, May 1993.
- * * * * *
- PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:
- Aboriginal Affairs Department — Report, 15 August 1991 to 30 June 1992.
Coal Mine Workers' Pensions Tribunal — Report, 1991-92.
Monash University — Report of the Council, 1991, together with Statutes approved by the Governor in Council, 1991 (17 papers).
Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:
Arapiles Planning Scheme — Amendment L15.

Planning and Environment Act 1987 — *continued*

- Ballaarat (City) Planning Scheme — Amendment L39.
- Broadmeadows Planning Scheme — Amendments L43 and L44.
- Camberwell Planning Scheme — Amendment L33.
- Diamond Valley Planning Scheme — Amendment L42.
- Lillydale Planning Scheme — Amendments L110, L111 and L114.
- Lowan Planning Scheme — Amendment L6.
- Morwell Planning Scheme — Amendment L37.
- Oakleigh Planning Scheme — Amendment L27.
- Pakenham Planning Scheme — Amendment L54.
- Preston Planning Scheme — Amendment L42.
- Ringwood Planning Scheme — Amendment L26.
- Springvale Planning Scheme — Amendment L61.
- Waverley Planning Scheme — Amendments L38 and L39.
- Whittlesea Planning Scheme — Amendment L73.

Statutory Rules under the following Acts of Parliament:

- Cultural and Recreational Lands Act 1963 — No. 66.
- Registration of Births Deaths and Marriages Act 1959 — No. 68.
- Supreme Court Act 1986 — No. 70.

- 6 **EDUCATION ACTS (TEACHERS) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.
- The Honourable Haddon Storey made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.
- The Honourable B.T. Pullen (for the Honourable C.J. Hogg) moved, That the debate be now adjourned.
- Question — That the debate be now adjourned — put and resolved in the affirmative.
- Ordered — That the debate be adjourned until the next day of meeting.
- 7 **LOCAL GOVERNMENT (GENERAL AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.
- The Honourable R.M. Hallam made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.
- The Honourable C.J. Hogg (for the Honourable P. Power) moved, That the debate be now adjourned.
- Question — That the debate be now adjourned — put and resolved in the affirmative.
- Ordered — That the debate be adjourned until the next day of meeting.
- 8 **BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 3 and 4, be postponed until later this day.
- 9 **POLICE REGULATION (DISCIPLINE) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —
- Debate resumed.
- The Honourable J.M. Brumby moved, That the debate be now adjourned.
- Question — That the debate be now adjourned — put and resolved in the affirmative.
- Ordered — That the debate be adjourned until later this day.

10 CROWN LAND ACTS (AMENDMENT) BILL — The President announced the receipt of a Message from the Assembly transmitting a Bill for "An Act to amend the 'Land Act 1958', the 'Crown Land (Reserves) Act 1978', the 'National Parks Act 1975' and the 'Conservation, Forests and Lands Act 1987' and for other purposes" and desiring the concurrence of the Council therein.

On the motion of the Honourable M.A. Birrell, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

11 COMPLAINT — PRIVILEGE — The Honourable D.R. White moved, That the matters raised with Mr. President in relation to the premature publication of a recommendation contained in the interim report of the Economic Development Committee on its inquiry into the Victorian building and construction industry be referred to the Privileges Committee for inquiry and report.

Debate ensued.

The Honourable R.I. Knowles moved, That the question be not now put.

Debate ensued.

Question — That the question be not now put — put.

The Council divided.

AYES, 28

The Hon. L. Asher (*Teller*)
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding (*Teller*)

NOES, 13

The Hon. J.M. Brumby
 B.E. Davidson (*Teller*)
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 L. Kokocinski
 J. McLean
 B.W. Mier
 D.A. Nardella
 P. Power (*Teller*)
 B.T. Pullen
 D.T. Walpole
 D.R. White

And so it was resolved in the affirmative.

12 **VICTORIAN PLANTATIONS CORPORATION BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to confer additional functions and powers on the Victorian Plantations Corporation, a State body established under the 'State Owned Enterprises Act 1992', to make further provision for the management of plantations, to make consequential amendments to certain Acts and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable M.A. Birrell, the Bill transmitted by the foregoing Message 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. 6, be postponed until later this day.

14 **CASINO CONTROL (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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, 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 **POLICE REGULATION (DISCIPLINE) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

Question — put.

The Council divided.

AYES, 28

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan (*Teller*)
 R.I. Knowles
 B.A.E. Skeggs

NOES, 13

The Hon. J.M. Brumby
 B.E. Davidson
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 L. Kokocinski
 J. McLean
 B.W. Mier
 D.A. Nardella (*Teller*)
 P. Power
 B.T. Pullen
 D.T. Walpole (*Teller*)
 D.R. White

K.M. Smith
 Haddon Storey
 C.A. Strong (*Teller*)
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

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.

House in Committee.

And having continued to sit until after 12 midnight —

WEDNESDAY, 19 MAY 1993

The President resumed the Chair; and the Honourable D.M. Evans 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.

16 CRIMES (CRIMINAL TRIALS) BILL — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to provide for the efficient conduct of criminal trials, to amend the 'Crimes Act 1958', the 'Evidence Act 1958', the 'Judicial Proceedings Reports Act 1958' and the 'Sentencing Act 1991' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles (for the Honourable Haddon Storey), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

17 SUBDIVISION (AMENDMENT) BILL — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Subdivision Act 1988', the 'Sale of Land Act 1962' and the 'Transfer of Land Act 1958' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

18 HEALTH AND COMMUNITY SERVICES (GENERAL 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.

19 ADJOURNMENT — The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 1.05 a.m., adjourned until this day.

A.V. BRAY
 Clerk of the Legislative Council

8 **CRIMES (CRIMINAL TRIALS) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable Haddon Storey) moved, That this Bill be now read a second time.

The Honourable B.T. Pullen moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

9 **SUBDIVISION (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.

The Honourable B.T. Pullen moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

10 **STATE DEFICIT LEVY (AMENDMENT) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders —

11 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order No. 71A.

12 **STATE DEFICIT LEVY (AMENDMENT) 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, 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 **BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 6, be postponed until later this day.

14 **POLICE REGULATION (DISCIPLINE) 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 Honourable D.M. Evans having reported that the Committee had agreed to the Bill without amendment, the Report was adopted.

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

THURSDAY, 20 MAY 1993

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.

15 **FREEDOM OF INFORMATION (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Freedom of Information Act 1982' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message 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 R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 12.17 a.m., adjourned until this day.

A.V. BRAY

Clerk of the Legislative Council

No. 29 — Thursday, 20 May 1993

1 The President took the Chair and read the Prayer.

2 **CLUB KENO BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to make provision for the game of Club Keno, to amend the 'Tattersall Consultations Act 1958' and the 'Racing Act 1958' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

3 **ESTATE 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 **PAPERS** —

MAGISTRATES' COURT — The Honourable Haddon Storey presented, by command of His Excellency the Governor, the Report of the Magistrates' Court for the year 1991-92.

Ordered to lie on the Table.

* * * * *

ECONOMIC DEVELOPMENT COMMITTEE — VICTORIAN BUILDING AND CONSTRUCTION INDUSTRY — The Honourable G.B. Ashman presented the first Report from the Economic Development Committee upon the Victorian Building and Construction Industry: The Corruption of the Tendering Process, together with Appendices and Minutes of Evidence.

Ordered to lie on the Table and the Report and Appendices to be printed.

* * * * *

ROAD SAFETY COMMITTEE — MOTORCYCLE SAFETY — The Honourable R.A. Best presented a Report from the Road Safety Committee upon Motorcycle Safety in Victoria, together with Appendices and Minutes of Evidence.

Ordered to lie on the Table and the Report and Appendices to be printed.

* * * * *

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — The Honourable B.A.E. Skeggs presented Alert Digest No. 9 of 1993 from the Scrutiny of Acts and Regulations Committee, together with an Appendix.

Ordered to lie on the Table and to be printed.

AUDITOR-GENERAL — The following paper was laid upon the Table by the Clerk pursuant to an Order of the Council on 29 October 1992:

Auditor-General — Report on Open Cut Production in the Latrobe Valley, May 1993.

* * * * *

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

Annual Reporting Act 1983 — Minister of Finance's advice of 18 May 1993 of extensions of time granted to submit annual reports and exemptions approved as to the content of annual reports and financial statements of various administrative units and public bodies for the year 1991-92 and the reasons therefor.

Chiropractors and Osteopaths Registration Board — Report, 1991.

Members of Parliament (Register of Interests) Act 1978 — Summary of Variations notified between 2 March 1993 and 18 May 1993.

5 **BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 1, be postponed until later this day.

6 **LOCAL GOVERNMENT (GENERAL AMENDMENT) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders —

7 **QUESTIONS** — Questions without notice were taken and an answer was given to a question on notice pursuant to Standing Order No. 71A.

8 **LOCAL GOVERNMENT (GENERAL AMENDMENT) BILL** — Debate continued on the question, That this Bill be now read a second time and, after further debate, the question being put 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.

House in Committee.

The President resumed the Chair; and the Honourable P.R. Hall 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.

9 **SUPERANNUATION (COMPLIANCE) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend certain Acts relating to superannuation for the purposes of the superannuation guarantee scheme of the Commonwealth, to amend the 'Superannuation (Portability) Act 1989' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

10 **EMERGENCY SERVICES SUPERANNUATION (SPECIAL PAYMENTS) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend section 20A of the 'Emergency Services Superannuation Act 1986' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles (for the Honourable W.R. Baxter), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 11 **RACING (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Racing Act 1958' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey (for the Honourable W.R. Baxter), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 12 **TATTERSALL CONSULTATIONS (REPORTING) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Tattersall Consultations Act 1958' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 13 **THE VICTORIA RACING CLUB (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend 'The Victoria Racing Club Act 1871' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles (for the Honourable W.R. Baxter), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 14 **LEGAL PROFESSION PRACTICE (GUARANTEE FUND) BILL** — The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to this Bill without amendment.

- 15 **CLUB KENO BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.

The Honourable D.R. White moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

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

- 16 **FREEDOM OF INFORMATION (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.

The Honourable B.T. Pullen moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 17 **SENTENCING (AMENDMENT) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time — Debate resumed.

The Honourable B.T. Pullen moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this House declines to read this Bill a second time until the proposals contained in the Bill and the matters raised in relation to it by the Scrutiny of Acts and Regulations Committee have been referred to the Law Reform Committee for inquiry, consideration and report."

Debate ensued.

And the Council having continued to sit until after 12 midnight —
FRIDAY, 21 MAY 1993

Debate continued.

The Honourable D.A. Nardella moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

18 **ADJOURNMENT** — The Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until this day at 10.00 a.m.

Question — put and resolved in the affirmative.

The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 12.41 a.m., adjourned until this day at 10.00 a.m.

A.V. BRAY
Clerk of the Legislative Council

No. 30 — Friday, 21 May 1993

- 1 The Deputy President took the Chair and read the Prayer.
- 2 **SUPERANNUATION (COMPLIANCE) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.
The Honourable D.R. White moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until later this day.
- 3 **EMERGENCY SERVICES SUPERANNUATION (SPECIAL PAYMENTS) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable W.R. Baxter moved, That this Bill be now read a second time.
The Honourable D.R. White (for the Honourable B.E. Davidson) moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until later this day.
- 4 **RACING (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable W.R. Baxter moved, That this Bill be now read a second time.
The Honourable D.R. White (for the Honourable B.E. Davidson) moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until later this day.
- 5 **TATTERSALL CONSULTATIONS (REPORTING) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable B.E. Davidson (for the Honourable D.R. White) moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

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

- 6 **THE VICTORIA RACING CLUB (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable W.R. Baxter moved, That this Bill be now read a second time.

The Honourable B.E. Davidson moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

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

- 7 **SENTENCING (AMENDMENT) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time and on the reasoned amendment of the Honourable B.T. Pullen — That all the words after "That" be omitted with the view of inserting in place thereof "this House declines to read this Bill a second time until the proposals contained in the Bill and the matters raised in relation to it by the Scrutiny of Acts and Regulations Committee have been referred to the Law Reform Committee for inquiry, consideration and report." —

Debate resumed.

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

The Council divided.

AYES, 26

NOES, 11

The Hon. L. Asher (*Teller*)
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding (*Teller*)

The Hon. J.M. Brumby (*Teller*)
 B.E. Davidson
 C.J. Hogg
 R.S. Ives
 J. McLean (*Teller*)
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole

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

Question — That this Bill be now read a second time — put.
The Council divided.

AYES, 26

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson (*Teller*)
W.R. Baxter
R.A. Best
B.W. Bishop
R.H. Bowden
A.R. Brideson (*Teller*)
G.P. Connard
G.H. Cox
G.R. Craige
P.R. Davis
R.S. de Fegely
D.M. Evans
W. Forwood
P.R. Hall
R.M. Hallam
W.A.N. Hartigan
R.I. Knowles
B.A.E. Skeggs
K.M. Smith
Haddon Storey
C.A. Strong
Rosemary Varty
Dr. R.J.H. Wells
Sue deC. Wilding

NOES, 11

The Hon. J.M. Brumby
B.E. Davidson
C.J. Hogg
R.S. Ives (*Teller*)
J. McLean
B.W. Mier
D.A. Nardella
P. Power
B.T. Pullen
T.C. Theophanous (*Teller*)
D.T. Walpole

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 EDUCATION ACTS (TEACHERS) BILL — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time — Debate resumed.

Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders —

9 QUESTIONS — Questions without notice were taken and an answer was given to a question on notice pursuant to Standing Order No. 71A.

10 EDUCATION ACTS (TEACHERS) BILL — Debate continued on the question, That this Bill be now read a second time —

The Honourable C.J. Hogg (for the Honourable D.A. Nardella) moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

11 ADJOURNMENT — The Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until Tuesday next at 10.00 a.m.

Question — put and resolved in the affirmative.

And then the Council, at 4.45 p.m., adjourned until Tuesday next at 10.00 a.m.

A.V. BRAY

Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 30

Tuesday, 25 May 1993

Mr. President takes the Chair at 10.00 a.m.

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- 1 **BUSINESS FRANCHISE (PETROLEUM PRODUCTS) (AMENDMENT) BILL** — (*from Assembly — Hon. W.R. Baxter*) — Second reading — *Resumption of debate.* (Hon. B.E. Davidson).
- 2 **ACCIDENT COMPENSATION (WORKCOVER INSURANCE) BILL** — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate.* (Hon. T.C. Theophanous).
- 3 **EDUCATION ACTS (TEACHERS) BILL** — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (Hon. D.A. Nardella).
- 4 **EGG INDUSTRY (DEREGULATION) BILL** — (*from Assembly — Hon. W.R. Baxter*) — Second reading — *Resumption of debate.* (Hon. C.J. Hogg).
- 5 **INSTITUTE OF EDUCATIONAL ADMINISTRATION (REPEAL) BILL** — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (Hon. C.J. Hogg).
- 6 **CROWN LAND ACTS (AMENDMENT) BILL** — (*from Assembly — Hon. M.A. Birrell*) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).
- 7 **SUBDIVISION (AMENDMENT) BILL** — (*from Assembly — Hon. R.I Knowles*) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).
- 8 **FREEDOM OF INFORMATION (AMENDMENT) BILL** — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).
- 9 **VICTORIAN PLANTATIONS CORPORATION BILL** — (*from Assembly — Hon. M.A. Birrell*) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).
- 10 **CRIMES (CRIMINAL TRIALS) BILL** — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).
- 11 **CLUB KENO BILL** — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (Hon. D.R. White).
- 12 **TATTERSALL CONSULTATIONS (REPORTING) BILL** — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate.* (Hon. D.R. White).

- 13 SUPERANNUATION (COMPLIANCE) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. D.R. White).
- 14 EMERGENCY SERVICES SUPERANNUATION (SPECIAL PAYMENTS) BILL — (from Assembly — Hon. W.R. Baxter) — Second reading — Resumption of debate. (Hon. B.E. Davidson).
- 15 RACING (AMENDMENT) BILL — (from Assembly — Hon. W.R. Baxter) — Second reading — Resumption of debate. (Hon. B.E. Davidson).
- 16 THE VICTORIA RACING CLUB (AMENDMENT) BILL — (from Assembly — Hon. W.R. Baxter) — Second — Resumption of debate. (Hon. B.E. Davidson).
- 17 INTERPRETATION OF LEGISLATION (AMENDMENT) BILL — (from Assembly — Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. B.T. Pullen).
- 18 STATE ELECTRICITY COMMISSION — PUBLIC BODIES REVIEW COMMITTEE'S RECOMMENDATIONS — MESSAGE OF THE ASSEMBLY — To be considered.
- ‡19 APPROPRIATION (1992-93) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. D.R. White).
- ‡20 SUPPLY (1993-94, No. 1) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. D.R. White).
- ‡21 TREASURER'S STATEMENT OF 6 APRIL 1993 AND RELATED PAPERS ON VICTORIA'S FINANCES — Motion to take note of papers — (Hon. R.M. Hallam) — Resumption of debate. (Hon. R.S. de Fegely).
- ‡22 APPROPRIATION (PARLIAMENT 1992-93) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. D.R. White).
- ‡23 SUPPLY (PARLIAMENT 1993-94, No. 1) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. D.R. White).
- 24 STATEMENT OF 28 OCTOBER 1992 ON VICTORIA'S FINANCIAL MANAGEMENT STRATEGY — To be considered.

GENERAL BUSINESS

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Government for its hasty introduction of ill considered, poorly drafted and divisive legislation that it intends to pass by ambushing the people of Victoria instead of allowing time for community consultation and scrutiny.
- 2 THE HON. D.M. EVANS — To move, That the Council take note of the report of the Auditor-General on Salinity, March 1993.

‡Cognate matters — To be debated concurrently pursuant to Order of the Council on 12 May 1993.

‡Cognate Bills — Second reading to be debated concurrently pursuant to Order of the Council on 12 May 1993.

Tuesday, 25 May 1993

ORDERS OF THE DAY

- 1 LOCAL GOVERNMENT BOARD — MINISTER'S ANSWER TO QUESTION WITHOUT NOTICE, 6 NOVEMBER 1992 — To be considered.
- 2 PUBLIC SECTOR SUPERANNUATION — Motion to take note of document prepared by the Hon. I.W. Smith, MP, Minister for Finance, 7 April 1993 — (Hon. D.R. White) — *Resumption of debate.* (Hon. Rosemary Varty).
- 3 STATE SCHOOL CLEANERS — Motion condemning Government for treatment of cleaners before, and on, 31 December 1992 and consequent extra workload and responsibilities imposed on teachers, students and parents — (Hon. D.A. Nardella) — *Resumption of debate.* (Hon. C.J. Hogg).
- 4 ROAD FUNDS FUEL LEVY — Motion for Trust Fund money derived from 3 cent levy on fuel to be dedicated to stage one of Western Bypass and the Domain tunnel, and for remaining funds to be applied to certain major State arterial roads and, further, that introduction of the tax not proceed until such a commitment is made — (Hon. D.R. White) — *Resumption of debate.* (Hon. G.B. Ashman).
- 5 INDUSTRIAL RELATIONS — Motion condemning Government for its gross mishandling of industrial relations and for seeking to prevent Victorian workers obtaining Federal award protection — (Hon. D.T. Walpole) — *Resumption of debate.* (Hon. B.W. Mier).

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

* * * *

COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis, B.W. Mier and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (ex-officio), R.A. Best, L. Kokocinski, B.A.E. Skeggs, D.A. Nardella and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING — The Honourables the President, B.W. Bishop, G.H. Cox, B.W. Mier, D.A. Nardella, B.A.E. Skeggs and D.T. Walpole.

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SCRUTINY OF ACTS AND REGULATIONS COMMITTEE (JOINT) — The Honourables L. Asher, J.M. Brumby and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

Tuesday, 25 May 1993

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 28 October 1992 the following sitting arrangements will apply unless the House otherwise orders: .

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Tuesday	—	2.30 p.m.
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Tuesday	—	Government business.
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Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

†No new business shall be taken after 10.00 p.m.

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AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 27 October 1992, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

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ADJOURNMENT OF BILLS [Effective until 30 June 1993]

By resolution of the Council on 16 March 1993 (*as subsequently amended on 11 May 1993*) where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 20 May 1993, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in August 1993: Provided that any Bill transmitted from the Legislative Assembly which is in the hands of the Clerk no later than 10.00 a.m. on 21 May 1993 may be taken through all stages.

† Suspended on 12 May 1993 until the end of May 1993.

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 31

Wednesday, 26 May 1993

Mr. President takes the Chair at 10.00 a.m.

GENERAL BUSINESS

[To take precedence until 2.00 p.m.]

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Government for its hasty introduction of ill considered, poorly drafted and divisive legislation that it intends to pass by ambushing the people of Victoria instead of allowing time for community consultation and scrutiny.
- 2 THE HON. D.M. EVANS — To move, That the Council take note of the report of the Auditor-General on Salinity, March 1993.
- *3 THE HON J.M. BRUMBY — To move, That in light of widespread public concern regarding apparent serious irregularities in the awarding of major Government public relations contracts, this House calls for the establishment of a one person Board of Inquiry under the *Evidence Act 1958* to investigate and report on whether the Premier and/or his Ministers have disregarded due process and breached Tender Board regulations in relation to —
 - (a) the awarding of a multi-million dollar media buying contract, estimated to be worth around \$30 million annually, to a long time associate of the Premier's Director of Communications;
 - (b) the awarding of two contracts worth around \$600,000, without public tender, to promote changes to State industrial relations laws;
 - (c) the awarding of a \$75,000 contract without public tender to an executive placement firm to advise on Ministerial staff appointments; and
 - (d) other public relations contracts, as appropriate;

and that such Board of Inquiry report at the earliest possible opportunity and make public all relevant documentation relating to the tender process.

ORDERS OF THE DAY

- 1 LOCAL GOVERNMENT BOARD — MINISTER'S ANSWER TO QUESTION WITHOUT NOTICE, 6 NOVEMBER 1992 — To be considered.

- 2 PUBLIC SECTOR SUPERANNUATION — Motion to take note of document prepared by the Hon. I.W. Smith, MP, Minister for Finance, 7 April 1993 — (Hon. D.R. White) — *Resumption of debate.* (Hon. Rosemary Varty).
- 3 STATE SCHOOL CLEANERS — Motion condemning Government for treatment of cleaners before, and on, 31 December 1992 and consequent extra workload and responsibilities imposed on teachers, students and parents — (Hon. D.A. Nardella) — *Resumption of debate.* (Hon. C.J. Hogg).
- 4 ROAD FUNDS FUEL LEVY — Motion for Trust Fund money derived from 3 cent levy on fuel to be dedicated to stage one of Western Bypass and the Domain tunnel, and for remaining funds to be applied to certain major State arterial roads and, further, that introduction of the tax not proceed until such a commitment is made — (Hon. D.R. White) — *Resumption of debate.* (Hon. G.B. Ashman).
- 5 INDUSTRIAL RELATIONS — Motion condemning Government for its gross mishandling of industrial relations and for seeking to prevent Victorian workers obtaining Federal award protection — (Hon. D.T. Walpole) — *Resumption of debate.* (Hon. B.W. Mier).
- *6 CAMBERWELL CITY COUNCIL — REPORT ON INVESTIGATION AND RELATED MINISTERIAL STATEMENT — To be considered.

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- 1 CROWN LAND ACTS (AMENDMENT) BILL — (from Assembly — Hon. M.A. Birrell) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).
- 2 SUBDIVISION (AMENDMENT) BILL — (from Assembly — Hon. R.I Knowles) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).
- 3 VICTORIAN PLANTATIONS CORPORATION BILL — (from Assembly — Hon. M.A. Birrell) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).
- 4 CRIMES (CRIMINAL TRIALS) BILL — (from Assembly — Hon. Haddon Storey) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).
- 5 CLUB KENO BILL — (from Assembly — Hon. Haddon Storey) — Second reading — *Resumption of debate.* (Hon. D.R. White).
- 6 FREEDOM OF INFORMATION (AMENDMENT) BILL — (from Assembly — Hon. Haddon Storey) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).
- 7 ACCIDENT COMPENSATION (WORKCOVER INSURANCE) BILL — (from Assembly — Hon. R.M. Hallam) — To be committed.
- 8 TATTERSALL CONSULTATIONS (REPORTING) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — *Resumption of debate.* (Hon. D.R. White).
- 9 SUPERANNUATION (COMPLIANCE) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — *Resumption of debate.* (Hon. D.R. White).

Wednesday, 26 May 1993

- 10 EMERGENCY SERVICES SUPERANNUATION (SPECIAL PAYMENTS) BILL — (from Assembly — Hon. W.R. Baxter) — Second reading — Resumption of debate. (Hon. B.E. Davidson).
- 11 RACING (AMENDMENT) BILL — (from Assembly — Hon. W.R. Baxter) — Second reading — Resumption of debate. (Hon. B.E. Davidson).
- 12 THE VICTORIA RACING CLUB (AMENDMENT) BILL — (from Assembly — Hon. W.R. Baxter) — Second — Resumption of debate. (Hon. B.E. Davidson).
- 13 INTERPRETATION OF LEGISLATION (AMENDMENT) BILL — (from Assembly — Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. B.T. Pullen).
- 14 STATE ELECTRICITY COMMISSION — PUBLIC BODIES REVIEW COMMITTEE'S RECOMMENDATIONS — MESSAGE OF THE ASSEMBLY — To be considered.
- ‡15 APPROPRIATION (1992-93) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. D.R. White).
- ‡16 SUPPLY (1993-94, No. 1) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. D.R. White).
- ‡17 TREASURER'S STATEMENT OF 6 APRIL 1993 AND RELATED PAPERS ON VICTORIA'S FINANCES — Motion to take note of papers — (Hon. R.M. Hallam) — Resumption of debate. (Hon. R.S. de Fegely).
- ‡18 APPROPRIATION (PARLIAMENT 1992-93) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. D.R. White).
- ‡19 SUPPLY (PARLIAMENT 1993-94, No. 1) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. D.R. White).
- 20 STATEMENT OF 28 OCTOBER 1992 ON VICTORIA'S FINANCIAL MANAGEMENT STRATEGY — To be considered.

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

‡Cognate matters — To be debated concurrently pursuant to Order of the Council on 12 May 1993.

‡Cognate Bills — Second reading to be debated concurrently pursuant to Order of the Council on 12 May 1993.

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

* * * *

COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis, B.W. Mier and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (ex-officio), R.A. Best, L. Kokocinski, B.A.E. Skeggs, D.A. Nardella and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

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SESSIONAL ORDERS

BUSINESS OF THE HOUSE

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By order of the Council on 27 October 1992, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

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ADJOURNMENT OF BILLS [Effective until 30 June 1993]

By resolution of the Council on 16 March 1993 (*as subsequently amended on 11 May 1993*) where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 20 May 1993, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in August 1993: Provided that any Bill transmitted from the Legislative Assembly which is in the hands of the Clerk no later than 10.00 a.m. on 21 May 1993 may be taken through all stages.

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LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 32

Thursday, 27 May 1993

Mr. President takes the Chair at 10.00 a.m.

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- 1 TATTERSALL CONSULTATIONS (REPORTING) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. D.R. White).
- 2 SUPERANNUATION (COMPLIANCE) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. D.R. White).
- 3 EMERGENCY SERVICES SUPERANNUATION (SPECIAL PAYMENTS) BILL — (from Assembly — Hon. W.R. Baxter) — Second reading — Resumption of debate. (Hon. B.E. Davidson).
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- 7 STATE ELECTRICITY COMMISSION — PUBLIC BODIES REVIEW COMMITTEE'S RECOMMENDATIONS — MESSAGE OF THE ASSEMBLY — To be considered.
- 8 ACCIDENT COMPENSATION (WORKCOVER INSURANCE) BILL — (from Assembly — Hon. R.M. Hallam) — To be committed.
- ‡9 APPROPRIATION (1992-93) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. D.R. White).
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GENERAL BUSINESS

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Government for its hasty introduction of ill considered, poorly drafted and divisive legislation that it intends to pass by ambushing the people of Victoria instead of allowing time for community consultation and scrutiny.
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- 1 LOCAL GOVERNMENT BOARD — MINISTER'S ANSWER TO QUESTION WITHOUT NOTICE, 6 NOVEMBER 1992 — To be considered.
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- 6 CAMBERWELL CITY COUNCIL — REPORT ON INVESTIGATION AND RELATED MINISTERIAL STATEMENT — To be considered.

A.V. BRAY
Clerk of the Legislative Council

B.A. CHAMBERLAIN
President

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LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS

Nos. 31, 32 and 33

No. 31 — Tuesday, 25 May 1993

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The Honourable M.A. Birrell presented a Message from His Excellency 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 (HIV) Act*
 - Marine (Amendment) Act*
 - Audit (Tender Board) Act*
 - Board of Studies Act*
 - Caravan Parks and Movable Dwellings (Amendment) Act*
 - Docklands Authority (Amendment) Act*
 - Residential Tenancies (Water and Utilities Charges) Act*
 - Ethnic Affairs Commission Act*
 - Land (Miscellaneous Matters) Act*
 - Land (Amendment) Act*
 - Gaming Machine Control (Amendment) Act*
 - Land Tax (Amendment) Act*
 - Treasury Corporation of Victoria (Debt Centralisation) Act*
 - Forests (S.E.A.S. Sapfor Ltd Agreement) Act*
 - Funerals (Pre-Paid Money) Act*
 - Casino Control (Amendment) Act*
 - Police Regulation (Discipline) Act*
 - State Deficit Levy (Amendment) Act*
 - Legal Profession Practice (Guarantee Fund) Act*
 - Estate Agents (Amendment) Act.*
- 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:
 - Avoca Planning Scheme — Amendment L13.
 - Berwick Planning Scheme — Amendment L62.
 - Bulla Planning Scheme — Amendment L54.
 - Cranbourne Planning Scheme — Amendment L22.
 - Footscray Planning Scheme — Amendment L19.
 - Geelong Regional Planning Scheme — Amendments L135 and R115 Part 1.
 - Grenville Planning Scheme — Amendment L9.
 - Kyabram Planning Scheme — Amendment L12.
 - Leigh Planning Scheme — Amendment L8.
 - Lillydale Planning Scheme — Amendment L97 Part 1.

Planning and Environment Act 1987 — *continued*

- Mildura (City) Planning Scheme — Amendment L25.
- Nunawading Planning Scheme — Amendment L61.
- Phillip Island Planning Scheme — Amendment L36.
- Port Fairy Planning Scheme — Amendment L12.
- Shepparton (Shire) Planning Scheme — Amendment L34.
- Warrnambool (City) Planning Scheme — Amendments L39 and L41.
- Waverley Planning Scheme — Amendment L30.
- Wodonga Planning Scheme — Amendment L47.

The School of Mines and Industries Ballarat Limited — Report, 1992.

- 4 **BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 1 and 2, be postponed until later this day.
- 5 **EDUCATION ACTS (TEACHERS) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

Question — put.

The Council divided.

AYES, 26

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard (*Teller*)
 G.R. Craige (*Teller*)
 P.R. Davis
 R.S. de Fegely
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

NOES, 13

The Hon. J.M. Brumby (*Teller*)
 B.E. Davidson (*Teller*)
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 J. McLean
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole
 D.R. White

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 House in Committee.

The President resumed the Chair; and the Honourable P. R. Hall 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.

- 6 **EGG INDUSTRY (DEREGULATION) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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.

- 7 **INSTITUTE OF EDUCATIONAL ADMINISTRATION (REPEAL) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders —

- 8 **QUESTIONS** — Questions without notice were taken and an answer was given to a question on notice pursuant to Standing Order No. 71A.

- 9 **PAPER — CAMBERWELL CITY COUNCIL** — The Honourable R.M. Hallam moved, by leave, That there be laid before this House a copy of the Report on the Investigation into Camberwell City Council, May 1993.

Question — put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable R.M. Hallam and ordered to lie on the Table and to be printed.

The Honourable R.M. Hallam made a Ministerial Statement in connection with the tabling of the report.

The Honourable P. Power moved, That the Report and related Ministerial Statement be taken into consideration on the next day of meeting.

Question — put and resolved in the affirmative.

- 10 **INSTITUTE OF EDUCATIONAL ADMINISTRATION (REPEAL) BILL** — Debate continued on the question, That this Bill be now read a second time —

Question — put.

The Council divided.

AYES, 24

The Hon. L. Asher
B.N. Atkinson
W.R. Baxter
R.A. Best
B.W. Bishop
R.H. Bowden
A.R. Brideson
G.P. Connard
G.H. Cox
G.R. Craige
P.R. Davis (*Teller*)

NOES, 10

The Hon. J.M. Brumby
B.E. Davidson
D.E. Henshaw (*Teller*)
C.J. Hogg
L. Kokocinski (*Teller*)
J. McLean
B.W. Mier
B.T. Pullen
D.T. Walpole
D.R. White

R.S. de Fegely
 W. Forwood
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs (*Teller*)
 K.M. Smith
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

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, 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 BUSINESS FRANCHISE (PETROLEUM PRODUCTS) (AMENDMENT) BILL — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

The Honourable B.E. Davidson moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this House declines to read this Bill a second time until the Government makes an absolute commitment to dedicate the major proportion of the money collected from this tax to the construction of the Western Bypass and Domain Tunnel projects as the primary objective, and subsequently to the construction of major urban arterial road projects and ancillary works."

Debate ensued.

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

AYES, 27

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely

NOES, 13

The Hon. J.M. Brumby
 B.E. Davidson
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 L. Kokocinski
 J. McLean (*Teller*)
 B.W. Mier
 D.A. Nardella (*Teller*)
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole
 D.R. White

W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith (*Teller*)
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells (*Teller*)
 Sue deC. Wilding

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

Question — That this 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.

12 ACCIDENT COMPENSATION (WORKCOVER INSURANCE) BILL — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

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

WEDNESDAY, 26 MAY 1993

Debate continued.

Question — put.

The Council divided.

AYES, 25

The Hon. G.B. Ashman
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox (*Teller*)
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs (*Teller*)

NOES, 13

The Hon. B.E. Davidson
 D.E. Henshaw (*Teller*)
 C.J. Hogg
 R.S. Ives
 L. Kokocinski
 J. McLean (*Teller*)
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole
 D.R. White

K.M. Smith
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

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.

13 **ADJOURNMENT** — The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 2.20 a.m., adjourned until this day.

A.V. BRAY
Clerk of the Legislative Council

No. 32 — Wednesday, 26 May 1993

1 The President took the Chair and read the Prayer.

2 **PETITION — MOUNT MORIAC PRIMARY SCHOOL** — The Honourable W.A.N. Hartigan presented a Petition bearing 24 signatures from certain citizens of Victoria requesting that action be taken to ensure emergency teachers be employed to fill staff absences at Mount Moriac Primary School if all short term replacement teachers have been allocated on a particular day.

Ordered to lie on the Table.

3 **PAPERS** —

HEALTH SERVICES COMMISSIONER — The Honourable R.I. Knowles moved, by leave, That there be laid before this House a copy of the Report of the Health Services Commissioner for the year 1992 (incorporating the Report of the Health Services Review Council for the year 1992).

Question — put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable R.I. Knowles and ordered to lie on the Table.

* * * * *

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — The Honourable B.A.E. Skeggs presented Alert Digest No. 10 of 1993 from the Scrutiny of Acts and Regulations Committee, together with an Appendix and Correspondence.

Ordered to lie on the Table and the Report and Appendix to be printed.

* * * * *

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — CUMULATIVE REPORT — The Honourable B.A.E. Skeggs presented the Second Cumulative Report from the Scrutiny of Acts and Regulations Committee, together with Minutes of Evidence.

Ordered to lie on the Table and the Report to be printed.

PAPERS PURSUANT TO STATUTE — The following Papers, pursuant to the direction of an Act of Parliament, were laid upon the Table by the Clerk:

Statutory Rules under the following Acts of Parliament:

Animal Preparations Act 1987 — No. 73.

Racing Act 1958 — No. 75.

4 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 and 2, be postponed until later this day.

5 **GOVERNMENT PUBLIC RELATIONS CONTRACTS** — The Honourable J.M. Brumby moved, That, in light of widespread public concern regarding apparent serious irregularities in the awarding of major Government public relations contracts, this House calls for the establishment of a one person Board of Inquiry under the *Evidence Act 1958* to investigate and report on whether the Premier and/or his Ministers have disregarded due process and breached Tender Board regulations in relation to —

- (a) the awarding of a multi-million dollar media buying contract, estimated to be worth around \$30 million annually, to a long time associate of the Premier's Director of Communications;
- (b) the awarding of two contracts worth around \$600,000, without public tender, to promote changes to State industrial relations laws;
- (c) the awarding of a \$75,000 contract without public tender to an executive placement firm to advise on Ministerial staff appointments; and
- (d) other public relations contracts, as appropriate;

and that such Board of Inquiry report at the earliest possible opportunity and make public all relevant documentation relating to the tender process.

Debate ensued.

Question — put.

The Council divided.

AYES, 13

The Hon. J.M. Brumby
 B.E. Davidson
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives (*Teller*)
 L. Kokocinski
 J. McLean
 B.W. Mier
 P. Power
 B.T. Pullen
 T.C. Theophanous (*Teller*)
 D.T. Walpole
 D.R. White

NOES, 28

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige (*Teller*)
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood
 J.V.C. Guest
 P.R. Hall

R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith (*Teller*)
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

And so it passed in the negative.

- 6 **BUSINESS POSTPONED** — Ordered — That the consideration of the Orders of the Day, General Business, be postponed until later this day.
- 7 **CROWN LAND ACTS (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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 **SUBDIVISION (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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 **BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 3, be postponed until later this day.
- 10 **CRIMES (CRIMINAL TRIALS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order No. 71A.
- 12 **VICTORIAN PLANTATIONS CORPORATION BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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, 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 CLUB KENO BILL — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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 FREEDOM OF INFORMATION (AMENDMENT) BILL — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

Question — put.

The Council divided.

AYES, 26

The Hon. L. Asher
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson (*Teller*)
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood (*Teller*)
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

NOES, 11

The Hon. J.M. Brumby
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 L. Kokocinski (*Teller*)
 B.W. Mier
 D.A. Nardella
 B.T. Pullen (*Teller*)
 T.C. Theophanous
 D.T. Walpole
 D.R. White

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 Honourable D.M. Evans 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** — The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 11.56 p.m., adjourned until tomorrow.

A.V. BRAY
Clerk of the Legislative Council

No. 33 — Thursday, 27 May 1993

- 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:
Ombudsman — Report of the Investigation into alleged failure of State and local authorities to ensure adequate provision of public transport and environmental health standards at the "Guns N' Roses" concert at Calder Park Raceway on 1 February 1993 — May 1993.
Ordered to be printed.
- 3 **TATTERSALL CONSULTATIONS (REPORTING) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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.
- 4 **SUPERANNUATION (COMPLIANCE) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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, 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.
- 5 **BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 3, be postponed until later this day.
- 6 **RACING (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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.

- 7 **THE VICTORIA RACING CLUB (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

And the President having ruled the Bill to be a Private Bill —

The Honourable W.R. Baxter moved, That this Bill be dealt with as a Public Bill except in relation to the payment of fees.

Question — put and resolved in the affirmative.

And the Honourable W.R. Baxter having produced a receipt showing that the sum of \$1000 had been paid into the Treasury for the public uses of the State to meet the expenses of the Bill —

Debate resumed.

Question — That this 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.

- 8 **EMERGENCY SERVICES SUPERANNUATION (SPECIAL PAYMENTS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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 **BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 6, be postponed until the next day of meeting.

- 10 **STATE ELECTRICITY COMMISSION** — The Order of the Day having been read for the consideration of the Message from the Assembly acquainting the Council of a Resolution concerning a recommendation of the Public Bodies Review Committee on the State Electricity Commission, the said Resolution was read and is as follows:

That, notwithstanding the recommendations of the Public Bodies Review Committee in its final report entitled *Report to the Parliament on the "appropriate model for corporatisation of the State Electricity Commission"* June 1992 presented to the Legislative Council on 4 June 1992 and the Legislative Assembly on 11 August 1992, this House resolves, pursuant to section 4P(5)(b) of the *Parliamentary Committees Act 1968*, that the State Electricity Commission of Victoria shall continue to exist.

The Honourable R.M. Hallam moved, That the Council concur with the Assembly and agree to the said Resolution.

Debate ensued.

Question — put and resolved in the affirmative.

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

- 11 **ACCIDENT COMPENSATION (WORKCOVER INSURANCE) BILL** — This Bill was, according to Order, committed to a Committee of the whole.

House in Committee.

Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders —

- 12 **QUESTIONS** — Questions without notice were taken and an answer was given to a question on notice pursuant to Standing Order No. 71A.

13 ACCIDENT COMPENSATION (WORKCOVER INSURANCE) BILL — Debate continued in Committee of the whole.

The President resumed the Chair; and the Honourable D.M. Evans 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 APPROPRIATION (1992-93) BILL — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time [the Supply (1993-94, No. 1) Bill and the motion to take note of the Treasurer's Statement of 6 April 1993 and related papers on Victoria's finances having been authorized to be debated concurrently pursuant to an Order of the Council on 12 May 1993] and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time.

Ordered — That the Bill be committed to a Committee of the whole later this day.

15 SUPPLY (1993-94, NO. 1) BILL — The concurrent second reading debate having concluded —

Question — That this 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 TREASURER'S STATEMENT AND RELATED PAPERS ON VICTORIA'S FINANCES — The concurrent debate having concluded —

Question — That the Council take note of the Treasurer's Statement of 6 April 1993 and related papers on Victoria's finances — put and resolved in the affirmative.

17 APPROPRIATION (1992-93) BILL — This Bill was, according to Order, committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable D.M. Evans 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 APPROPRIATION (PARLIAMENT 1992-93) BILL — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time [the Supply (Parliament 1993-94, No. 1) Bill having been authorized to be debated concurrently pursuant to an Order of the Council on 12 May 1993] and, after further debate, the question being put 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.

19 SUPPLY (PARLIAMENT 1993-94, NO. 1) BILL — The concurrent second reading debate having concluded —

Question — That this 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.

20 **FINANCIAL MANAGEMENT STRATEGY — ORDER DISCHARGED** — The Order of the Day having been read for the consideration of the Statement of 28 October 1992 on Victoria's Financial Management Strategy —

The Honourable R.I. Knowles moved, That the said Order be discharged.

Question — put and resolved in the affirmative.

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

Dietitians Board — Report, 1990-91.

Optometrists Registration Board — Report, 1991-92.

Pathology Services Accreditation Board — Reports, 1989-90, 1990-91 and 1991-92 (three papers).

22 **ADJOURNMENT** — The Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until a day and hour to be fixed by the President, which time of meeting shall be notified in writing to each Honourable Member.

Question — put and resolved in the affirmative.

The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 10.53 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 Honourable Member.

A.V. BRAY

Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 33

Wednesday, 11 August 1993

Mr. President takes the Chair at 8.00 p.m.

GOVERNMENT BUSINESS

ORDER OF THE DAY

- 1 INTERPRETATION OF LEGISLATION (AMENDMENT) BILL — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (*Hon. B.T. Pullen*).

GENERAL BUSINESS

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Government for its hasty introduction of ill considered, poorly drafted and divisive legislation that it intends to pass by ambushing the people of Victoria instead of allowing time for community consultation and scrutiny.
- 2 THE HON. D.M. EVANS — To move, That the Council take note of the report of the Auditor-General on Salinity, March 1993.

ORDERS OF THE DAY

- 1 LOCAL GOVERNMENT BOARD — MINISTER'S ANSWER TO QUESTION WITHOUT NOTICE, 6 NOVEMBER 1992 — To be considered.
- 2 PUBLIC SECTOR SUPERANNUATION — Motion to take note of document prepared by the Hon. I.W. Smith, MP, Minister for Finance, 7 April 1993 — (*Hon. D.R. White*) — *Resumption of debate.* (*Hon. Rosemary Varty*).
- 3 STATE SCHOOL CLEANERS — Motion condemning Government for treatment of cleaners before, and on, 31 December 1992 and consequent extra workload and responsibilities imposed on teachers, students and parents — (*Hon. D.A. Nardella*) — *Resumption of debate.* (*Hon. C.J. Hogg*).
- 4 ROAD FUNDS FUEL LEVY — Motion for Trust Fund money derived from 3 cent levy on fuel to be dedicated to stage one of Western Bypass and the Domain tunnel, and for remaining funds to be applied to certain major State arterial roads and, further, that introduction of the tax not proceed until such a commitment is made — (*Hon. D.R. White*) — *Resumption of debate.* (*Hon. G.B. Ashman*).

- 5 **INDUSTRIAL RELATIONS** — Motion condemning Government for its gross mishandling of industrial relations and for seeking to prevent Victorian workers obtaining Federal award protection — (*Hon. D.T. Walpole*) — *Resumption of debate. (Hon. B.W. Mier).*
- 6 **CAMBERWELL CITY COUNCIL — REPORT ON INVESTIGATION AND RELATED MINISTERIAL STATEMENT** — To be considered.

A.V. BRAY
Clerk of the Legislative Council

B.A. CHAMBERLAIN
President

Wednesday, 11 August 1993

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

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COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis, B.W. Mier and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (ex-officio), R.A. Best, L. Kokocinski, B.A.E. Skeggs, D.A. Nardella and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING — The Honourables the President, B.W. Bishop, G.H. Cox, B.W. Mier, D.A. Nardella, B.A.E. Skeggs and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables A.R. Brideson, B.W. Bishop, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS (JOINT) — The Honourables L. Asher, J.M. Brumby and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 28 October 1992 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday	—	2.30 p.m.
Wednesday	—	10.00 a.m.
Thursday	—	10.00 a.m.

Business to take precedence—

Tuesday	—	Government business.
Wednesday	—	General business (until 2.00 p.m.).
Thursday	—	Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 27 October 1992, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

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LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 34

Thursday, 12 August 1993

Mr. President takes the Chair at 10.00 a.m.

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- *1 LAND TITLES VALIDATION BILL — (*from Assembly — Hon. M.A. Birrell*) — Second reading — *Resumption of debate. (Hon. D.R. White).*
- *2 ANNUAL LEAVE PAYMENTS (AMENDMENT) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate. (Hon. D.R. White).*
- *3 LOY YANG B (AMENDMENT) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading.
- *4 HISTORIC SHIPWRECKS (AMENDMENT) BILL — (*from Assembly — Hon. R.I. Knowles*) — Second reading.
- 5 INTERPRETATION OF LEGISLATION (AMENDMENT) BILL — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate. (Hon. B.T. Pullen).*

GENERAL BUSINESS

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Government for its hasty introduction of ill considered, poorly drafted and divisive legislation that it intends to pass by ambushing the people of Victoria instead of allowing time for community consultation and scrutiny.
- 2 THE HON. D.M. EVANS — To move, That the Council take note of the report of the Auditor-General on Salinity, March 1993.

ORDERS OF THE DAY

- 1 LOCAL GOVERNMENT BOARD — MINISTER'S ANSWER TO QUESTION WITHOUT NOTICE, 6 NOVEMBER 1992 — To be considered.

- 2 **PUBLIC SECTOR SUPERANNUATION** — Motion to take note of document prepared by the Hon. I.W. Smith, MP, Minister for Finance, 7 April 1993 — (Hon. D.R. White) — *Resumption of debate.* (Hon. Rosemary Varty).
- 3 **STATE SCHOOL CLEANERS** — Motion condemning Government for treatment of cleaners before, and on, 31 December 1992 and consequent extra workload and responsibilities imposed on teachers, students and parents — (Hon. D.A. Nardella) — *Resumption of debate.* (Hon. C.J. Hogg).
- 4 **ROAD FUNDS FUEL LEVY** — Motion for Trust Fund money derived from 3 cent levy on fuel to be dedicated to stage one of Western Bypass and the Domain tunnel, and for remaining funds to be applied to certain major State arterial roads and, further, that introduction of the tax not proceed until such a commitment is made — (Hon. D.R. White) — *Resumption of debate.* (Hon. G.B. Ashman).
- 5 **INDUSTRIAL RELATIONS** — Motion condemning Government for its gross mishandling of industrial relations and for seeking to prevent Victorian workers obtaining Federal award protection — (Hon. D.T. Walpole) — *Resumption of debate.* (Hon. B.W. Mier).
- 6 **CAMBERWELL CITY COUNCIL — REPORT ON INVESTIGATION AND RELATED MINISTERIAL STATEMENT** — To be considered.

A.V. BRAY
Clerk of the Legislative Council

B.A. CHAMBERLAIN
President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

* * * *

COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis, B.W. Mier and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (ex-officio), R.A. Best, L. Kokocinski, B.A.E. Skeggs, D.A. Nardella and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING — The Honourables the President, B.W. Bishop, G.H. Cox, B.W. Mier, D.A. Nardella, B.A.E. Skeggs and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables A.R. Brideson, B.W. Bishop, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

***SCRUTINY OF ACTS AND REGULATIONS (JOINT)** — The Honourables L. Asher and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 28 October 1992 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday	—	2.30 p.m.
Wednesday	—	10.00 a.m.
Thursday	—	10.00 a.m.

Business to take precedence—

Tuesday	—	Government business.
Wednesday	—	General business (until 2.00 p.m.).
Thursday	—	Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 27 October 1992, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS

Nos. 34 and 35

No. 34 — Wednesday, 11 August 1993

- 1 The Council met in accordance with adjournment, the President, pursuant to resolution, having fixed this day at 8.00 p.m. as the time of meeting.
- 2 The President took the Chair and read the Prayer.
- 3 **RESIGNATION OF MEMBER** — The President announced that he had received the following communication:

Dear Mr. President,

It is my duty to inform you that, at 4.30 p.m. this day, 10th August, 1993, I accepted the resignation of the Honourable John Mansfield Brumby, M.L.C., as a Member for Doutta Galla Province in the Legislative Council.

I enclose for your attention and necessary action a copy of Mr. Brumby's letter of resignation.

Yours sincerely,
R.E. McGarvie
Governor

* * * * *

10 August 1993

His Excellency
The Honourable Richard E McGarvie
Governor of Victoria
Government House
Melbourne 3004

Your Excellency,

I hereby formally tender my resignation as the Member for the Legislative Council Province of Doutta Galla.

For your information, I will be contesting the By-Election for the Legislative Assembly District of Broadmeadows on 18 September 1993.

I have been assured by the President of the Legislative Council that my early resignation will facilitate the By-Election for Doutta Galla being held on the same date.

Yours sincerely
JOHN M BRUMBY, MLC
Member for Doutta Galla

4 ASSENT TO ACTS — The Honourable M.A. Birrell presented Messages from His Excellency 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 1 June 1993 —

Murray-Darling Basin Act
Meat Industry Act
Sentencing (Amendment) Act
Health and Community Services (General Amendment) Act
Local Government (General Amendment) Act
Education Acts (Teachers) Act
Institute of Educational Administration (Repeal) Act
Business Franchise (Petroleum Products) (Amendment) Act
Egg Industry (Deregulation) Act
Crown Land Acts (Amendment) Act
Racing (Amendment) Act
Accident Compensation (WorkCover Insurance) Act.

On 8 June 1993 —

Supply (1993-94, No. 1) Act
Supply (Parliament 1993-94, No. 1) Act
Emergency Services Superannuation (Special Payments) Act
Superannuation (Compliance) Act
The Victoria Racing Club (Amendment) Act
Club Keno Act
Subdivision (Amendment) Act
Freedom of Information (Amendment) Act
Tattersall Consultations (Reporting) Act
Crimes (Criminal Trials) Act
Victorian Plantations Corporation Act.

That he had, on 8 June 1993, given the Royal Assent to the undermentioned Acts presented to him by the Honourable the Speaker of the Legislative Assembly:

Appropriation (1992-93) Act
Appropriation (Parliament 1992-93) Act.

5 HISTORIC SHIPWRECKS (AMENDMENT) BILL — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Historic Shipwrecks Act 1981' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

6 LOY YANG B (AMENDMENT) BILL — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Loy Yang B Act 1992' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

7 LAND TITLES VALIDATION BILL — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act relating to the confirmation of certain titles to land and the provision of compensation in respect of certain customary titles and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable M.A. Birrell, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 8 ANNUAL LEAVE PAYMENTS (AMENDMENT) BILL — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Annual Leave Payments Act 1992' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message 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 No. 71A.

- 10 SUSPENSION OF STANDING ORDERS — QUESTIONS — The Honourable R.I. Knowles moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.

Question — put and resolved in the affirmative.

Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.

- 11 PETITIONS —

CAPITAL PUNISHMENT — The Honourable R.S. de Fegely presented a Petition bearing 3,548 signatures from certain citizens of Victoria praying that capital punishment be introduced in cases of premeditated murder.

Ordered to lie on the Table.

* * * * *

KINDERGARTEN FUNDING CUTS — The Honourable R.S. de Fegely presented a Petition bearing 684 signatures from certain citizens of Victoria praying that the rights of pre-school children and their parents be recognised and protected.

Ordered to lie on the Table.

* * * * *

STATE DEFICIT LEVY — The Honourable G.B. Ashman presented a Petition bearing 1,433 signatures from certain citizens of Victoria praying that the Council support an amendment to the *State Deficit Levy Act 1992* designed to fairly take account of the individual's ability to pay.

Ordered to lie on the Table.

* * * * *

EDUCTOR DREDGES — The Honourable G.R. Craige presented a Petition bearing 27 signatures from certain citizens of Victoria praying that the use of eductor dredges be banned in all rivers in Victoria.

Ordered to lie on the Table.

- 12 PAPERS —

BLF CUSTODIAN — The Honourable Haddon Storey moved, by leave, That there be laid before this House a copy of Report No. 23 dated 31 May 1993 given to Mr. President, pursuant to section 7A of the *BLF (De-recognition) Act 1985*, by the Custodian appointed under section 7(1) of that Act.

Question — put and resolved in the affirmative.

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

* * * * *

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGESTS —

The Honourable L. Asher presented Alert Digest No. 11 of 1993 from the Scrutiny of Acts and Regulations Committee, together with an Appendix.

Ordered to lie on the Table and to be printed.

* * * * *

The Honourable L. Asher presented Alert Digest No. 12 of 1993 from the Scrutiny of Acts and Regulations Committee, together with an Appendix, Submissions, Correspondence and Minutes of Evidence.

Ordered to lie on the Table and the Report and Appendix 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:

Annual Reporting Act 1983 — Minister for Tertiary Education and Training's report of 9 August 1993 of failure of certain Colleges of TAFE to submit 1992 annual reports to him within the prescribed period and the reasons therefor.

Batman Automotive College of TAFE — Report, 1992.

Box Hill College of TAFE — Report, 1992.

Central Gippsland College of TAFE — Report, 1992.

Dietitians Board — Report, 1991-92.

East Gippsland Community College of TAFE — Report, 1992 (two papers).

Frankston College of TAFE — Report, 1992.

Gaming Machine Control Act 1991 — Victorian Gaming Commission (Amendment No. 2) Rules 1993.

Gordon Technical College — Report, 1992.

Goulburn Valley College of TAFE — Report, 1992.

Holmesglen College of TAFE — Report, 1992.

Infertility (Medical Procedures) Act 1984 — Report on Central Register, 1991-92.

Interpretation of Legislation Act 1984 — Amended and replacement documents to accompany Statutory Rule No. 119/1992 (pursuant to the Gas and Fuel Corporation Act 1958) tabled on 12 August 1992 which, by section 32 (4) (b), are required to be laid upon the Table:

AS 1796 — 1993 — Certification of welders and welding supervisors.

AS 2593 — 1990 — Boilers — Unattended and limited attendance (as amended).

AS 3000 — 1991 — SAA Wiring Rules (as amended).

AS 3772 — 1990 — Fire protection of cooking areas (as amended).

ASTM A 105/A 105M — 92 — Standard Specification for Forgings, Carbon Steel, for Piping Components.

AG 210 — 1984 — Approval requirements for Electronic Flame Safeguards and Flame Detectors.

AG 504 — 1987 — Code of Practice for NGV Refuelling Stations.

AG 102 — 1989 — Approval requirements for Gas Water Heaters.

Law Foundation — Report, year ended 30 September 1992.

Local Government Act 1989 —

Order in Council of 22 June 1993 suspending all Councillors of the City of Camberwell and appointing an Administrator for the Council.

Order in Council of 20 July 1993 suspending all Councillors of the Shire of Strathfieldsaye and appointing an Administrator for the Council.

Melbourne College of Textiles — Report, 1992.

Moorabbin College of TAFE — Report, 1992.

Murray-Darling Basin Commission — Report, 1991-92.

National Companies and Securities Commission — Report, 1 July 1991 to 31 July 1992.

Northern Metropolitan College of TAFE — Report, 1992.

Outer Eastern College of TAFE — Report, 1992.

Patriotic Funds Council — Report, 1992.

Physiotherapists Registration Board — Report, 1992.

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

Alberton Planning Scheme — Amendment L26.

Altona Planning Scheme — Amendments L26 and L32.

Bairnsdale (City) Planning Scheme — Amendment L34.

Bairnsdale (Shire) Planning Scheme — Amendment L18.

Ballaarat (City) Planning Scheme — Amendment L28.

Ballan Planning Scheme — Amendment L9.

Bannockburn Planning Scheme — Amendment RL1.

Barrabool Planning Scheme — Amendment RL1.

Beechworth Planning Scheme — Amendment L23.

Berwick Planning Scheme — Amendments L50, L54 and L55.

Bright Planning Scheme — Amendments L24 and L32.

Brighton Planning Scheme — Amendment L17 Part 2.

Broadmeadows Planning Scheme — Amendments L40, L46 and L47.

Bulla Planning Scheme — Amendments L67 and L80.

Buninyong Planning Scheme — Amendment L42.

Camberwell Planning Scheme — Amendments L32 and L34.

Castlemaine Planning Scheme — Amendment L7.

Cranbourne Planning Scheme — Amendments L58 and L75.

Croydon Planning Scheme — Amendment L51.

Dandenong Planning Scheme — Amendments L17 Part 2, L20, L23 and L25.

Daylesford and Glenlyon Planning Scheme — Amendment L8.

Deakin Planning Scheme — Amendment L20.

Diamond Valley Planning Scheme — Amendment L19.

Doncaster and Templestowe Planning Scheme — Amendments L56 and L57.

Echuca Planning Scheme — Amendments L17 and L22.

Eltham Planning Scheme — Amendments L31 Part 1 and L39.

Essendon Planning Scheme — Amendments L27 and L43.

Euroa Planning Scheme — Amendments L12, L21 and L22.

Flinders Planning Scheme — Amendment L106.

Footscray Planning Scheme — Amendment L26 Part 1 and L35.

Frankston Planning Scheme — Amendments L36, L39 and L42.

Glenelg Planning Scheme — Amendment L4.

Greater Geelong Planning Scheme — Amendments L35, R27, RL1 and RL13.

Hampden Planning Scheme — Amendment L6.

Hastings Planning Scheme — Amendments L36 Part 3, L66 Part 1, L67, L83, L89 and L90.

Hawthorn Planning Scheme — Amendment L18.

Heidelberg Planning Scheme — Amendments L44 and L58.

Planning and Environment Act 1987 — *continued*

Horsham Planning Scheme — Amendment L41.

Kara Kara Planning Scheme — Amendment L3.

Keilor Planning Scheme — Amendments L55 to L57, L59 and L60.

Kilmore Planning Scheme — Amendment L64.

Knox Planning Scheme — Amendments L50 Part 1 and L55 to L60.

Kyabram Planning Scheme — Amendment L11.

Leigh Planning Scheme — Amendment L7.

Lillydale Planning Scheme — Amendments L112 and L116.

Maffra Planning Scheme — Amendments L21 to L23.

Malvern Planning Scheme — Amendments L17 and RL142.

Mansfield Planning Scheme — Amendment L15.

Melbourne Planning Scheme — Amendments L76, L85, L113, L114, L121, L130 and L134.

Melton Planning Scheme — Amendment L29.

Metropolitan Region Planning Schemes — Amendment R118.

Moe Planning Scheme — Amendment L25.

Moorabbin Planning Scheme — Amendments L16 and L26.

Mortlake Planning Scheme — Amendment L3.

Narracan Planning Scheme — Amendments L23 and L32.

Newstead Planning Scheme — Amendment L7.

Northcote Planning Scheme — Amendment L22.

Nunawading Planning Scheme — Amendments L36, L58 Part 1, L58 Part 2 and L62.

Oakleigh Planning Scheme — Amendment L28.

Omeo Planning Scheme — Amendment L3.

Oxley Planning Scheme — Amendment L7.

Pakenham Planning Scheme — Amendments L22 Part 2, L48, L58, L74, L75, L77 and L78.

Phillip Island Planning Scheme — Amendment L42.

Port of Melbourne Planning Scheme — Amendments L8 and L10.

Preston Planning Scheme — Amendments L28, L33, L43 and RL143.

Queenscliffe Planning Scheme — Amendment RL1.

Richmond Planning Scheme — Amendments L19 and L27.

Ripon Planning Scheme — Amendment L11.

Rodney Planning Scheme — Amendments L48 and L53.

Romsey Planning Scheme — Amendments L23 and L24.

St. Kilda Planning Scheme — Amendments L20 and L23.

Sandringham Planning Scheme — Amendment L11.

Shepparton (Shire) Planning Scheme — Amendment L55.

Sherbrooke Planning Scheme — Amendments L69, L71 to L73.

South Melbourne Planning Scheme — Amendments L18 Part 3, L43 Part 1, L49, L63 and L66.

Springvale Planning Scheme — Amendment L60.

Strathfieldsaye Planning Scheme — Amendment L10.

Sunshine Planning Scheme — Amendment L44 Part 1.

Swan Hill (City) Planning Scheme — Amendment L11.

Swan Hill (Shire) Planning Scheme — Amendment L1.

Planning and Environment Act 1987 — *continued*

- Tallangatta Planning Scheme — Amendment L3.
- Tambo Planning Scheme — Amendments L55 to L57.
- Upper Yarra Planning Scheme — Amendment L22.
- Upper Yarra Valley and Dandenong Ranges Region Planning Scheme — Amendment R11.
- Victoria — State Section Planning Schemes — Amendment S32.
- Wangaratta Planning Scheme — Amendment L10.
- Warragul Planning Scheme — Amendment L24.
- Warmambool (City) Planning Scheme — Amendments L38 and L42.
- Waverley Planning Scheme — Amendment L32.
- Werribee Planning Scheme — Amendments L47 and L53.
- Whittlesea Planning Scheme — Amendments L55 and L78.
- Williamstown Planning Scheme — Amendment L19.
- Wodonga Planning Scheme — Amendments L32, L43 and L56.
- Wonthaggi Planning Scheme — Amendment L16.
- Yackandandah Planning Scheme — Amendments L10, L12 and L16.
- Yarrawonga Planning Scheme — Amendments L2 Part 2 and L17.

Prince Henry's Institute of Medical Research — Report, 1992.

Richmond College of TAFE — Report, 1992.

Rural Finance Act 1988 — Treasurer's direction of 11 June 1993 to Rural Finance Corporation.

Statutory Rules under the following Acts of Parliament:

Accident Compensation Act 1985 — Nos. 121 and 122.

Aerial Spraying Control Act 1966 — No. 104.

Alpine Resorts Act 1983 — Nos. 100 and 123.

Annual Reporting Act 1983 — No. 78, together with copies of the following documents which, by section 32 of the *Interpretation of Legislation Act 1984*, are also required to be laid upon the Table:

Australian Accounting Standards:

AAS 10 — Accounting for the Revaluation of Non-current Assets.

AAS 23 — Set-off and Extinguishment of Debt.

AAS 25 — Financial reporting by Superannuation Plans.

Architects Act 1991 — No. 77.

Associations Incorporation Act 1981 — No. 114.

Audit Act 1958 — Nos. 107, 108, 132 and 140.

Bees Act 1971 — No. 88.

Boilers and Pressure Vessels Act 1970 — No. 110.

Conservation, Forests and Lands Act 1987 — No. 145.

Construction Industry Long Service Leave Act 1983 — No. 139, together with copies of the following documents which, by section 32 of the *Interpretation of Legislation Act 1984*, are also required to be laid upon the Table:

Australian Workers' Union Construction and Maintenance Award 1989.

Building Construction Employees and Builders Labourers (Consolidated) Award 1982.

Electrical Contracting Industry Award 1992

Engine Drivers and Firemen's (General) Award, 1968.

Statutory Rules — *continued*

- Metal Industry (Engine Drivers' and Firemen's) Award 1984.
Metal Industry Award 1984 — Part 1.
Metal Trades Award 1952 — The Victorian Employers Federation.
Mobile Crane Hiring Award, 1988.
National Building and Construction Industry Award 1990.
National Metal and Engineering On-site Construction Industry Award 1989.
Plumbing Trades (Southern States) Construction Agreement, 1979.
Prefabricated Building (Off-site) Award, 1978.
The Carpenters and Joiners Award, 1967.
The Sprinkler Pipe Fitters' Award, 1975.
Transmission Line Construction in Victoria Agreement 1981.
Co-operation Act 1981 — No. 76.
County Court Act 1958 — Nos. 82 to 84.
Cultural and Recreational Lands Act 1963 — No. 97.
Drugs, Poisons and Controlled Substances Act 1981 — Nos. 86, 93, 136 and 137.
Education Act 1958 — No. 116.
Evidence Act 1958 — No. 106.
Financial Institutions Duty Act 1982 — Nos. 91 and 135.
Fisheries Act 1968 — No. 147.
Freedom of Information Act 1982 — Nos. 129 and 130.
Health Act 1958 — No. 95.
Health Services Act 1988 — Nos. 117, 120 and 138.
Historic Buildings Act 1981 — No. 90.
Intellectually Disabled Persons' Services Act 1986 — No. 115.
Land Tax Act 1958 — No. 112.
Legal Profession Practice Act 1958 — No. 146.
Lifts and Cranes Act 1967 — Nos. 109 and 133.
Local Government Act 1989 — No. 134.
Magistrates' Court Act 1989 — Nos. 103 and 113.
Medical Practitioners Act 1970 — No. 118.
Melbourne and Metropolitan Board of Works Act 1958 — Nos. 79 to 81, 96, 98 and 99.
Motor Car Traders Act 1986 — No. 131.
Murray Valley Citrus Marketing Act 1989 — No. 87.
Pay-roll Tax Act 1971 — No. 92.
Physiotherapists Act 1978 — No. 94.
Planning and Environment Act 1987 — No. 74.
Poultry Processing Act 1968 — No. 105.
Prevention of Cruelty to Animals Act 1986 — No. 89.
Road Safety Act 1986 — Nos. 125, 141 and 144.
Scaffolding Act 1971 — No. 111.
Stamps Act 1958 — No. 101.
Supreme Court Act 1986 — Nos. 85 and 142.
Supreme Court Act 1986—Corporations (Victoria) Act 1990 — No. 127.
Tobacco Act 1987 — No. 119.

Statutory Rules — *continued*

Transport Accident Act 1986 — Nos. 72 and 102.

Transport Act 1983 — No. 126.

Water Act 1989 — No. 124, together with copies of the following documents which, by section 32 of the *Interpretation of Legislation Act 1984*, are also required to be laid upon the Table:

Australian Accounting Standards:

AAS 1 — Profit and Loss or other Operating Statements.

AAS 2 — Measurement and Presentation of Inventories in the Context of the Historical Cost System.

AAS 3 — Accounting for Income Tax (Tax-effect Accounting).

AAS 4 — Depreciation of Non-Current Assets.

AAS 5 — Materiality in Financial Statements.

AAS 6 — Accounting Policies: Determination, Application and Disclosure.

AAS 7 — Accounting for the Extractive Industries.

AAS 8 — Events Occurring After Balance Date.

AAS 9 — Expenditure Carried Forward to Subsequent Accounting Periods.

AAS 10 — Accounting for the Revaluation of Non-current Assets.

AAS 11 — Accounting for Construction Contracts.

AAS 13 — Accounting for Research and Development Costs.

AAS 14 — Equity Method of Accounting.

AAS 15 — Disclosure of Operating Revenue.

AAS 16 — Financial Reporting by Segments.

AAS 17 — Accounting for Leases.

AAS 18 — Accounting for Goodwill.

AAS 19 — Accounting for Interests in Joint Ventures.

AAS 20 — Foreign Currency Translation (Part A).

AAS 21 — Accounting for the Acquisition of Assets (including Business Entities).

AAS 23 — Set-off and Extinguishment of Debt.

AAS 24 — Consolidated Financial Reports.

AAS 28 — Statement of Cash Flows.

Statement of Accounting Concepts:

SAC 1 — Definition of the Reporting Entity.

SAC 2 — Objective of General Purpose Financial Reporting.

SAC 3 — Qualitative Characteristics of Financial Information.

The Constitution Act Amendment Act 1958 — Statement of functions conferred upon the Electoral Commissioner, 7 July 1993.

Tobacco Leaf Marketing Board — Report, 1 April 1992 to 31 March 1993.

Upper Yarra Valley and Dandenong Ranges Authority Act 1976 — Regional Strategy Plan (1992) — Amendment No. 50 (two papers).

Vocational Education and Training (College Employment) Act 1993 — TAFE College Employment (Transitional Provisions) Order 1993.

Wangaratta College of TAFE — Report, 1992.

Western Metropolitan College of TAFE — Report, 1992.

William Angliss College of TAFE — Report, 1992.

Wimmera Community College of TAFE — Report, 1992.

PROCLAMATIONS — Proclamations of His Excellency the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Clerk pursuant to an Order of the Council on 27 October 1992:

- Accident Compensation (WorkCover Insurance) Act 1993 — Part 3, and sections 7 to 11, 15 to 17, 72, 78 (1) (b), 79, 80 (1) (a) and (e), 85, 86, 89, 90, 98, 103 to 108, 109 (1) and (2), 112 (2) and 113 — 16 June 1993; sections 12 to 14, 18, 20 to 26, 55, 57 to 71, 73, 75, 78 (1) (c) to (h) and (2), 83 and 101 — 30 June 1993; Part 4 and sections 56, 74, 76, 78 (1) (a), 80 (1) (b) to (d), 80 (2), 81, 84 (2), 91, 99 and 109 (3) — 1 July 1993; sections 96 and 97 — 1 August 1993 (*Gazette* No. S39, 16 June 1993).
- Board of Studies Act 1993 — Sections 3 to 26 — 30 June 1993 (*Gazette* No. G24, 24 June 1993).
- Casino Control Act 1991 — Remaining provisions — 27 May 1993 (*Gazette* No. G20, 27 May 1993).
- Children and Young Persons Act 1989 — Section 7 — 14 June 1993 (*Gazette* No. G22, 10 June 1993).
- Commercial Arbitration (Amendment) Act 1993 — 1 July 1993 (*Gazette* No. G25, 1 July 1993).
- Corrections (Management) Act 1993 — Whole Act (except sections 5 and 6) — 18 June 1993 (*Gazette* No. G23, 17 June 1993).
- Crimes (Criminal Trials) Act 1993 — Section 27 — 21 June 1993 (*Gazette* No. S40, 17 June 1993); sections 4 to 26 and 28 — 1 July 1993 (*Gazette* No. G25, 1 July 1993).
- Debits Tax (Amendment) Act 1993 — Section 6 — 1 July 1993 (*Gazette* No. G24, 24 June 1993).
- Education Acts (Teachers) Act 1993 — Section 12 — 8 July 1993 (*Gazette* No. G26, 8 July 1993).
- Egg Industry (Deregulation) Act 1993 — Sections 3 and 10 — 10 June 1993; sections 4 to 9 and 11 — 12 June 1993 (*Gazette* No. G22, 10 June 1993).
- Ethnic Affairs Commission Act 1993 — Sections 3 to 16 — 17 June 1993 (*Gazette* No. S40, 17 June 1993).
- Meat Industry Act 1993 — Section 84 — 24 June 1993; Part 2 (except section 6), Parts 3 and 4, Part 5 (except sections 31, 32, 34 (1) and (3) and 39), Parts 6 to 8, Part 9 (except sections 81, 84 and 91) and Schedules 1 and 2 — 30 June 1993 (*Gazette* No. G24, 24 June 1993); section 34 (1) — 15 July 1993 (*Gazette* No. G27, 15 July 1993).
- Mutual Recognition (Victoria) Act 1993 — 1 July 1993 (*Gazette* No. G22, 10 June 1993).
- Racing (Amendment) Act 1993 — Sections 3, 4, 7 to 9, 11, 13 and 14 — 1 June 1993; (*Gazette* No. S34, 3 June 1993); section 6 — 12 July 1993 (*Gazette* No. G26, 8 July 1993); section 10 — 1 August 1993 (*Gazette* No. G27, 15 July 1993).
- Tertiary Education Act 1993 — Section 24 — 7 June 1993; remaining provisions — 1 July 1993 (*Gazette* No. G21, 3 June 1993).
- The Victoria Racing Club (Amendment) Act 1993 — Sections 3 to 7 — 7 July 1993 (*Gazette* No. S49, 7 July 1993).
- Victorian Plantations Corporation Act 1993 — Remaining provisions — 1 July 1993 (*Gazette* No. G24, 24 June 1993).

13 ANNUAL LEAVE PAYMENTS (AMENDMENT) BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable D.R. White moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

The Honourable R.I. Knowles moved, That the debate be adjourned until tomorrow.

The Honourable D.R. White moved, as an amendment, That "tomorrow" be omitted with the view of inserting in place thereof "Tuesday, 7 September 1993".

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

The Council divided.

AYES, 26

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop (*Teller*)
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 Rosemary Varty
 Dr. R.J.H. Wells (*Teller*)
 Sue deC. Wilding

NOES, 10

The Hon. D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 L. Kokocinski (*Teller*)
 B.W. Mier
 D.A. Nardella
 B.T. Pullen
 T.C. Theophanous (*Teller*)
 D.T. Walpole
 D.R. White

And so it was resolved in the affirmative.

Ordered — That the debate be adjourned until tomorrow.

- 14 LAND TITLES VALIDATION BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable M.A. Birrell moved, That this Bill be now read a second time.

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

The Honourable D.R. White moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

The Honourable R.I. Knowles moved, That the debate be adjourned until the next day of meeting.

Debate ensued.

Question — put.

The Council divided.

AYES, 26

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson

NOES, 10

The Hon. D.E. Henshaw
 C.J. Hogg
 R.S. Ives

W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis (*Teller*)
 R.S. de Fegely
 D.M. Evans
 W. Forwood
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan (*Teller*)
 R.I. Knowles
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

L. Kokocinski
 B.W. Mier
 D.A. Nardella (*Teller*)
 B.T. Pullen (*Teller*)
 T.C. Theophanous
 D.T. Walpole
 D.R. White

And so it was resolved in the affirmative.

- 15 **ADJOURNMENT** — The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

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

THURSDAY, 12 AUGUST 1993

Debate continued.

Question — put and resolved in the affirmative.

And then the Council, at 12.17 a.m., adjourned until this day.

A.V. BRAY
Clerk of the Legislative Council

No. 35 — Thursday, 12 August 1993

- 1 The President took the Chair and read the Prayer.
- 2 **ABSENCE OF THE CLERK** — The President having announced that he had approved leave to the Clerk during September 1993 to enable him to undertake duties in connection with the 39th Commonwealth Parliamentary Conference and to enable him to pursue other matters in connection with his duties as both Clerk of the Parliaments and Honorary Secretary to the Victoria Branch of the Commonwealth Parliamentary Association —
 The Honourable R.I. Knowles moved, That the Clerk-Assistant perform the duties of the Clerk of the Council during his absence, and take the Chair at the Table.
 Question — put and resolved in the affirmative.

3 PAPERS —

BENDIGO CITY COUNCIL — The Honourable R.M. Hallam moved, by leave, That there be laid before this House a copy of the Report on the Investigation into Bendigo City Council.

Question — put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable R.M. Hallam and ordered to lie on the Table and to be printed.

* * * * *

STRATHFIELDSAYE SHIRE COUNCIL — The Honourable R.M. Hallam moved, by leave, That there be laid before this House a copy of the Report on the Inquiry into Strathfieldsaye Shire Council.

Question — put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable R.M. Hallam and ordered to lie on the Table and to be printed.

* * * * *

PAPERS PURSUANT TO STATUTE — The following Papers, pursuant to the direction of an Act 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:

Bairnsdale (Shire) Planning Scheme — Amendment L34.

Berwick Planning Scheme — Amendment L51 Part 2.

Collingwood Planning Scheme — Amendment L14.

Cranbourne Planning Scheme — Amendment L86.

Dandenong Planning Scheme — Amendment L16.

Frankston Planning Scheme — Amendment L41.

Mildura (Shire) Planning Scheme — Amendment L24.

South Melbourne Planning Scheme — Amendment L25.

Springvale Planning Scheme — Amendment L43.

4 **LAND TITLES VALIDATION BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders —

5 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order No. 71A.

6 **LAND TITLES VALIDATION BILL** — Debate continued on the question, That this Bill be now read a second time —

Question — put.

The Council divided.

AYES, 25

NOES, 10

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson
W.R. Baxter
R.A. Best
M.A. Birrell
R.H. Bowden (*Teller*)
A.R. Brideson

The Hon. B.E. Davidson
D.E. Henshaw
C.J. Hogg
R.S. Ives (*Teller*)
L. Kokocinski
B.W. Mier
B.T. Pullen
T.C. Thephanous

G.P. Connard (*Teller*)
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

D.T. Walpole (*Teller*)
 D.R. White

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.

House in Committee.

The President resumed the Chair; and the Honourable D.M. Evans 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.

- 7 ANNUAL LEAVE PAYMENTS (AMENDMENT) BILL — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

Question — put.

The Council divided.

AYES, 25

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson (*Teller*)
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood
 P.R. Hall

NOES, 9

The Hon. D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 L. Kokocinski
 B.W. Mier
 D.A. Nardella (*Teller*)
 B.T. Pullen
 D.T. Walpole (*Teller*)
 D.R. White

R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 K.M. Smith (*Teller*)
 Graeme Stoney
 Haddon Storey
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

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 **LOY YANG B (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable D.R. White moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 9 **HISTORIC SHIPWRECKS (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.

The Honourable B.T. Pullen moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 10 **ADJOURNMENT** — The Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until a day and hour to be fixed by the President, which time of meeting shall be notified in writing to each Honourable Member.

Question — put and resolved in the affirmative.

The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 7.11 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 Honourable Member.

A.V. BRAY
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 35

Tuesday, 14 September 1993

Mr. President takes the Chair at 2.30 p.m.

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- 1 LOY YANG B (AMENDMENT) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate.* (*Hon. D.R. White*).
- 2 HISTORIC SHIPWRECKS (AMENDMENT) BILL — (*from Assembly — Hon. R.I. Knowles*) — Second reading — *Resumption of debate.* (*Hon. B.T. Pullen*).
- 3 INTERPRETATION OF LEGISLATION (AMENDMENT) BILL — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (*Hon. B.T. Pullen*).

GENERAL BUSINESS

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Government for its hasty introduction of ill considered, poorly drafted and divisive legislation that it intends to pass by ambushing the people of Victoria instead of allowing time for community consultation and scrutiny.
- 2 THE HON. D.M. EVANS — To move, That the Council take note of the report of the Auditor-General on Salinity, March 1993.

ORDERS OF THE DAY

- 1 LOCAL GOVERNMENT BOARD — MINISTER'S ANSWER TO QUESTION WITHOUT NOTICE, 6 NOVEMBER 1992 — To be considered.
- 2 PUBLIC SECTOR SUPERANNUATION — Motion to take note of document prepared by the Hon. I.W. Smith, MP, Minister for Finance, 7 April 1993 — (*Hon. D.R. White*) — *Resumption of debate.* (*Hon. Rosemary Varty*).
- 3 STATE SCHOOL CLEANERS — Motion condemning Government for treatment of cleaners before, and on, 31 December 1992 and consequent extra workload and responsibilities imposed on teachers, students and parents — (*Hon. D.A. Nardella*) — *Resumption of debate.* (*Hon. C.J. Hogg*).
- 4 ROAD FUNDS FUEL LEVY — Motion for Trust Fund money derived from 3 cent levy on fuel to be dedicated to stage one of Western Bypass and the Domain tunnel, and

for remaining funds to be applied to certain major State arterial roads and, further, that introduction of the tax not proceed until such a commitment is made — (Hon. D.R. White) — *Resumption of debate.* (Hon. G.B. Ashman).

- 5 INDUSTRIAL RELATIONS — Motion condemning Government for its gross mishandling of industrial relations and for seeking to prevent Victorian workers obtaining Federal award protection — (Hon. D.T. Walpole) — *Resumption of debate.* (Hon. B.W. Mier).
- 6 CAMBERWELL CITY COUNCIL — REPORT ON INVESTIGATION AND RELATED MINISTERIAL STATEMENT — To be considered.

W.R. TUNNECLIFFE
Acting Clerk of the Legislative Council

B.A. CHAMBERLAIN
President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

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COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis, B.W. Mier and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (ex-officio), R.A. Best, L. Kokocinski, B.A.E. Skeggs, D.A. Nardella and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING — The Honourables the President, B.W. Bishop, G.H. Cox, B.W. Mier, D.A. Nardella, B.A.E. Skeggs and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables A.R. Brideson, B.W. Bishop, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS (JOINT) — The Honourables L. Asher and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 28 October 1992 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday	—	2.30 p.m.
Wednesday	—	10.00 a.m.
Thursday	—	10.00 a.m.

Business to take precedence—

Tuesday	—	Government business.
Wednesday	—	General business (until 2.00 p.m.).
Thursday	—	Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 27 October 1992, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

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LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 36

Wednesday, 15 September 1993

Mr. President takes the Chair at 10.00 a.m.

GENERAL BUSINESS

[To take precedence until 2.00 p.m.]

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Government for its hasty introduction of ill considered, poorly drafted and divisive legislation that it intends to pass by ambushing the people of Victoria instead of allowing time for community consultation and scrutiny.
- 2 THE HON. D.M. EVANS — To move, That the Council take note of the report of the Auditor-General on Salinity, March 1993.
- *3 THE HON. D.R. WHITE — To move, That this House condemns the Government for its failure to construct and complete the Western By-pass and Domain Tunnel during the life of this Parliament as the two projects would create up to 4000 jobs directly and many thousands indirectly in the building industry, thereby substantially reducing the cost of commerce and manufacturing in Victoria, and thus providing a significant competitive advantage for Melbourne, our international port facilities and all Victorian exporters.
- *4 THE HON. D.R. WHITE — To move, That the Sessional Orders relating to the Business of the House, adopted by the Council on 28 October 1992, be amended as follows:
 In paragraph (b), after "20A," insert "53,".

ORDERS OF THE DAY

- 1 LOCAL GOVERNMENT BOARD — MINISTER'S ANSWER TO QUESTION WITHOUT NOTICE, 6 NOVEMBER 1992 — To be considered.
- 2 PUBLIC SECTOR SUPERANNUATION — Motion to take note of document prepared by the Hon. I.W. Smith, MP, Minister for Finance, 7 April 1993 — (*Hon. D.R. White*) — *Resumption of debate.* (*Hon. Rosemary Varty*).
- 3 STATE SCHOOL CLEANERS — Motion condemning Government for treatment of cleaners before, and on, 31 December 1992 and consequent extra workload and responsibilities imposed on teachers, students and parents — (*Hon. D.A. Nardella*) — *Resumption of debate.* (*Hon. C.J. Hogg*).

- 4 ROAD FUNDS FUEL LEVY — Motion for Trust Fund money derived from 3 cent levy on fuel to be dedicated to stage one of Western Bypass and the Domain tunnel, and for remaining funds to be applied to certain major State arterial roads and, further, that introduction of the tax not proceed until such a commitment is made — (Hon. D.R. White) — *Resumption of debate.* (Hon. G.B. Ashman).
- 5 INDUSTRIAL RELATIONS — Motion condemning Government for its gross mishandling of industrial relations and for seeking to prevent Victorian workers obtaining Federal award protection — (Hon. D.T. Walpole) — *Resumption of debate.* (Hon. B.W. Mier).
- 6 CAMBERWELL CITY COUNCIL — REPORT ON INVESTIGATION AND RELATED MINISTERIAL STATEMENT — To be considered.

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- *1 LA TROBE UNIVERSITY (AMENDMENT) BILL — (from Assembly — Hon. Haddon Storey) — Second reading.
- *2 WATER (AMENDMENT) BILL — (from Assembly — Hon. M.A. Birrell) — Second reading.
- *3 EVIDENCE (PROOF OF OFFENCES) BILL — (from Assembly — Hon. Haddon Storey) — Second reading.
- *4 UNCLAIMED MONEYS (AMENDMENT) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading.
- *5 SUMMARY OFFENCES (STOLEN CATTLE) BILL — (from Assembly — Hon. Haddon Storey) — Second reading.
- *6 BUDGET PAPERS 1993-94 — To be considered.
- 7 INTERPRETATION OF LEGISLATION (AMENDMENT) BILL — (from Assembly — Hon. Haddon Storey) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).

W.R. TUNNECLIFFE
Acting Clerk of the Legislative Council

B.A. CHAMBERLAIN
President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

* * * *

COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis, B.W. Mier and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (ex-officio), R.A. Best, L. Kokocinski, B.A.E. Skeggs, D.A. Nardella and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING — The Honourables the President, B.W. Bishop, G.H. Cox, B.W. Mier, D.A. Nardella, B.A.E. Skeggs and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables A.R. Brideson, B.W. Bishop, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS (JOINT) — The Honourables L. Asher and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 28 October 1992 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday	—	2.30 p.m.
Wednesday	—	10.00 a.m.
Thursday	—	10.00 a.m.

Business to take precedence—

Tuesday	—	Government business.
Wednesday	—	General business (until 2.00 p.m.).
Thursday	—	Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 27 October 1992, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

ADJOURNMENT OF BILLS [Effective until 31 December 1993]

By resolution of the Council on 14 September 1993 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 18 November 1993, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in 1994: Provided that any Bill transmitted from the Legislative Assembly which is in the hands of the Clerk no later than 10.00 a.m. on 19 November 1993 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS

Nos. 36 and 37

No. 36 — Tuesday, 14 September 1993

- 1 The Council met in accordance with adjournment, the President, pursuant to resolution, having fixed this day at 2.30 p.m. as the time of meeting.
- 2 The President took the Chair and read the Prayer.
- 3 **ASSENT TO ACTS** — The Honourable M.A. Birrell presented a Message from His Excellency the Governor informing the Council that he had, on 17 August 1993, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:
 - Annual Leave Payments (Amendment) Act*
 - Land Titles Validation Act.*
- 4 **LA TROBE UNIVERSITY (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'La Trobe University Act 1964' to provide for changes to La Trobe University's academic structure and for the merger of the La Trobe University College of Northern Victoria with the University and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 5 **WATER (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Water Act 1989' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable M.A. Birrell, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 6 **EVIDENCE (PROOF OF OFFENCES) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Evidence Act 1958' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 7 **UNCLAIMED MONEYS (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Unclaimed Moneys Act 1962', to make consequential amendments to other Acts and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 8 **SUMMARY OFFENCES (STOLEN CATTLE) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Summary Offences Act 1966' and the 'Magistrates' Court Act 1989' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 9 **QUESTIONS** — Questions without notice were taken and answers were given to certain questions on notice pursuant to Standing Order No. 71A.

- 10 **ADJOURNMENT OF BILLS** — The Honourable R.I. Knowles moved, by leave, That —

- (a) unless otherwise ordered, where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 18 November 1993, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in 1994: Provided that any Bill transmitted from the Legislative Assembly which is in the hands of the Clerk no later than 10.00 a.m. on 19 November 1993 may be taken through all stages; and

- (b) this Order shall have effect until 31 December 1993.

Question — put and resolved in the affirmative.

- 11 **PETITIONS** —

RURAL SCHOOLS — The Honourable P.R. Hall presented a Petition bearing 131 signatures from certain citizens of Victoria praying for the retention of all rural schools and that higher teacher/student ratios not be introduced.

Ordered to lie on the Table.

* * * * *

KINDERGARTEN FUNDING CUTS — The Honourable W.A.N. Hartigan presented a Petition bearing 45 signatures from certain citizens of Victoria praying that the rights of pre-school children and their parents be recognised and protected.

Ordered to lie on the Table.

* * * * *

HUMAN EMBRYOS — The Honourables J.V.C. Guest, G.B. Ashman and L. Asher each presented a Petition bearing 88, 18 and 96 signatures, respectively, from certain citizens of Victoria praying that legislation be passed to prohibit harmful and destructive experimentation on human embryos.

Severally ordered to lie on the Table.

- 12 **PAPERS** —

BLF CUSTODIAN — The Honourable Haddon Storey moved, by leave, That there be laid before this House a copy of Report No. 24 dated 31 August 1993 given to Mr. President, pursuant to section 7A of the *BLF (De-recognition) Act 1985*, by the Custodian appointed under section 7(1) of that Act.

Question — put and resolved in the affirmative.

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

DARATECH PTY. LTD. — The Honourable W.R. Baxter moved, by leave, That there be laid before this House a copy of the Report of Daratech Pty. Ltd. for the year 1992-93.

Question — put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable W.R. Baxter and ordered to lie on the Table.

* * * * *

BUDGET PAPERS, 1993-94 — The Honourable R.M. Hallam moved, by leave, That there be laid before this House a copy of the following 1993-94 Budget documents:

- (a) Budget Speech (Budget Paper No. 1);
- (b) Budget Strategy and Review (Budget Paper No. 2);
- (c) The Consolidated Fund (Budget Paper No. 3); and
- (d) Budget Estimates (Budget Paper No. 4).

Question — put and resolved in the affirmative.

The said papers were thereupon presented by the Honourable R.M. Hallam and ordered to lie on the Table.

The Honourable R.M. Hallam 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.

* * * * *

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — The Honourable B.A.E. Skeggs presented Alert Digest No. 13 of 1993 from the Scrutiny of Acts and Regulations Committee, together with an Appendix.

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 Acting Clerk:

Border Groundwaters Agreement Review Committee — Report 1991-92.

Broiler Industry Negotiation Committee — Report, 1992-93.

Building Control Act 1981 — Building Code of Australia, 1990 — Amendment No. 5, together with copies of the following documents which, by section 32 of the *Interpretation of Legislation Act 1984*, are also required to be laid upon the Table:

AS 1428.1 — 1993 — Design for access and mobility — Part 1: General requirements for access — Buildings (two papers).

AS 1538 — 1988 — Cold-Formed Steel Structures Code.

AS 1562.1 — 1992 — Design and installation of sheet roof and wall cladding — Part 1: Metal.

AS 1668.2 — 1991 — The use of mechanical ventilation and air-conditioning in buildings — Part 2: Mechanical ventilation for acceptable indoor-air quality.

AS 1680.1 — 1990 — Interior lighting — Part 1: General principles and recommendations.

AS 1680.2.0 — 1990 — Interior lighting — Part 2.0: Recommendations for specific tasks and interiors (as amended).

AS 1684 — 1992 — National Timber Framing Code.

AS 1860 — 1991 — Installation of particleboard flooring.

- AS 2049 — 1992 — Roof tiles.
- AS 2867 — 1986 — Farm Structures — General Requirements for Structural Design.
- Amendment No. 3 to AS 3700 — 1988 — SAA Masonry Code.
- AS 4055 — 1992 — Wind loads for housing.
- ASTM D 3018 — 90 — Standard Specification for Class Asphalt Shingles Faced with Mineral Granules.
- Timber Framing Manual, April 1993.
- Timber Framing Manual — Supplementary Tables, January 1992.
- Crown Land (Reserves) Act 1978 — Minister's order of 9 September 1993 giving approval to granting of lease (Port Fairy).
- Flagstaff College of TAFE — Report, 1992.
- Flora and Fauna Guarantee Act 1988 — Order in Council of 10 August 1993 adding items to Schedule 2 — List of Taxa and Communities of Flora or Fauna which are threatened.
- Medical Board — Report, 1991-92.
- Parliamentary Officers Act 1975 — Statements of appointments, alterations of classifications and of persons temporarily employed in the Parliamentary departments for the year 1992-93 (nine papers).
- Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:
- Altona Planning Scheme — Amendment L34.
 - Bacchus Marsh Planning Scheme — Amendments L32 and L33 Part 1.
 - Bass Planning Scheme — Amendments L22 and L29.
 - Beechworth Planning Scheme — Amendment L20.
 - Bendigo Planning Scheme — Amendment L31.
 - Brunswick Planning Scheme — Amendments L29 and L37.
 - Bulla Planning Scheme — Amendment L72.
 - Buninyong Planning Scheme — Amendment L17.
 - Chiltern Planning Scheme — Amendment L18.
 - Croydon Planning Scheme — Amendment L56.
 - Dandenong Planning Scheme — Amendments L24 and L26.
 - Doncaster and Templestowe Planning Scheme — Amendments L49 and L64.
 - Flinders Planning Scheme — Amendment L113.
 - Gisborne Planning Scheme — Amendment L21 Part 2.
 - Greater Geelong Planning Scheme — Amendments R20 and RL22.
 - Marong Planning Scheme — Amendment L34.
 - Melbourne Planning Scheme — Amendment L107 Part 1.
 - Melton Planning Scheme — Amendment L20 Part 1.
 - Mornington Planning Scheme — Amendment L38.
 - Newham and Woodend Planning Scheme — Amendment L26.
 - Pakenham Planning Scheme — Amendment L80.
 - Prahran Planning Scheme — Amendments L34 and L35.
 - Rochester Planning Scheme — Amendment L7.
 - Romsey Planning Scheme — Amendment L22.
 - South Melbourne Planning Scheme — Amendments L56 and L71.
 - Sunshine Planning Scheme — Amendments L57 and L60.
 - Swan Hill (City) Planning Scheme — Amendment L12.
 - Tambo Planning Scheme — Amendment L58.
 - Traralgon (City) Planning Scheme — Amendment L45.
 - Traralgon (Shire) Planning Scheme — Amendment L43.
 - Upper Yarra Planning Scheme — Amendment L30.

Planning and Environment Act 1987 — (continued)

Warrnambool (City) Planning Scheme — Amendment L4 Part 2.

Whittlesea Planning Scheme — Amendment L90.

Wodonga Planning Scheme — Amendment L53.

Retail Tenancies Act 1986 — Report on Review of Act, April 1993.

Statutory Rules under the following Acts of Parliament:

Accident Compensation Act 1985—Accident Compensation (WorkCover Insurance) Act 1993 — No. 166.

Building Control Act 1981 — No. 159.

Drugs, Poisons and Controlled Substances Act 1981 — No. 162.

Fisheries Act 1968 — No. 164.

Gas and Fuel Corporation Act 1958 — No. 150.

Health Act 1958 — No. 161.

Health Services Act 1988 — Nos. 160 and 163.

Lifts and Cranes Act 1967 — Nos. 152, 167 and 168.

Local Government Act 1989 — No. 153.

Lotteries Gaming and Betting Act 1966 — No. 151.

Police Regulation Act 1958 — No. 165.

Port of Melbourne Authority Act 1958 — No. 155.

Public Sector Management Act 1992 — Nos. 154 and 157.

Registration of Births, Deaths and Marriages Act 1959 — No. 156.

Road Safety Act 1986 — No. 158.

Scaffolding Act 1971 — Nos. 169 to 171.

Sentencing Act 1991 — Magistrates' Court Act 1989 — No. 149.

Vegetation and Vine Diseases Act 1958 — No. 148.

* * * * *

PROCLAMATIONS — Proclamations of His Excellency the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Acting Clerk pursuant to an Order of the Council on 27 October 1992:

Local Government (Financial) Act 1992 — Section 3 — 1 October 1993 (*Gazette* No. G35, 9 September 1993).

Local Government (General Amendment) Act 1993 — Sections 23 and 25 — 2 September 1993 (*Gazette* No. G34, 2 September 1993).

Police Regulation (Discipline) Act 1993 — Remaining provisions — 26 August 1993 (*Gazette* No. G33, 26 August 1993).

Sentencing (Amendment) Act 1993 — Remaining provisions (except sections 13 and 15) — 15 August 1993; sections 13 and 15 — 1 November 1993 (*Gazette* No. G31, 12 August 1993).

13 LOY YANG B (AMENDMENT) BILL — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

Question — put.

The Council divided.

AYES, 28

NOES, 12

The Hon. L. Asher
G.B. Ashman (*Teller*)
B.N. Atkinson
W.R. Baxter
R.A. Best
M.A. Birrell

The Hon. B.E. Davidson
D.E. Henshaw
R.S. Ives
L. Kokocinski (*Teller*)
J. McLean (*Teller*)
B.W. Mier

B.W. Bishop	D.A. Nardella
R.H. Bowden	P. Power
A.R. Brideson	B.T. Pullen
G.H. Cox	T.C. Theophanous
G.R. Craige	D.T. Walpole
P.R. Davis	D.R. White
R.S. de Fegely	
D.M. Evans	
W. Forwood (<i>Teller</i>)	
J.V.C. Guest	
P.R. Hall	
R.M. Hallam	
W.A.N. Hartigan	
R.I. Knowles	
B.A.E. Skeggs	
K.M. Smith	
Graeme Stoney	
Haddon Storey	
C.A. Strong	
Rosemary Varty	
Dr. R.J.H. Wells	
Sue deC. Wilding	

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 **HISTORIC SHIPWRECKS (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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 Honourable D.M. Evans having reported that the Committee had agreed to the Bill with an amendment, the House ordered the Report to be taken into consideration this day, whereupon 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 an amendment, and desiring their concurrence therein.

- 15 **ADJOURNMENT** — The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 4.48 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Acting Clerk of the Legislative Council

No. 37 — Wednesday, 15 September 1993

- 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 Acting Clerk:
 - Annual Reporting Act 1983 — Minister for Tertiary Education and Training's report of 14 September 1993 of failure of Loddon Campaspe College of TAFE to submit 1992 annual report to him within the prescribed period and the reasons therefor.
 - Loddon Campaspe College of TAFE — Report, 1992.
- 3 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 and 2, be postponed until later this day.
- 4 **WESTERN BY-PASS AND DOMAIN TUNNEL** — The Honourable D.R. White moved, That this House condemns the Government for its failure to construct and complete the Western By-pass and Domain Tunnel during the life of this Parliament as the two projects would create up to 4000 jobs directly and many thousands indirectly in the building industry, thereby substantially reducing the cost of commerce and manufacturing in Victoria, and thus providing a significant competitive advantage for Melbourne, our international port facilities and all Victorian exporters.

Debate ensued.

The Honourable B.W. Mier moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until later this day.
- 5 **BUSINESS OF THE HOUSE** — The Honourable R.I. Knowles moved, That so much of the Sessional Orders be suspended as would prevent General Business taking precedence over other business until 3.30 p.m. during the sitting of the Council this day, with the exception of the asking of questions without notice and the giving of answers to questions on notice at 2.30 p.m.

Question — put and resolved in the affirmative.
- 6 **WESTERN BY-PASS AND DOMAIN TUNNEL** — The Order of the Day having been read for the resumption of the debate on the motion condemning the Government for its failure to construct and complete the Western By-pass and Domain Tunnel (for motion see item 4 *ante*) —

Debate resumed.

Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders —
- 7 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order No. 71A.
- 8 **WESTERN BY-PASS AND DOMAIN TUNNEL** — Debate continued on the question, That this House condemns the Government for its failure to construct and complete the Western By-pass and Domain Tunnel during the life of this Parliament as the two projects would create up to 4000 jobs directly and many thousands indirectly in the building industry, thereby substantially reducing the cost of commerce and manufacturing in Victoria, and thus providing a significant competitive advantage for Melbourne, our international port facilities and all Victorian exporters.

Question — put.

The Council divided.

AYES, 13

The Hon. B.E. Davidson
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 L. Kokocinski
 J. McLean
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen (*Teller*)
 T.C. Theophanous (*Teller*)
 D.T. Walpole
 D.R. White

NOES, 28

The Hon. L. Asher (*Teller*)
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding (*Teller*)

And so it passed in the negative.

- 9 **LA TROBE UNIVERSITY (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable Haddon Storey) moved, That this Bill be now read a second time.
 The Honourable B.T. Pullen moved, That the debate be now adjourned.
 Question — That the debate be now adjourned — put and resolved in the affirmative.
 Ordered — That the debate be adjourned until the next day of meeting.
- 10 **WATER (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable M.A. Birrell moved, That this Bill be now read a second time.
 The Honourable B.T. Pullen moved, That the debate be now adjourned.
 Question — That the debate be now adjourned — put and resolved in the affirmative.
 Ordered — That the debate be adjourned until the next day of meeting.
- 11 **EVIDENCE (PROOF OF OFFENCES) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable Haddon Storey) moved, That this Bill be now read a second time.
 The Honourable B.T. Pullen moved, That the debate be now adjourned.
 Question — That the debate be now adjourned — put and resolved in the affirmative.
 Ordered — That the debate be adjourned until the next day of meeting.

- 12 **UNCLAIMED MONEYS (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable R.M. Hallam) moved, That this Bill be now read a second time.
The Honourable B.T. Pullen moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until the next day of meeting.
- 13 **SUMMARY OFFENCES (STOLEN CATTLE) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable Haddon Storey) moved, That this Bill be now read a second time.
The Honourable B.T. Pullen moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until the next day of meeting.
- 14 **ADJOURNMENT** — The Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until Tuesday, 28 September 1993.
Question — put and resolved in the affirmative.
The Honourable R.I. Knowles moved, That the House do now adjourn.
Debate ensued.
Question — put and resolved in the affirmative.

And then the Council, at 4.25 p.m., adjourned until Tuesday, 28 September 1993.

W.R. TUNNECLIFFE
Acting Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 37

Tuesday, 28 September 1993

Mr. President takes the Chair at 2.30 p.m.

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- 1 BUDGET PAPERS 1993-94 — To be considered.
- 2 LA TROBE UNIVERSITY (AMENDMENT) BILL — *(from Assembly — Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. B.T. Pullen).*
- 3 WATER (AMENDMENT) BILL — *(from Assembly — Hon. M.A. Birrell) — Second reading — Resumption of debate. (Hon. B.T. Pullen).*
- 4 EVIDENCE (PROOF OF OFFENCES) BILL — *(from Assembly — Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. B.T. Pullen).*
- 5 UNCLAIMED MONEYS (AMENDMENT) BILL — *(from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate (Hon. B.T. Pullen).*
- 6 SUMMARY OFFENCES (STOLEN CATTLE) BILL — *(from Assembly — Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. B.T. Pullen).*
- 7 INTERPRETATION OF LEGISLATION (AMENDMENT) BILL — *(from Assembly — Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. B.T. Pullen).*

GENERAL BUSINESS

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Government for its hasty introduction of ill considered, poorly drafted and divisive legislation that it intends to pass by ambushing the people of Victoria instead of allowing time for community consultation and scrutiny.
- 2 THE HON. D.M. EVANS — To move, That the Council take note of the report of the Auditor-General on Salinity, March 1993.
- 3 THE HON. D.R. WHITE — To move, That the Sessional Orders relating to the Business of the House, adopted by the Council on 28 October 1992, be amended as follows:
 In paragraph (b), after "20A," insert "53,".

ORDERS OF THE DAY

- 1 LOCAL GOVERNMENT BOARD — MINISTER'S ANSWER TO QUESTION WITHOUT NOTICE, 6 NOVEMBER 1992 — To be considered.
- 2 PUBLIC SECTOR SUPERANNUATION — Motion to take note of document prepared by the Hon. I.W. Smith, MP, Minister for Finance, 7 April 1993 — (Hon. D.R. White) — *Resumption of debate.* (Hon. Rosemary Varty).
- 3 STATE SCHOOL CLEANERS — Motion condemning Government for treatment of cleaners before, and on, 31 December 1992 and consequent extra workload and responsibilities imposed on teachers, students and parents — (Hon. D.A. Nardella) — *Resumption of debate.* (Hon. C.J. Hogg).
- 4 ROAD FUNDS FUEL LEVY — Motion for Trust Fund money derived from 3 cent levy on fuel to be dedicated to stage one of Western Bypass and the Domain tunnel, and for remaining funds to be applied to certain major State arterial roads and, further, that introduction of the tax not proceed until such a commitment is made — (Hon. D.R. White) — *Resumption of debate.* (Hon. G.B. Ashman).
- 5 INDUSTRIAL RELATIONS — Motion condemning Government for its gross mishandling of industrial relations and for seeking to prevent Victorian workers obtaining Federal award protection — (Hon. D.T. Walpole) — *Resumption of debate.* (Hon. B.W. Mier).

W.R. TUNNECLIFFE
Acting Clerk of the Legislative Council

B.A. CHAMBERLAIN
President

Tuesday, 28 September 1993

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

* * * *

COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis, B.W. Mier and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (ex-officio), R.A. Best, L. Kokocinski, B.A.E. Skeggs, D.A. Nardella and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING — The Honourables the President, B.W. Bishop, G.H. Cox, B.W. Mier, D.A. Nardella, B.A.E. Skeggs and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables A.R. Brideson, B.W. Bishop, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS (JOINT) — The Honourables L. Asher and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 28 October 1992 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday	—	2.30 p.m.
Wednesday	—	10.00 a.m.
Thursday	—	10.00 a.m.

Business to take precedence—

Tuesday	—	Government business.
Wednesday	—	General business (until 2.00 p.m.).
Thursday	—	Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 27 October 1992, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

ADJOURNMENT OF BILLS [Effective until 31 December 1993]

By resolution of the Council on 14 September 1993 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 18 November 1993, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in 1994: Provided that any Bill transmitted from the Legislative Assembly which is in the hands of the Clerk no later than 10.00 a.m. on 19 November 1993 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 38

Wednesday, 29 September 1993

Mr. President takes the Chair at 10.00 a.m.

GENERAL BUSINESS

[To take precedence until 2.00 p.m.]

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Government for its hasty introduction of ill considered, poorly drafted and divisive legislation that it intends to pass by ambushing the people of Victoria instead of allowing time for community consultation and scrutiny.
- 2 THE HON. D.M. EVANS — To move, That the Council take note of the report of the Auditor-General on Salinity, March 1993.
- 3 THE HON. D.R. WHITE — To move, That the Sessional Orders relating to the Business of the House, adopted by the Council on 28 October 1992, be amended as follows:
In paragraph (b), after "20A," insert "53,".
- *4 THE HON. C.J. HOGG — To move, That this House condemns the Government for its sustained attack on the State school education system through cuts to staffing and forced school closures; its failure to include principals, parents and teachers in decision making; and its divisive "Schools of the Future" programme.

ORDERS OF THE DAY

- 1 LOCAL GOVERNMENT BOARD — MINISTER'S ANSWER TO QUESTION WITHOUT NOTICE, 6 NOVEMBER 1992 — To be considered.
- 2 PUBLIC SECTOR SUPERANNUATION — Motion to take note of document prepared by the Hon. I.W. Smith, MP, Minister for Finance, 7 April 1993 — (*Hon. D.R. White*) — *Resumption of debate.* (*Hon. Rosemary Varty*).
- 3 STATE SCHOOL CLEANERS — Motion condemning Government for treatment of cleaners before, and on, 31 December 1992 and consequent extra workload and responsibilities imposed on teachers, students and parents — (*Hon. D.A. Nardella*) — *Resumption of debate.* (*Hon. C.J. Hogg*).
- 4 ROAD FUNDS FUEL LEVY — Motion for Trust Fund money derived from 3 cent levy on fuel to be dedicated to stage one of Western Bypass and the Domain tunnel, and

for remaining funds to be applied to certain major State arterial roads and, further, that introduction of the tax not proceed until such a commitment is made — (Hon. D.R. White) — *Resumption of debate.* (Hon. G.B. Ashman).

- 5 INDUSTRIAL RELATIONS — Motion condemning Government for its gross mishandling of industrial relations and for seeking to prevent Victorian workers obtaining Federal award protection — (Hon. D.T. Walpole) — *Resumption of debate.* (Hon. B.W. Mier).

GOVERNMENT BUSINESS

NOTICES OF MOTION

- *1 THE HON. W.R. BAXTER — To move, That he have leave to bring in a Bill to amend the *Chattel Securities Act 1987* to provide for financial encumbrance information about registrable goods registered interstate to be available from the Victorian register and for other purposes.
- *2 THE HON. R.M. HALLAM — To move, That he have leave to bring in a Bill to reconstitute the City of Melbourne, to amend the *Local Government Act 1989*, to alter the boundaries of specified Councils and for other purposes.

ORDERS OF THE DAY

- *1 CREDIT (ADMINISTRATION) (AMENDMENT) BILL — (from Assembly — Hon. Haddon Storey) — Second reading.
- 2 BUDGET PAPERS 1993-94 — Motion to take note of papers — (Hon. R.M. Hallam) — *Resumption of debate.* (Hon. D.M. Evans).
- 3 INTERPRETATION OF LEGISLATION (AMENDMENT) BILL — (from Assembly — Hon. Haddon Storey) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).

A.V. BRAY
Clerk of the Legislative Council

B.A. CHAMBERLAIN
President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

* * * *

COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis, B.W. Mier and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (ex-officio), R.A. Best, L. Kokocinski, D.A. Nardella, B.A.E. Skeggs, and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING — The Honourables the President, B.W. Bishop, G.H. Cox, B.W. Mier, D.A. Nardella, B.A.E. Skeggs and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables A.R. Brideson, B.W. Bishop, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS (JOINT) — The Honourables L. Asher and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 28 October 1992 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday	—	2.30 p.m.
Wednesday	—	10.00 a.m.
Thursday	—	10.00 a.m.

Business to take precedence—

Tuesday	—	Government business.
Wednesday	—	General business (until 2.00 p.m.).
Thursday	—	Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 27 October 1992, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

ADJOURNMENT OF BILLS [Effective until 31 December 1993]

By resolution of the Council on 14 September 1993 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 18 November 1993, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in 1994: Provided that any Bill transmitted from the Legislative Assembly which is in the hands of the Clerk no later than 10.00 a.m. on 19 November 1993 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 38 and 39

No. 38 — Tuesday, 28 September 1993

- 1 The President took the Chair and read the Prayer.
- 2 **RETURN TO WRIT** — The President announced that, on 13 August 1993, he had issued a Writ for the election of a Member to serve for the Dousta Galla Province in the place of John Mansfield Brumby, resigned, and that such Writ had been returned to him and by the indorsement thereon it appeared that Monica Mary Gould had been elected in pursuance thereof.
- 3 **DECLARATION OF ALLEGIANCE** — The Honourable Monica Mary Gould, having been introduced, approached the Table and took and subscribed the Oath required by law.
The President attested the Roll.
- 4 **ASSENT TO ACTS** — The Honourable M.A. Birrell presented a Message from His Excellency the Governor informing the Council that he had, on 21 September 1993, given the Royal Assent to the undermentioned Acts presented to him by the Clerk-Assistant of the Legislative Council, for and in the absence of the Clerk of the Parliaments:
Loy Yang B (Amendment) Act
Historic Shipwrecks (Amendment) Act.
- 5 **CREDIT (ADMINISTRATION) (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Credit (Administration) Act 1984', the 'Credit Act 1984' and the 'Credit (Amendment) Act 1989' and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 6 **HISTORIC SHIPWRECKS (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.
- 7 **QUESTIONS** — Questions without notice were taken and an answer was given to a question on notice pursuant to Standing Order No. 71A.
- 8 **PETITIONS** —
MACLEOD PRIMARY SCHOOL — The Honourable P. Power presented a Petition bearing 1,140 signatures from certain citizens of Victoria requesting that Macleod Primary School be withdrawn from the Quality Provision Task Force in which it has been placed and that other options be explored which will best serve the needs of the children of Macleod.

Ordered to lie on the Table.

EASTMEADOWS PRIMARY SCHOOL — The Honourable C.J. Hogg presented a Petition bearing 458 signatures from certain citizens of Victoria praying that the Government allow Eastmeadows Primary School to remain open.

Ordered to lie on the Table.

9 PAPERS —

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST —

The Honourable B.A.E. Skeggs presented Alert Digest No. 14 of 1993 from the Scrutiny of Acts and Regulations Committee, together with an Appendix.

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:

Annual Reporting Act 1983 — Minister for Tertiary Education and Training's reports of 27 September 1993 of failure of Dandenong College of TAFE and Broadmeadows College of TAFE to submit 1992 annual reports to him within the prescribed period and the reasons therefor (two papers).

Broadmeadows College of TAFE — Report, 1992.

Dandenong College of TAFE — Report, 1992.

Docklands Authority — Report, 1992-93.

Equal Employment Opportunity — Report, 1991-92.

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

Altona Planning Scheme — Amendment L30.

Bannockburn Planning Scheme — Amendment L10.

Bass Planning Scheme — Amendment L9.

Beechworth Planning Scheme — Amendment L14.

Benalla (Shire) Planning Scheme — Amendment L14.

Broadford Planning Scheme — Amendment L10.

Broadmeadows Planning Scheme — Amendment L50.

Bulla Planning Scheme — Amendment L86.

Croydon Planning Scheme — Amendment L46.

Doncaster and Templestowe Planning Scheme — Amendment L38 Part 1.

Fitzroy Planning Scheme — Amendment L23.

Flinders Planning Scheme — Amendment L95.

Grenville Planning Scheme — Amendment L10.

Horsham Planning Scheme — Amendment L43.

Kerang (Shire) Planning Scheme — Amendment L3.

Lillydale Planning Scheme — Amendment L104.

Lowan Planning Scheme — Amendment L7.

Melbourne Planning Scheme — Amendments L122 and L135.

Melton Planning Scheme — Amendment L24.

Nunawading Planning Scheme — Amendments L22 and L53.

Prahran Planning Scheme — Amendments L23 and L32.

Preston Planning Scheme — Amendment L23.

Rochester Planning Scheme — Amendment L8.

Traralgon (Shire) Planning Scheme — Amendment L38.

Upper Yarra Planning Scheme — Amendments L27 and L29.

Stamps Act 1958 — Minister's report of 27 September 1993 of approved exemptions and partial exemptions and refunds made on corporate reconstructions for 1992-93.

Statutory Rules under the following Acts of Parliament:

Financial Institutions Duty Act 1982 — No. 173.

Port of Melbourne Authority Act 1958 —

No. 155 (*in lieu of that tabled on 14 September 1993*);

No. 172, together with copies of the following documents which, by section 32 of the *Interpretation of Legislation Act 1984*, are also required to be laid upon the Table:

Commonwealth Explosives Act 1961.

Commonwealth Environment Protection (Nuclear Codes) Act 1978.

Commonwealth National Occupational Health and Safety Commission — Exposure Standards for Atmospheric Contaminants in the Occupational Environment, May 1990 and October 1991.

Australian Standards:

Oil Companies International Marine Forum — Design and Construction Specification for Marine Loading Arms, 1987.

AIP CP2 — 1977 — Australian Institute of Petroleum Ltd — Code of Practice for Design and Operation of Wharflines.

AS 1657 — 1992 — Fixed platforms, walkways, stairways and ladders — Design, construction and installation.

AS 2018 — 1981 — SAA Liquid Petroleum Pipeline Code.

AS 2117 — 1991 — Hose and Hose Assemblies for Petroleum and Petroleum Products — Marine Suction and Discharge.

AS 1697 — 1981 — SAA Gas Pipeline Code.

AS 1596 — 1989 — LP Gas — Storage and Handling (as amended).

AS 1978 — 1987 — Pipelines — Gas and Liquid Petroleum — Field Pressure Testing.

AS 1958 — 1981 — SAA Submarine Pipeline Code.

AS 2022 — 1983 — SAA Anhydrous Ammonia Code (as amended).

AS 2885 — 1987 — Pipelines — Gas and Liquid Petroleum (as amended).

AS 2380.7 — 1987 — Electrical Equipment for Explosive Atmospheres — Explosion-Protection Techniques — Intrinsic Safety i.

AS 1603.5 — 1991 — Automatic Fire Detection and Alarm Systems — Manual Call Points.

AS 3000 — 1991 — SAA Wiring Rules (as amended).

International Maritime Organization (IMO) Codes and Conventions:

International Maritime Dangerous Goods Code, (IMDG Code), Supplement and Australian Supplement (6 papers).

International Code of Signals, 1987.

International Conference on Training and Certification of Seafarers, 1978.

International Convention for Safe Containers, 1972 — 1984 and 1992 Editions (two papers).

Statutory Rules — *continued*

International Atomic Energy Agency, Vienna, 1990 — Safety series, No. 6 — Regulations for the Safe Transport of Radioactive Material.

Tanker Safety Guide (Chemicals).

Tanker Safety Guide (Liquefied Gas).

Code of Safe Practice for Solid Bulk Cargoes.

International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (IBC) Code, 1990.

International Safety Guide for Oil Tankers and Terminals, Third Edition.

Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk, 1983 (incorporating Amendments 1 to 4) and Supplement.

Code for Existing Ships Carrying Liquefied Gases in Bulk, 1976 and Supplement, 1980.

Inert Gas Systems, 1990.

Crude Oil Washing Systems, 1983.

Transport of Dangerous Goods — United Nations New York, 1989.

Water Act 1989 — Minister's report of extension of time granted to the Avon-Macalister River Management Board to submit 1992-93 annual report and the reasons therefor.

* * * * *

PROCLAMATIONS — Proclamations of His Excellency the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Clerk pursuant to an Order of the Council on 27 October 1992:

Caravan Parks and Movable Dwellings (Amendment) Act 1993 — Remaining provisions — 1 November 1993 (*Gazette* No. G37, 23 September 1993).

Education Acts (Teachers) Act 1993 — Remaining provisions — 14 September 1993 (*Gazette* No. S63, 14 September 1993).

Health and Community Services (General Amendment) Act 1993 — Part 2 (except sections 7 to 12), Part 3 (except section 23(1)), Part 4 and Part 6 (except sections 63, 67 and 68) — 1 October 1993 (*Gazette* No. G36, 16 September 1993).

Local Government (General Amendment) Act 1993 — Sections 14 and 21 — 1 October 1993 (*Gazette* No. G37, 23 September 1993).

10 BUSINESS POSTPONED — Ordered — That the consideration of Order of the Day, Government Business, No. 1, be postponed until later this day.

11 LA TROBE UNIVERSITY (AMENDMENT) BILL — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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 WATER (AMENDMENT) BILL — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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 BUSINESS POSTPONED — Ordered — That the consideration of Order of the Day, Government Business, No. 4, be postponed until later this day.

14 UNCLAIMED MONEYS (AMENDMENT) BILL — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

The Honourable B.T. Pullen 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 redrafted to exempt municipal councils from the application of the *Unclaimed Moneys Act 1962*".

Debate ensued.

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

The Council divided.

AYES, 28

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis (*Teller*)
 R.S. de Fegely
 D.M. Evans
 W. Forwood
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells (*Teller*)
 Sue deC. Wilding

NOES, 13

The Hon. B.E. Davidson (*Teller*)
 M.M. Gould
 D.E. Henshaw (*Teller*)
 C.J. Hogg
 L. Kokocinski
 J. McLean
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole
 D.R. White

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

Question — That this 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.

- 15 SUMMARY OFFENCES (STOLEN CATTLE) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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 EVIDENCE (PROOF OF OFFENCES) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative — Bill read a second time and committed to a Committee of the whole.

House in Committee.

The Deputy President resumed the Chair; and the Honourable P.R. Hall having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon 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 therein.

- 17 BUDGET PAPERS, 1993-94** — The Order of the Day having been read for the consideration of the Budget Papers, 1993-94, the Honourable R.M. Hallam moved, That the Council take note of the Budget Papers, 1993-94.

Debate ensued.

The Honourable W. Forwood (for the Honourable D.M. Evans) moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 18 ADJOURNMENT** — The Honourable R.M. Hallam moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 9.44 p.m., adjourned until tomorrow.

A.V. BRAY
Clerk of the Legislative Council

No. 39 — Wednesday, 29 September 1993

- 1 The Deputy-President took the Chair and read the Prayer.
- 2 **PETITION — MATERNAL AND CHILD HEALTH SERVICE** — The Honourable J. McLean presented a Petition bearing 8,525 signatures from certain citizens of Victoria praying that the present role and scope of the Maternal and Child Health Service be maintained.

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:

A Statutory Rule under the Land Tax Act 1958 — No. 176.

- 4 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 3 inclusive, be postponed until later this day.

- 5 **STATE SCHOOL SYSTEM** — The Honourable C.J. Hogg moved, That this House condemns the Government for its sustained attack on the State school education system through cuts to staffing and forced school closures; its failure to include principals, parents and teachers in decision making; and its divisive "Schools of the Future" programme.

Debate ensued.

The Honourable P.R. Hall moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

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

- 6 **BUSINESS OF THE HOUSE** — The Honourable R.I. Knowles moved, That so much of the Sessional Orders be suspended as would prevent General Business taking precedence over other business until 2.30 p.m. during the sitting of the Council this day.

Question — put and resolved in the affirmative.

- 7 **STATE SCHOOL SYSTEM** — The Order of the Day having been read for the resumption of the debate on the question, That this House condemns the Government for its sustained attack on the State school education system through cuts to staffing and forced school closures; its failure to include principals, parents and teachers in decision making; and its divisive "Schools of the Future" programme —

Debate resumed.

General Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders, the debate stood adjourned in the name of the Honourable R.S. Ives —

- 8 **QUESTIONS** — Questions without notice were taken and an answer was given to a question on notice pursuant to Standing Order No. 71A.

- 9 **CHATTEL SECURITIES (AMENDMENT) BILL** — On the motion of the Honourable W.R. Baxter, leave was given to bring in a Bill to amend the *Chattel Securities Act 1987* to provide for financial encumbrance information about registrable goods registered interstate to be available from the Victorian register 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 later this day.

- 10 **CITY OF MELBOURNE BILL** — On the motion of the Honourable R.M. Hallam, leave was given to bring in a Bill to re-constitute the City of Melbourne, to amend the *Local Government Act 1989*, to alter the boundaries of specified Councils 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 later this day.

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

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

The Honourable P. Power moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 11 CREDIT (ADMINISTRATION) (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.

The Honourable D.R. White (for the Honourable B.T. Pullen) moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 12 CHATTEL SECURITIES (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable W.R. Baxter moved, That this Bill be now read a second time.

The Honourable T.C. Theophanous moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 13 BUDGET PAPERS, 1993-94** — The Order of the Day having been read for the resumption of the debate on the question, That the Council take note of the Budget Papers, 1993-94 —

Debate resumed.

The Honourable C.A. Strong moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 14 ADJOURNMENT** — The Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until Tuesday next.

Question — put and resolved in the affirmative.

The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 6.35 p.m., adjourned until Tuesday next.

A.V. BRAY
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 39

Tuesday, 5 October 1993

Mr. President takes the Chair at 2.30 p.m.

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- 1 BUDGET PAPERS 1993-94 — Motion to take note of papers — (*Hon. R.M. Hallam*) — Resumption of debate. (*Hon. C.A. Strong*).
- 2 CREDIT (ADMINISTRATION) (AMENDMENT) BILL — (*from Assembly — Hon. Haddon Storey*) — Second reading — Resumption of debate. (*Hon. B.T. Pullen*).
- *3 CITY OF MELBOURNE BILL — (*Hon. R.M. Hallam*) — Second reading — Resumption of debate. (*Hon. P. Power*).
- *4 CHATTEL SECURITIES (AMENDMENT) BILL — (*Hon. W.R. Baxter*) — Second reading — Resumption of debate. (*Hon. T.C. Theophanous*).
- 5 INTERPRETATION OF LEGISLATION (AMENDMENT) BILL — (*from Assembly — Hon. Haddon Storey*) — Second reading — Resumption of debate. (*Hon. B.T. Pullen*).

GENERAL BUSINESS

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Government for its hasty introduction of ill considered, poorly drafted and divisive legislation that it intends to pass by ambushing the people of Victoria instead of allowing time for community consultation and scrutiny.
- 2 THE HON. D.M. EVANS — To move, That the Council take note of the report of the Auditor-General on Salinity, March 1993.
- 3 THE HON. D.R. WHITE — To move, That the Sessional Orders relating to the Business of the House, adopted by the Council on 28 October 1992, be amended as follows:
In paragraph (b), after "20A," insert "53,".

*Indicates new entry.

ORDERS OF THE DAY

- 1 **LOCAL GOVERNMENT BOARD — MINISTER'S ANSWER TO QUESTION WITHOUT NOTICE, 6 NOVEMBER 1992** — To be considered.
- 2 **PUBLIC SECTOR SUPERANNUATION** — Motion to take note of document prepared by the Hon. I.W. Smith, MP, Minister for Finance, 7 April 1993 — (*Hon. D.R. White*) — *Resumption of debate.* (*Hon. Rosemary Varty*).
- 3 **STATE SCHOOL CLEANERS** — Motion condemning Government for treatment of cleaners before, and on, 31 December 1992 and consequent extra workload and responsibilities imposed on teachers, students and parents — (*Hon. D.A. Nardella*) — *Resumption of debate.* (*Hon. C.J. Hogg*).
- 4 **ROAD FUNDS FUEL LEVY** — Motion for Trust Fund money derived from 3 cent levy on fuel to be dedicated to stage one of Western Bypass and the Domain tunnel, and for remaining funds to be applied to certain major State arterial roads and, further, that introduction of the tax not proceed until such a commitment is made — (*Hon. D.R. White*) — *Resumption of debate.* (*Hon. G.B. Ashman*).
- 5 **INDUSTRIAL RELATIONS** — Motion condemning Government for its gross mishandling of industrial relations and for seeking to prevent Victorian workers obtaining Federal award protection — (*Hon. D.T. Walpole*) — *Resumption of debate.* (*Hon. B.W. Mier*).
- *6 **STATE SCHOOL EDUCATION SYSTEM** — Motion condemning Government for its sustained attack on the system (*Hon. C.J. Hogg*) — *Resumption of debate.* (*Hon. R.S. Ives*).

A.V. BRAY
Clerk of the Legislative Council

B.A. CHAMBERLAIN
President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

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COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis, B.W. Mier and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (ex-officio), R.A. Best, L. Kokocinski, D.A. Nardella, B.A.E. Skeggs, and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING — The Honourables the President, B.W. Bishop, G.H. Cox, B.W. Mier, D.A. Nardella, B.A.E. Skeggs and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables A.R. Brideson, B.W. Bishop, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS (JOINT) — The Honourables L. Asher and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 28 October 1992 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday	—	2.30 p.m.
Wednesday	—	10.00 a.m.
Thursday	—	10.00 a.m.

Business to take precedence—

Tuesday	—	Government business.
Wednesday	—	General business (until 2.00 p.m.).
Thursday	—	Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 27 October 1992, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

ADJOURNMENT OF BILLS [Effective until 31 December 1993]

By resolution of the Council on 14 September 1993 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 18 November 1993, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in 1994. Provided that any Bill transmitted from the Legislative Assembly which is in the hands of the Clerk no later than 10.00 a.m. on 19 November 1993 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 40

Wednesday, 6 October 1993

Mr. President takes the Chair at 10.00 a.m.

GENERAL BUSINESS

[To take precedence until 2.00 p.m.]

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Government for its hasty introduction of ill considered, poorly drafted and divisive legislation that it intends to pass by ambushing the people of Victoria instead of allowing time for community consultation and scrutiny.
- 2 THE HON. D.M. EVANS — To move, That the Council take note of the report of the Auditor-General on Salinity, March 1993.
- 3 THE HON. D.R. WHITE — To move, That the Sessional Orders relating to the Business of the House, adopted by the Council on 28 October 1992, be amended as follows:
In paragraph (b), after "20A," insert "53,".
- *4 THE HON. T.C. THEOPHANOUS — To move, That this House condemns the Government for its callous and inhumane treatment of injured workers as a result of the implementation of the WorkCover scheme and, in particular, for —
 - (a) creating unacceptable but avoidable delays in the Courts and in conciliation which have had the effect of forcing workers on to social security or into accepting inadequate offers of settlement;
 - (b) harassing and threatening injured workers with telephone offers of settlement without informing them fully of their rights;
 - (c) failing to make adequate return to work arrangements for thousands of its own employees which it is dumping from WorkCover;
 - (d) deceiving employers as to the true costs of WorkCover, which mean that most employers will pay more and not less under WorkCover as the Government claims; and
 - (e) deceiving the public by continuing to claim that Victorian WorkCover is modelled on NSW WorkCover, when the Victorian system provides significantly less access to benefits.

*Indicates new entry.

ORDERS OF THE DAY

- 1 LOCAL GOVERNMENT BOARD — MINISTER'S ANSWER TO QUESTION WITHOUT NOTICE, 6 NOVEMBER 1992 — To be considered.
- 2 PUBLIC SECTOR SUPERANNUATION — Motion to take note of document prepared by the Hon. I.W. Smith, MP, Minister for Finance, 7 April 1993 — (Hon. D.R. White) — *Resumption of debate.* (Hon. Rosemary Varty).
- 3 STATE SCHOOL CLEANERS — Motion condemning Government for treatment of cleaners before, and on, 31 December 1992 and consequent extra workload and responsibilities imposed on teachers, students and parents — (Hon. D.A. Nardella) — *Resumption of debate.* (Hon. C.J. Hogg).
- 4 ROAD FUNDS FUEL LEVY — Motion for Trust Fund money derived from 3 cent levy on fuel to be dedicated to stage one of Western Bypass and the Domain tunnel, and for remaining funds to be applied to certain major State arterial roads and, further, that introduction of the tax not proceed until such a commitment is made — (Hon. D.R. White) — *Resumption of debate.* (Hon. G.B. Ashman).
- 5 INDUSTRIAL RELATIONS — Motion condemning Government for its gross mishandling of industrial relations and for seeking to prevent Victorian workers obtaining Federal award protection — (Hon. D.T. Walpole) — *Resumption of debate.* (Hon. B.W. Mier).
- 6 STATE SCHOOL EDUCATION SYSTEM — Motion condemning Government for its sustained attack on the system — (Hon. C.J. Hogg) — *Resumption of debate.* (Hon. R.S. Ives).

GOVERNMENT BUSINESS

NOTICE OF MOTION

- *1 THE HON. HADDON STOREY — To move, That he have leave to bring in a Bill to provide for the construction of gifts and dispositions of property made in favour of the Braille and Talking Book Library and for other purposes.

ORDERS OF THE DAY

- *1 PETROLEUM (SUBMERGED LANDS) (AMENDMENT) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading.
- *2 SUNDAY ENTERTAINMENT (REPEAL) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading.
- *3 OCCUPATIONAL HEALTH AND SAFETY (MISCELLANEOUS AMENDMENTS) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading.
- 4 BUDGET PAPERS 1993-94 — Motion to take note of papers — (Hon. R.M. Hallam) — *Resumption of debate.* (Hon. M.M. Gould).
- 5 CITY OF MELBOURNE BILL — (Hon. R.M. Hallam) — Second reading — *Resumption of debate.* (Hon. P. Power).

Wednesday, 6 October 1993

- 6 CHATTEL SECURITIES (AMENDMENT) BILL — (*Hon. W.R. Baxter*) — Second reading — *Resumption of debate.* (*Hon. T.C. Theophanous*).
- 7 INTERPRETATION OF LEGISLATION (AMENDMENT) BILL — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (*Hon. B.T. Pullen*).

* * * *

WEDNESDAY, 20 OCTOBER 1993

At 6.15 p.m. —

*JOINT SITTING IN THE LEGISLATIVE ASSEMBLY CHAMBER — Appointments to Victorian Health Promotion Foundation.

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

* * * *

COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis, B.W. Mier and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (ex-officio), R.A. Best, L. Kokocinski, D.A. Nardella, B.A.E. Skeggs, and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING — The Honourables the President, B.W. Bishop, G.H. Cox, B.W. Mier, D.A. Nardella, B.A.E. Skeggs and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables A.R. Brideson, B.W. Bishop, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS (JOINT) — The Honourables L. Asher and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

Wednesday, 6 October 1993

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 28 October 1992 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday	—	2.30 p.m.
Wednesday	—	10.00 a.m.
Thursday	—	10.00 a.m.

Business to take precedence—

Tuesday	—	Government business.
Wednesday	—	General business (until 2.00 p.m.).
Thursday	—	Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 27 October 1992, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

ADJOURNMENT OF BILLS [Effective until 31 December 1993]

By resolution of the Council on 14 September 1993 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 18 November 1993, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in 1994: Provided that any Bill transmitted from the Legislative Assembly which is in the hands of the Clerk no later than 10.00 a.m. on 19 November 1993 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS

Nos. 40 and 41

No. 40 — Tuesday, 5 October 1993

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The Honourable M.A. Birrell presented a Message from His Excellency 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:
 - La Trobe University (Amendment) Act*
 - Water (Amendment) Act*
 - Unclaimed Moneys (Amendment) Act*
 - Summary Offences (Stolen Cattle) Act.*
- 3 **PETROLEUM (SUBMERGED LANDS) (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Petroleum (Submerged Lands) Act 1982' to reflect amendments made to the corresponding Commonwealth legislation and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 4 **SUNDAY ENTERTAINMENT (REPEAL) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to repeal the 'Sunday Entertainment Act 1967' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 5 **OCCUPATIONAL HEALTH AND SAFETY (MISCELLANEOUS AMENDMENTS) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Occupational Health and Safety Act 1985' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message 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 and answers were given to certain questions on notice pursuant to Standing Order No. 71A.
- 7 **PAPERS** —

VICTORIAN PRISON SYSTEM — The Honourable W.R. Baxter moved, by leave, That there be laid before this House a copy of the Report to the Minister for Corrections, the Honourable P.J. McNamara, MP, on allegations of maladministration, corruption and drug trafficking within the Victorian Prison System.

Question — put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable W.R. Baxter and ordered to lie on the Table.

* * * * *

CRIME PREVENTION COMMITTEE — TAXI SAFETY — The Honourable K.M. Smith presented a Report from the Crime Prevention Committee upon Personal Safety on the Public Transport System: Developing a Safer Taxi Industry, together with Appendices and Minutes of Evidence.

Ordered to lie on the Table and the Report and Appendices to be printed.

* * * * *

ECONOMIC DEVELOPMENT COMMITTEE — VICTORIAN BUILDING AND CONSTRUCTION INDUSTRY — EVIDENTIARY POWERS OF COMMITTEES — The Honourable P. Power presented a Report from the Economic Development Committee upon the Victorian Building and Construction Industry: Evidentiary Powers of Parliamentary Committees, together with Appendices.

Ordered to lie on the Table and to be printed.

* * * * *

AUDITOR-GENERAL — The following paper was laid upon the Table by the Clerk pursuant to an Order of the Council on 29 October 1992:

Auditor-General — Report on Aged Care, September 1993.

* * * * *

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

Electoral Commissioner — Report on the Administration of the 1992 Victorian State Election, 3 October 1992.

Statutory Rules under the following Acts of Parliament:

Caravan Parks and Movable Dwellings Act 1988 — No. 175, together with copies of the following documents which, by section 32 of the *Interpretation of Legislation Act 1984*, are also required to be laid upon the Table:

AS 3000 — 1986 — SAA Wiring Rules (as amended).

AS 1170.1 — 1989 — SAA Loading Code — Part 1: Dead and live loads and load combinations (as amended).

AS 1170.2 — 1989 — SAA Loading Code — Part 2: Wind loads (as amended).

AS 1288 — 1989 — Glass in buildings — Selection and installation.

AS 3001 — 1990 — Electrical installations — Movable premises (including caravans) and their site installations (as amended).

AG 601 — 1992 — Gas Installation Code.

AS 3005 — 1982 — Electrical Installations of Tents and Similar Temporary Structures for Domestic Purposes.

AS 3500.2 — 1990 — National Plumbing and Drainage Code — Part 2: Sanitary plumbing and sanitary drainage.

Meat Industry Act 1993 — No. 174.

- 8 **BUDGET PAPERS, 1993-94** — The Order of the Day having been read for the resumption of the debate on the question, That the Council take note of the Budget Papers, 1993-94 —

Debate resumed.

The Honourable M.M. Gould moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

9 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 two Members 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, 20 October 1993 at 6.15 p.m., and desiring the concurrence of the Council.

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

The Honourable R.M. Hallam (for the Honourable R.I. Knowles) moved, by leave, That this House meet the Legislative Assembly for the purpose of sitting and voting together to elect two 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, 20 October 1993 at 6.15 p.m.

Question — put and resolved in the affirmative.

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

10 CREDIT (ADMINISTRATION) (AMENDMENT) BILL — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

Question — put.

The Council divided.

AYES, 28

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney (Teller)
 Haddon Storey
 C.A. Strong (Teller)
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

NOES, 13

The Hon. B.E. Davidson
 M.M. Gould
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives (Teller)
 L. Kokocinski
 J. McLean
 B.W. Mier
 D.A. Nardella (Teller)
 P. Power
 B.T. Pullen
 D.T. Walpole
 D.R. White

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 **ADJOURNMENT** — The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 10.18 p.m., adjourned until tomorrow.

A.V. BRAY
Clerk of the Legislative Council

No. 41 — Wednesday, 6 October 1993

- 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:
 - Architects Registration Board — Report, 1992-93.
 - Plumbers, Gasfitters and Drainers Registration Board — Report, 1992-93.
 - A Statutory Rule under the Chiropodists Act 1968 — No. 177.
- 3 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 3 inclusive, be postponed until later this day.
- 4 **WORKCOVER SCHEME** — The Honourable T.C. Theophanous moved, That this House condemns the Government for its callous and inhumane treatment of injured workers as a result of the implementation of the WorkCover scheme and, in particular, for —
 - (a) creating unacceptable but avoidable delays in the Courts and in conciliation which have had the effect of forcing workers on to social security or into accepting inadequate offers of settlement;
 - (b) harassing and threatening injured workers with telephone offers of settlement without informing them fully of their rights;
 - (c) failing to make adequate return to work arrangements for thousands of its own employees which it is dumping from WorkCover;
 - (d) deceiving employers as to the true costs of WorkCover, which mean that most employers will pay more and not less under WorkCover as the Government claims; and
 - (e) deceiving the public by continuing to claim that Victorian WorkCover is modelled on NSW WorkCover, when the Victorian system provides significantly less access to benefits.

Debate ensued.

The Honourable D.A. Nardella moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

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

5 **BUSINESS OF THE HOUSE** — The Honourable R.I. Knowles moved, That so much of the Sessional Orders be suspended as would prevent General Business taking precedence over other business until 2.30 p.m. during the sitting of the Council this day.

Question — put and resolved in the affirmative.

6 **WORKCOVER SCHEME** — The Order of the Day having been read for the resumption of the debate on the question, That this House condemns the Government for its callous and inhumane treatment of injured workers as a result of the implementation of the WorkCover scheme and, in particular, for —

- (a) creating unacceptable but avoidable delays in the Courts and in conciliation which have had the effect of forcing workers on to social security or into accepting inadequate offers of settlement;
- (b) harassing and threatening injured workers with telephone offers of settlement without informing them fully of their rights;
- (c) failing to make adequate return to work arrangements for thousands of its own employees which it is dumping from WorkCover;
- (d) deceiving employers as to the true costs of WorkCover, which mean that most employers will pay more and not less under WorkCover as the Government claims; and
- (e) deceiving the public by continuing to claim that Victorian WorkCover is modelled on NSW WorkCover, when the Victorian system provides significantly less access to benefits.

Debate resumed.

Question — put.

The Council divided.

AYES, 14

The Hon. B.E. Davidson
 M.M. Gould
 D.E. Henshaw (*Teller*)
 C.J. Hogg
 R.S. Ives
 L. Kokocinski
 J. McLean
 B.W. Mier
 D.A. Nardella
 P. Power (*Teller*)
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole
 D.R. White

NOES, 28

The Hon. L. Asher
 G.B. Ashman (*Teller*)
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox (*Teller*)
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey

Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

And so it passed in the negative.

- 7 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order No. 71A.
- 8 **ASSOCIATION FOR THE BLIND (BRAILLE AND TALKING BOOK LIBRARY) BILL** — On the motion of the Honourable Haddon Storey, leave was given to bring in a Bill to provide for the construction of gifts and dispositions of property made in favour of the Braille and Talking Book Library 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 later this day.
- 9 **PETROLEUM (SUBMERGED LANDS) (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.
 The Honourable B.T. Pullen moved, That the debate be now adjourned.
 Question — That the debate be now adjourned — put and resolved in the affirmative.
 Ordered — That the debate be adjourned until the next day of meeting.
- 10 **SUNDAY ENTERTAINMENT (REPEAL) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.
 The Honourable D.R. White moved, That the debate be now adjourned.
 Question — That the debate be now adjourned — put and resolved in the affirmative.
 Ordered — That the debate be adjourned until the next day of meeting.
- 11 **OCCUPATIONAL HEALTH AND SAFETY (MISCELLANEOUS AMENDMENTS) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.
 The Honourable D.T. Walpole moved, That the debate be now adjourned.
 Question — That the debate be now adjourned — put and resolved in the affirmative.
 Ordered — That the debate be adjourned until the next day of meeting.
- 12 **ASSOCIATION FOR THE BLIND (BRAILLE AND TALKING BOOK LIBRARY) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.
 The Honourable C.J. Hogg moved, That the debate be now adjourned.
 Question — That the debate be now adjourned — put and resolved in the affirmative.
 Ordered — That the debate be adjourned until the next day of meeting.
- 13 **BUDGET PAPERS, 1993-94** — The Order of the Day having been read for the resumption of the debate on the question, That the Council take note of the Budget Papers, 1993-94 —
 Debate resumed.
 The Honourable L. Asher moved, That the debate be now adjourned.
 Question — That the debate be now adjourned — put and resolved in the affirmative.
 Ordered — That the debate be adjourned until the next day of meeting.

14 ADJOURNMENT — The Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until Tuesday, 19 October 1993.

Question — put and resolved in the affirmative.

The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 6.37 p.m., adjourned until Tuesday, 19 October 1993.

A.V. BRAY

Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 41

Tuesday, 19 October 1993

Mr. President takes the Chair at 2.30 p.m.

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- 1 BUDGET PAPERS 1993-94 — Motion to take note of papers — (Hon. R.M. Hallam) — Resumption of debate. (Hon. L. Asher).
- 2 CITY OF MELBOURNE BILL — (Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. P. Power).
- 3 CHATTEL SECURITIES (AMENDMENT) BILL — (Hon. W.R. Baxter) — Second reading — Resumption of debate. (Hon. T.C. Theophanous).
- *4 ASSOCIATION FOR THE BLIND (BRAILLE AND TALKING BOOK LIBRARY) BILL — (Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. C.J. Hogg).
- 5 OCCUPATIONAL HEALTH AND SAFETY (MISCELLANEOUS AMENDMENTS) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. D.T. Walpole).
- 6 SUNDAY ENTERTAINMENT (REPEAL) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. D.R. White).
- 7 PETROLEUM (SUBMERGED LANDS) (AMENDMENT) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. B.T. Pullen).
- 8 INTERPRETATION OF LEGISLATION (AMENDMENT) BILL — (from Assembly — Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. B.T. Pullen).

GENERAL BUSINESS

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Government for its hasty introduction of ill considered, poorly drafted and divisive legislation that it intends to pass by ambushing the people of Victoria instead of allowing time for community consultation and scrutiny.

*Indicates new entry.

- 2 THE HON. D.M. EVANS — To move, That the Council take note of the report of the Auditor-General on Salinity, March 1993.
- 3 THE HON. D.R. WHITE — To move, That the Sessional Orders relating to the Business of the House, adopted by the Council on 28 October 1992, be amended as follows:
In paragraph (b), after "20A," insert "53,".

ORDERS OF THE DAY

- 1 LOCAL GOVERNMENT BOARD — MINISTER'S ANSWER TO QUESTION WITHOUT NOTICE, 6 NOVEMBER 1992 — To be considered.
- 2 PUBLIC SECTOR SUPERANNUATION — Motion to take note of document prepared by the Hon. I.W. Smith, MP, Minister for Finance, 7 April 1993 — (*Hon. D.R. White*) — *Resumption of debate.* (*Hon. Rosemary Varty*).
- 3 STATE SCHOOL CLEANERS — Motion condemning Government for treatment of cleaners before, and on, 31 December 1992 and consequent extra workload and responsibilities imposed on teachers, students and parents — (*Hon. D.A. Nardella*) — *Resumption of debate.* (*Hon. C.J. Hogg*).
- 4 ROAD FUNDS FUEL LEVY — Motion for Trust Fund money derived from 3 cent levy on fuel to be dedicated to stage one of Western Bypass and the Domain tunnel, and for remaining funds to be applied to certain major State arterial roads and, further, that introduction of the tax not proceed until such a commitment is made — (*Hon. D.R. White*) — *Resumption of debate.* (*Hon. G.B. Ashman*).
- 5 INDUSTRIAL RELATIONS — Motion condemning Government for its gross mishandling of industrial relations and for seeking to prevent Victorian workers obtaining Federal award protection — (*Hon. D.T. Walpole*) — *Resumption of debate.* (*Hon. B.W. Mier*).
- 6 STATE SCHOOL EDUCATION SYSTEM — Motion condemning Government for its sustained attack on the system — (*Hon. C.J. Hogg*) — *Resumption of debate.* (*Hon. R.S. Ives*).

* * * *

WEDNESDAY, 20 OCTOBER 1993

At 6.15 p.m. —

JOINT SITTING IN THE LEGISLATIVE ASSEMBLY CHAMBER — Appointments to Victorian Health Promotion Foundation.

A.V. BRAY
Clerk of the Legislative Council

B.A. CHAMBERLAIN
President

Tuesday, 19 October 1993

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

* * * *

COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis, B.W. Mier and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Weils.

HOUSE (JOINT) — The Honourables the President (ex-officio), R.A. Best, L. Kokocinski, D.A. Nardella, B.A.E. Skeggs, and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING — The Honourables the President, B.W. Bishop, G.H. Cox, B.W. Mier, D.A. Nardella, B.A.E. Skeggs and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables A.R. Brideson, B.W. Bishop, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS (JOINT) — The Honourables L. Asher and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 28 October 1992 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday	—	2.30 p.m.
Wednesday	—	10.00 a.m.
Thursday	—	10.00 a.m.

Business to take precedence—

Tuesday	—	Government business.
Wednesday	—	General business (until 2.00 p.m.).
Thursday	—	Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 27 October 1992, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

ADJOURNMENT OF BILLS [Effective until 31 December 1993]

By resolution of the Council on 14 September 1993 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 18 November 1993, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in 1994: Provided that any Bill transmitted from the Legislative Assembly which is in the hands of the Clerk no later than 10.00 a.m. on 19 November 1993 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 42

Wednesday, 20 October 1993

Mr. President takes the Chair at 10.00 a.m.

GENERAL BUSINESS [To take precedence until 2.00 p.m.]

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Government for its hasty introduction of ill considered, poorly drafted and divisive legislation that it intends to pass by ambushing the people of Victoria instead of allowing time for community consultation and scrutiny.
- 2 THE HON. D.M. EVANS — To move, That the Council take note of the report of the Auditor-General on Salinity, March 1993.
- 3 THE HON. D.R. WHITE — To move, That the Sessional Orders relating to the Business of the House, adopted by the Council on 28 October 1992, be amended as follows:
In paragraph (b), after "20A," insert "53,".
- *4 THE HON. D.R. WHITE — To move, That this House calls for the establishment of an independent Board of Inquiry to investigate the role and relationship of the Premier, the Honourable J.G. Kennett, MP, with the activities of KNF Advertising to establish whether there has been a breach of the Code of Conduct prescribed by section 3 of the *Members of Parliament (Register of Interests) Act 1978*, particularly paragraphs (a), (b), (c), (e) and (f) of sub-section (1), and that the Board investigate in particular —
 - (a) his role in the relationship between KNF Advertising and JGK Nominees Pty. Ltd., Mingot Homes (Vic.) Pty. Ltd., West Homes Australia Pty. Ltd., Abbott and Dean Real Estate Pty. Ltd., Fletcher and Parker Marketing Pty. Ltd., Fletcher and Parker (Kew) Pty. Limited, Burbank Australia Pty. Ltd., Pergulan Floor Coverings Pty. Ltd., and the Urban Land Authority; and
 - (b) his role in any continuing relationship between KNF Advertising and previous clients such as Nissan Motor Co. (Australia) Pty. Ltd., Saba Furniture Pty. Ltd., International Historical Foundation Pty. Ltd., and Hannan Insurance Group Pty. Ltd.

ORDERS OF THE DAY

- 1 LOCAL GOVERNMENT BOARD — MINISTER'S ANSWER TO QUESTION WITHOUT NOTICE, 6 NOVEMBER 1992 — To be considered.
- 2 PUBLIC SECTOR SUPERANNUATION — Motion to take note of document prepared by the Hon. I.W. Smith, MP, Minister for Finance, 7 April 1993 — (Hon. D.R. White) — *Resumption of debate.* (Hon. Rosemary Varty).
- 3 STATE SCHOOL CLEANERS — Motion condemning Government for treatment of cleaners before, and on, 31 December 1992 and consequent extra workload and responsibilities imposed on teachers, students and parents — (Hon. D.A. Nardella) — *Resumption of debate.* (Hon. C.J. Hogg).
- 4 ROAD FUNDS FUEL LEVY — Motion for Trust Fund money derived from 3 cent levy on fuel to be dedicated to stage one of Western Bypass and the Domain tunnel, and for remaining funds to be applied to certain major State arterial roads and, further, that introduction of the tax not proceed until such a commitment is made — (Hon. D.R. White) — *Resumption of debate.* (Hon. G.B. Ashman).
- 5 INDUSTRIAL RELATIONS — Motion condemning Government for its gross mishandling of industrial relations and for seeking to prevent Victorian workers obtaining Federal award protection — (Hon. D.T. Walpole) — *Resumption of debate.* (Hon. B.W. Mier).
- 6 STATE SCHOOL EDUCATION SYSTEM — Motion condemning Government for its sustained attack on the system — (Hon. C.J. Hogg) — *Resumption of debate.* (Hon. R.S. Ives).

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- *1 TATTERSALL CONSULTATIONS (FURTHER AMENDMENT) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — *Resumption of debate.* (Hon. D.R. White).
- *2 APPROPRIATION (1993-94, No. 1) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — *Resumption of debate.* (Hon. D.R. White).
- 3 BUDGET PAPERS 1993-94 — Motion to take note of papers — (Hon. R.M. Hallam) — *Resumption of debate.* (Hon. L. Asher).
- *4 APPROPRIATION (PARLIAMENT 1993-94, No. 1) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — *Resumption of debate.* (Hon. D.R. White).
- 5 CHATTEL SECURITIES (AMENDMENT) BILL — (Hon. W.R. Baxter) — Second reading — *Resumption of debate.* (Hon. T.C. Theophanous).
- *6 LAND (FURTHER AMENDMENT) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — *Resumption of debate.* (Hon. D.R. White).
- *7 PROBATE DUTY (AMENDMENT) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — *Resumption of debate.* (Hon. D.R. White).

Wednesday, 20 October 1993

- 8 OCCUPATIONAL HEALTH AND SAFETY (MISCELLANEOUS AMENDMENTS) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. D.T. Walpole).
- 9 SUNDAY ENTERTAINMENT (REPEAL) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. D.R. White).
- 10 PETROLEUM (SUBMERGED LANDS) (AMENDMENT) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. B.T. Pullen).
- 11 INTERPRETATION OF LEGISLATION (AMENDMENT) BILL — (from Assembly — Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. B.T. Pullen).

* * * *

At 6.15 p.m. —

JOINT SITTING IN THE LEGISLATIVE ASSEMBLY CHAMBER — Appointments to Victorian Health Promotion Foundation.

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

* * * *

COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis, B.W. Mier and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (ex-officio), R.A. Best, L. Kokocinski, D.A. Nardella, B.A.E. Skeggs, and K.M. Smith.

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***SCRUTINY OF ACTS AND REGULATIONS (JOINT)** — The Honourables L. Asher, M.M. Gould and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

Wednesday, 20 October 1993

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

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ADJOURNMENT OF BILLS [Effective until 31 December 1993]

By resolution of the Council on 14 September 1993 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 18 November 1993, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in 1994: Provided that any Bill transmitted from the Legislative Assembly which is in the hands of the Clerk no later than 10.00 a.m. on 19 November 1993 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 43

Thursday, 21 October 1993

Mr. President takes the Chair at 10.00 a.m.

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- ‡1 APPROPRIATION (1993-94, No. 1) BILL — (from Assembly — Hon. R.M. Hallam) —
Second reading — Resumption of debate. (Hon. P.R. Davis).
- ‡2 BUDGET PAPERS 1993-94 — Motion to take note of papers — (Hon. R.M. Hallam) —
Resumption of debate. (Hon. P.R. Davis).
- 3 APPROPRIATION (PARLIAMENT 1993-94, No. 1) BILL — (from Assembly — Hon.
R.M. Hallam) — Second reading — Resumption of debate. (Hon. D.R. White).
- *4 MINERAL RESOURCES DEVELOPMENT (AMENDMENT) BILL — (from Assembly
— Hon. R.M. Hallam) — Second reading.
- 5 CHATTEL SECURITIES (AMENDMENT) BILL — (Hon. W.R. Baxter) — Second
reading — Resumption of debate. (Hon. T.C. Theophanous).
- 6 LAND (FURTHER AMENDMENT) BILL — (from Assembly — Hon. R.M. Hallam) —
Second reading — Resumption of debate. (Hon. D.R. White).
- 7 PROBATE DUTY (AMENDMENT) BILL — (from Assembly — Hon. R.M. Hallam) —
Second reading — Resumption of debate. (Hon. D.R. White).
- 8 SUNDAY ENTERTAINMENT (REPEAL) BILL — (from Assembly — Hon. R.M.
Hallam) — Second reading — Resumption of debate. (Hon. D.R. White).
- 9 PETROLEUM (SUBMERGED LANDS) (AMENDMENT) BILL — (from Assembly —
Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. B.T. Pullen).
- 10 INTERPRETATION OF LEGISLATION (AMENDMENT) BILL — (from Assembly —
Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. B.T.
Pullen).

‡ Cognate matters — To be debated concurrently pursuant to Order of the Council on 20 October 1993.

* Indicates new entry.

GENERAL BUSINESS

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Government for its hasty introduction of ill considered, poorly drafted and divisive legislation that it intends to pass by ambushing the people of Victoria instead of allowing time for community consultation and scrutiny.
- 2 THE HON. D.M. EVANS — To move, That the Council take note of the report of the Auditor-General on Salinity, March 1993.
- 3 THE HON. D.R. WHITE — To move, That the Sessional Orders relating to the Business of the House, adopted by the Council on 28 October 1992, be amended as follows:
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- 6 STATE SCHOOL EDUCATION SYSTEM — Motion condemning Government for its sustained attack on the system — (Hon. C.J. Hogg) — *Resumption of debate.* (Hon. R.S. Ives).

Thursday, 21 October 1993

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

* * * *

COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis, B.W. Mier and P. Power.

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HOUSE (JOINT) — The Honourables the President (ex-officio), R.A. Best, L. Kokocinski, D.A. Nardella, B.A.E. Skeggs, and K.M. Smith.

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PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables A.R. Brideson, B.W. Bishop, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS (JOINT) — The Honourables L. Asher, M.M. Gould and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

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* * * *

ADJOURNMENT OF BILLS [Effective until 31 December 1993]

By resolution of the Council on 14 September 1993 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 18 November 1993, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in 1994: Provided that any Bill transmitted from the Legislative Assembly which is in the hands of the Clerk no later than 10.00 a.m. on 19 November 1993 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS

Nos. 42, 43 and 44

No. 42 — Tuesday, 19 October 1993

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACT** — The Honourable M.A. Birrell presented a Message from His Excellency the Governor informing the Council that he had, on 12 October 1993, given the Royal Assent to the undermentioned Act presented to him by the Clerk of the Parliaments:
Credit (Administration) (Amendment) Act.
- 3 **APPROPRIATION (1993-94, No. 1) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to appropriate certain sums out of the Consolidated Fund for the purpose of recurrent and works and services expenditure for the financial year 1993-94 and to appropriate the supplies granted under the 'Supply (1993-94, No. 1) Act 1993' and other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **APPROPRIATION (PARLIAMENT 1993-94, No. 1) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to appropriate certain sums out of the Consolidated Fund for the purpose of recurrent and works and services expenditure in relation to the Parliament for the financial year 1993-94 and to appropriate the supplies granted under the 'Supply (Parliament 1993-94, No. 1) Act 1993' and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 5 **LAND (FURTHER AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Land Act 1958' and the 'Subdivision Act 1988' to make further provision for the alienation of Crown land, and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 6 **PROBATE DUTY (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to repeal section 14 of the 'Probate Duty Act 1962' and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 7 **TATTERSALL CONSULTATIONS (FURTHER AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Tattersall Consultations Act 1958' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 8 **SENATE SELECT COMMITTEE ON THE AUSTRALIAN LOAN COUNCIL** — The President announced the receipt of the following letter from the President of the Senate:

5 October 1993

The Honourable B.A. Chamberlain, M.L.C.
President
Legislative Council of Victoria
Parliament House
MELBOURNE VIC 3002

Dear Mr. President

The Senate acquaints the Legislative Council with a resolution agreed to by the Senate this day, which is, in relevant part:

That the Senate requests the Legislative Council to require the attendance of the following person before the Senate Select Committee on the Functions, Powers and Operation of the Australian Loan Council to provide public evidence:

The Honourable D.R. White, M.L.C.

The Senate refers the Legislative Council to the First and Second Reports of the Senate Select Committee on the Functions, Powers and Operation of the Australian Loan Council, concerning this resolution, copies of which are enclosed.

Yours sincerely

Kerry W. Sibraa

The Honourable R.I. Knowles moved, by leave, That the Honourable D.R. White be given leave, if he thinks fit, to attend before the Senate Select Committee on the Functions, Powers and Operation of the Australian Loan Council.

Question — put and resolved in the affirmative.

- 9 **QUESTIONS** — Questions without notice were taken and answers were given to certain questions on notice pursuant to Standing Order No. 71A.

- 10 **SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — The Honourable R.I. Knowles moved, by leave, That the Honourable M.M. Gould be a member of the Scrutiny of Acts and Regulations Committee.

Question — put and resolved in the affirmative.

- 11 **PETITIONS** —

STATE SUPERANNUATION BENEFITS — The Honourable B.E. Davidson presented a Petition bearing 66 signatures from certain citizens of Victoria praying that a reduction in benefits under the State Superannuation Fund not be allowed.

Ordered to lie on the Table.

EDUCATION SERVICES — The Honourable R.H. Bowden presented a Petition bearing 67 signatures from certain citizens of Victoria praying that, in the light of proposed education budget cuts by the Directorate of School Education, the role and scope of education services be maintained at current levels.

Ordered to lie on the Table.

12 **PAPERS** —

WORKCOVER — The Honourable R.M. Hallam moved, by leave, That there be laid before this House a copy of the —

- (a) Actuarial Report on WorkCover at 30 June 1993; and
- (b) Report and financial statements of the WorkCover Authority for 1992-93 —

given to Mr. President pursuant to section 38 of the *Accident Compensation Act 1985*.

Question — put and resolved in the affirmative.

The said Reports were thereupon presented by the Honourable R.M. Hallam and ordered to lie on the Table.

* * * * *

ENVIRONMENT AND NATURAL RESOURCES COMMITTEE — EDUCATOR DREDGING — The Honourable D.M. Evans presented an Interim Report from the Environment and Natural Resources Committee upon Educator Dredging in Victoria, together with Appendices, a Minority Report and Extracts from the Proceedings of the Committee.

Ordered to lie on the Table and to be printed.

* * * * *

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — The Honourable B.A.E. Skeggs presented Alert Digest No. 15 of 1993 from the Scrutiny of Acts and Regulations Committee, together with an Appendix.

Ordered to lie on the Table and to be printed.

* * * * *

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — EQUAL OPPORTUNITY — The Honourable B.A.E. Skeggs presented an Interim Report from the Scrutiny of Acts and Regulations Committee upon the Review of the Victorian *Equal Opportunity Act 1984*.

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:

Annual Reporting Act 1983 — Minister for Tertiary Education and Training's report of failure of South West College of TAFE to submit 1992 annual report to him within the prescribed period and the reasons therefor.

Auditor-General's Office — Report, 1992-93.

Coal Corporation — Report, 1992-93.

Crown Land (Reserves) Act 1978 — Minister's order of 6 October 1993 giving approval to granting of lease (Elsternwick).

Dairy Industry Authority — Report, 1992-93.

Egg Industry Licensing Committee — Report, 1 July 1992 to 11 June 1993.

Egg Marketing Board — Report, 1 July 1992 to 11 June 1993.

Estate Agents Board — Report, 1992-93.

Forensic Pathology Institute — Report, 1991-92.

Gas and Fuel Corporation — Report, 1992-93.

Grants Commission — Report, year ended 31 August 1993.

Interpretation of Legislation Act 1984 — Amended documents replacing documents tabled on 13 May 1993 which were applied, adopted or incorporated by the Local Government (Reporting and Accounting) Regulations 1992 (Statutory Rule No. 276/1992):

Statement of Accounting Concepts — SAC 4 — Definition and Recognition of the Elements of Financial Statements (issued 3.92) (amended 3.93), pages 0053-0056 and 0085-0086.

Australian Accounting Standards —

AAS 1 — Profit and Loss or other Operating Statements (DS 1.2/301) (issued 12.73) (reissued 11.89) (reissued 8.92) (amended 6.93), pages 1005-1006.

AAS 4 — Depreciation of Non-Current Assets (DS 5/302) (issued 4.74) (reissued 11.89) (reissued 4.93).

AAS 10 — Accounting for the Revaluation of Non-Current Assets (issued 6.81) (reissued 9.91) (reissued 4.93).

AAS 24 — Consolidated Financial Reports (issued 6.90) (reissued 9.91) (amended 5.92), pages 1291-1292, 1299-1300, 1321-1322.

AAS 25 — Financial Reporting by Superannuation Plans (issued 8.90) (revised 5.92) (amended 3.93).

AAS 27 — Financial Reporting by Local Governments (issued 7.91) (reissued 9.93).

AAS 28 — Statement of Cash Flows (issued 12.91) (amended 6.93), pages 1487-1488.

Statement of Auditing Standards — AUS 1 (issued 2.77) (reissued 1.83) (revised 11.90) (amended 6.93), pages 2010.1-2010.2.

Statements of Auditing Practice —

AUP 12 — Consideration of the Internal Control Structure and its Impact on Risk Assessment in a Financial Report Audit (issued 1.83) (revised 3.93).

AUP 14 — Audit Evidence — Confirmation of Receivables (issued 1.83), Supplement 1 (issued 12.92), pages 3122.1-3122.8.

AUP 16 — The Auditor's Responsibility for Detecting and Reporting Irregularities including Fraud, Other Illegal Acts and Error (issued 6.83) (revised 3.93).

AUP 30 — Inherent and Control Risk Assessments and their Impact on Substantive Procedures (issued 7.90) (withdrawn 3.93).

AUP 32 — Audit Independence (issued 8.92) (amended 6.93), pages 3295-3296.

Land Conservation Council — Reports, 1991-92 and 1992-93 (two papers).

Melbourne Water Corporation — Report, 1992-93.

Members of Parliament (Register of Interests) Act 1978 — Summary of Returns, June 1993 and Summary of Variations notified between 19 May and 1 October 1993.

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

Ballaarat (City) Planning Scheme — Amendment L50.

Ballarat (Shire) Planning Scheme — Amendment L50.

Bright Planning Scheme — Amendment L27.

Brunswick Planning Scheme — Amendment L15.

Bungaree Planning Scheme — Amendment L50.

Collingwood Planning Scheme — Amendment L16.

Echuca Planning Scheme — Amendments L7 and L12B.

Greater Geelong Planning Scheme — Amendments L24, R19, R21 and R26.

Grenville Planning Scheme — Amendment L50.

Hastings Planning Scheme — Amendment L105.

Planning and Environment Act 1987 — *continued*

Heidelberg Planning Scheme — Amendment L53.

Maffra Planning Scheme — Amendment L24.

Malvern Planning Scheme — Amendment L20.

Melton Planning Scheme — Amendment L23.

Moe Planning Scheme — Amendment L27.

Otway Planning Scheme — Amendment L15.

Sebastopol Planning Scheme — Amendment L50.

Seymour Planning Scheme — Amendment L26.

South Gippsland Planning Scheme — Amendment L20.

Traralgon (City) Planning Scheme — Amendment L41.

Wangaratta (Shire) Planning Scheme — Amendment L9.

Warrnambool (City) Planning Scheme — Amendments L40 Part 1 and L43.

Wodonga Planning Scheme — Amendment L51.

Woorayl Planning Scheme — Amendment L46.

Premier and Cabinet Department — Report, 1992-93.

Public Prosecutions Director's Office — Report, 1991-92.

Public Service Commissioner's Office — Report, 1992-93.

Renewable Energy Authority — Report, 1992-93.

Rural Finance Act 1988 — Treasurer's directive of 13 October 1993 to Rural Finance Corporation.

South West College of TAFE — Report, 1992.

Statutory Rules under the following Acts of Parliament:

Corrections Act 1986 — No. 180.

Local Government Act 1989 — No. 179, together with copies of the following documents which, by section 32 of the *Interpretation of Legislation Act 1984*, are also required to be laid upon the Table:

Statements of Auditing Practice —

AUP 34 — Knowledge of the Client's Business, Australian Accounting Research Foundation, March 1993.

AUP 35 — Communication to Management on Matters Arising from an Audit, Australian Accounting Research Foundation, March 1993.

Optometrists Registration Act 1958 — No. 181.

Supreme Court Act 1986 — Sentencing Act 1991 — No. 182.

Tobacco Act 1987 — No. 178.

Tomato Industry Negotiating Committee — Report, 1992-93.

Wine Grape Industry Negotiating Committee — Report, 1992-93.

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PROCLAMATIONS — Proclamations of His Excellency the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Clerk pursuant to an Order of the Council on 27 October 1992:

Barley Marketing Act 1993 — 11 October 1993 (*Gazette* No. G39, 7 October 1993).

Murray-Darling Basin Act 1993 — 6 October 1993 (*Gazette* No. S73, 6 October 1993).

13 APPROPRIATION (1993-94, No. 1) BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable R.M. Hallam) moved, That this Bill be now read a second time.

The Honourable C.J. Hogg (for the Honourable D.R. White) moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 14 APPROPRIATION (PARLIAMENT 1993-94, No. 1) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable R.M. Hallam) moved, That this Bill be now read a second time.
The Honourable C.J. Hogg (for the Honourable D.R. White) moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until the next day of meeting.
- 15 LAND (FURTHER AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable R.M. Hallam) moved, That this Bill be now read a second time.
The Honourable R.I. Knowles made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.
The Honourable C.J. Hogg (for the Honourable D.R. White) moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until the next day of meeting.
- 16 PROBATE DUTY (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable R.M. Hallam) moved, That this Bill be now read a second time.
The Honourable C.J. Hogg (for the Honourable D.R. White) moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until the next day of meeting.
- 17 TATTERSALL CONSULTATIONS (FURTHER AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable R.M. Hallam) moved, That this Bill be now read a second time.
The Honourable R.I. Knowles made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.
The Honourable C.J. Hogg (for the Honourable D.R. White) moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until the next day of meeting.
- 18 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 1 to 3 inclusive, be postponed until later this day.
- 19 ASSOCIATION FOR THE BLIND (BRAILLE AND TALKING BOOK LIBRARY) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.
And the Deputy President having ruled the Bill to be a Private Bill —
The Honourable Haddon Storey moved, That this Bill be dealt with as a Public Bill.
Question — put and resolved in the affirmative.
Debate resumed.
Question — That this 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 therein.

20 CITY OF MELBOURNE BILL — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time — Debate resumed.

The Honourable R.M. Hallam, by leave, made a further statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

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

The Council divided.

AYES, 27

The Hon. G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson (*Teller*)
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood
 J.V.C. Guest (*Teller*)
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Sue deC. Wilding

NOES, 12

The Hon. B.E. Davidson
 M.M. Gould
 D.E. Henshaw
 C.J. Hogg
 L. Kokocinski
 J. McLean (*Teller*)
 B.W. Mier
 D.A. Nardella
 P. Power (*Teller*)
 T.C. Theophanous
 D.T. Walpole
 D.R. White

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.

House in Committee.

The President resumed the Chair; and the Honourable D.M. Evans having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon 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 transmitted to the Assembly with a Message desiring their concurrence therein.

21 ADJOURNMENT — The Honourable R.I. Knowles 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.

A.V. BRAY

Clerk of the Legislative Council

No. 43 — Wednesday, 20 October 1993

1 The President took the Chair and read the Prayer.

2 PAPERS —

PRESIDING OFFICERS AND PARLIAMENTARY DEPARTMENTS — The Honourable D.M. Evans moved, by leave, That there be laid before this House a copy of the Report of the —

- (a) Presiding Officers for the period October 1992 to September 1993;
- (b) Clerk on the Operations of the Department of the Legislative Council for the year 1992-93;
- (c) Librarian on the Operations of the Library of the Parliament of Victoria for the year 1992-93;
- (d) Chief Reporter on the Operations of the Department of Victorian Parliamentary Debates for the year 1992-93; and
- (e) Secretary on the Operations of the Department of the House Committee for the year 1992-93.

Question — put and resolved in the affirmative.

The said reports were thereupon presented by the Honourable D.M. Evans and ordered to lie on the Table.

* * * * *

AUDITOR-GENERAL — The following paper was laid upon the Table by the Clerk pursuant to an Order of the Council on 29 October 1992:

Auditor-General — Report on the Finance Statement 1992-93.

* * * * *

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

Conservation Trust — Report, 1992-93.

Government Employee Housing Authority — Report, 1992-93.

A Statutory Rule under the Physiotherapists Act 1978 — No. 187.

3 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 3 inclusive, be postponed until later this day.

4 **PREMIER'S PRIVATE INTERESTS** — The Honourable D.R. White moved, That this House calls for the establishment of an independent Board of Inquiry to investigate the role and relationship of the Premier, the Honourable J.G. Kennett, MP, with the activities of KNF Advertising to establish whether there has been a breach of the Code of Conduct prescribed by section 3 of the *Members of Parliament (Register of Interests) Act 1978*, particularly paragraphs (a), (b), (c), (e) and (f) of sub-section (1), and that the Board investigate in particular —

- (a) his role in the relationship between KNF Advertising and JGK Nominees Pty. Ltd., Mingot Homes (Vic.) Pty. Ltd., West Homes Australia Pty. Ltd., Abbott and Dean Real Estate Pty. Ltd., Fletcher and Parker Marketing Pty. Ltd., Fletcher and Parker (Kew) Pty. Ltd., Burbank Australia Pty. Ltd., Pergulan Floor Coverings Pty. Ltd., and the Urban Land Authority; and
- (b) his role in any continuing relationship between KNF Advertising and previous clients such as Nissan Motor Co. (Australia) Pty. Ltd., Saba Furniture Pty. Ltd., International Historical Foundation Pty. Ltd., and Hannan Insurance Group Pty. Ltd.

Debate ensued.

Question — put.

The Council divided.

AYES, 13

The Hon. B.E. Davidson
 M.M. Gould (*Teller*)
 D.E. Henshaw
 C.J. Hogg
 L. Kokocinski
 J. McLean (*Teller*)
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole
 D.R. White

NOES, 28

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney (*Teller*)
 Haddon Storey
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding (*Teller*)

And so it passed in the negative.

- 5 **TATTERSALL CONSULTATIONS (FURTHER AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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, 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.

- 6 **COGNATE DEBATE** — The Honourable R.I. Knowles moved, by leave, That this House authorizes and requires the Honourable the President to permit the second reading debate on the Appropriation (1993-94, No. 1) Bill to be taken concurrently with further debate on the motion to take note of the Budget Papers, 1993-94.

Question — put and resolved in the affirmative.

- 7 **APPROPRIATION (1993-94, No.1) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time [the motion to take note of the 1993-94 Budget Papers having been authorized to be debated concurrently pursuant to an Order of the Council this day] -

Debate resumed.

Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders —

- 8 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order No. 71A.
- 9 **APPROPRIATION (1993-94, No.1) BILL** — Debate continued on the question, That this Bill now be read a second time and on the motion to take note of the Budget Papers. The Honourable P.R. Davis moved, That the debate be now adjourned. Question — That the debate be now adjourned — put and resolved in the affirmative. Ordered — That the debate be adjourned until later this day.
- 10 **MINERAL RESOURCES DEVELOPMENT (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Mineral Resources Development Act 1990' and certain other Acts and for other purposes*" and desiring the concurrence of the Council therein. On the motion of the Honourable W.R. Baxter (for the Honourable R.M. Hallam), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 11 **BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 5 to 7 inclusive, be postponed until later this day.
- 12 **OCCUPATIONAL HEALTH AND SAFETY (MISCELLANEOUS AMENDMENTS) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —
Debate resumed.
Interruption —
- 13 **JOINT SITTING** — The Deputy President announced that the time had arrived for this House to meet the Assembly in the Assembly Chamber to elect two Members to the Victorian Health Promotion Foundation.
Accordingly, the Council then proceeded to the Assembly Chamber, and having returned —
The Deputy President reported that, at the Joint Sitting, the Honourables R.A. Best, M.L.C., and G.G. Weideman, M.P., were duly elected to the Victorian Health Promotion Foundation.
- 14 **OCCUPATIONAL HEALTH AND SAFETY (MISCELLANEOUS AMENDMENTS) BILL** — Debate continued on the question, That this Bill be now read a second time. 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.
- And then the Council, at 9.13 p.m., adjourned until tomorrow.

A.V. BRAY
Clerk of the Legislative Council

No. 44 — Thursday, 21 October 1993

- 1 The President took the Chair and read the Prayer.
- 2 **PAPERS** —
OBSTETRIC AND PAEDIATRIC MORTALITY AND MORBIDITY — The Honourable R.I. Knowles moved, by leave, That there be laid before this House a copy of the Report of the Consultative Council on Obstetric and Paediatric Mortality and Morbidity for the year 1991.
Question — put and resolved in the affirmative.

The said report was thereupon presented by the Honourable R.I. Knowles 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:

Capital Works Authority — Report, 1992-93.

Dietitians Board — Report, 1992-93.

Environment Protection Authority — Report, 1992-93.

Film Victoria — Report, 1992-93.

Geelong Performing Arts Centre Trust — Report, 1992-93.

Health Promotion Foundation — Report, 1992-93.

Historic Buildings Council — Report, 1992-93.

Infertility (Medical Procedures) Act 1984 — Report on Central Register, 1992-93.

Libraries Board — Report, 1992-93.

Liquor Licensing Commission — Report, 1992-93.

National Gallery Council — Report, 1992-93.

Northern Victorian Fresh Tomato Industry Development Committee — Report, 1992-93.

Public Record Office — Report, 1992-93.

Public Transport Corporation — Report, 1992-93.

Small Business Development Corporation — Report, 1992-93.

State Film Centre Council — Report, 1992-93.

State Insurance Office — Report, 1992-93.

Statutory Rules under the following Acts of Parliament:

Boilers and Pressure Vessels Act 1970 — Nos. 188 and 189.

Instruments Act 1958 — No. 185.

Property Law Act 1958 — No. 184.

Subdivision Act 1988 - Transfer of Land Act 1958 — No. 186.

Transfer of Land Act 1958 — No. 183.

Strawberry Industry Development Committee — Report, 28 July 1992 to 30 June 1993.

- 3 **APPROPRIATION (1993-94, No.1) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time [the motion to take note of the Budget Papers 1993-94 having been authorized to be debated concurrently pursuant to an Order of the Council on 20 October 1993] -

Debate resumed.

Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders —

- 4 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order No. 71A.

- 5 **APPROPRIATION (1993-94, No.1) BILL** — Debate continued on the question, That this Bill now be read a second time and on the motion to take note of the Budget Papers.

Question — That this 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.

- 6 **BUDGET PAPERS 1993-94** — The concurrent debate having concluded —

Question — That the Council take note of the Budget Papers 1993-94 — put and resolved in the affirmative.

- 7 **APPROPRIATION (1993-94, No.1) BILL** — This Bill was, according to Order, committed to a Committee of the whole.
House in Committee.
The Deputy President resumed the Chair; and the Honourable D.E. Henshaw 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.
- 8 **PUBLIC SECTOR MANAGEMENT (AMENDMENT) BILL** — The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Public Sector Management Act 1992' and certain other Acts and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honourable R.I. Knowles (for the Honourable M.A. Birrell), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 9 **TOBACCO (AMENDMENT) BILL** — The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Tobacco Act 1987' and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honourable R.I. Knowles, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 10 **APPROPRIATION (PARLIAMENT 1993-94, No.1) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and the question being put 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 **ADJOURNMENT** — The Honourable R.I. Knowles moved, That the House do now adjourn.
Debate ensued.
Question — put and resolved in the affirmative.

And then the Council, at 4.39 p.m., adjourned until Tuesday, 26 October 1993.

A.V. BRAY
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 44

Tuesday, 26 October 1993

Mr. President takes the Chair at 2.30 p.m.

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- *1 PUBLIC SECTOR MANAGEMENT (AMENDMENT) BILL — (*from Assembly — Hon. M.A. Birrell*) — Second reading.
- *2 TOBACCO (AMENDMENT) BILL — (*from Assembly — Hon. R.I. Knowles*) — Second reading.
- 3 MINERAL RESOURCES DEVELOPMENT (AMENDMENT) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading.
- 4 LAND (FURTHER AMENDMENT) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate.* (Hon. D.R. White).
- 5 CHATTEL SECURITIES (AMENDMENT) BILL — (Hon. W.R. Baxter) — Second reading — *Resumption of debate.* (Hon. T.C. Theophanous).
- 6 PROBATE DUTY (AMENDMENT) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate.* (Hon. D.R. White).
- 7 SUNDAY ENTERTAINMENT (REPEAL) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate.* (Hon. D.R. White).
- 8 PETROLEUM (SUBMERGED LANDS) (AMENDMENT) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).
- 9 INTERPRETATION OF LEGISLATION (AMENDMENT) BILL — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).

GENERAL BUSINESS

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Government for its hasty introduction of ill considered, poorly drafted and divisive legislation that it intends to pass by ambushing the people of Victoria instead of allowing time for community consultation and scrutiny.

- 2 **THE HON. D.M. EVANS** — To move, That the Council take note of the report of the Auditor-General on Salinity, March 1993.
- 3 **THE HON. D.R. WHITE** — To move, That the Sessional Orders relating to the Business of the House, adopted by the Council on 28 October 1992, be amended as follows:
In paragraph (b), after "20A," insert "53,".

ORDERS OF THE DAY

- 1 **LOCAL GOVERNMENT BOARD — MINISTER'S ANSWER TO QUESTION WITHOUT NOTICE, 6 NOVEMBER 1992** — To be considered.
- 2 **PUBLIC SECTOR SUPERANNUATION** — Motion to take note of document prepared by the Hon. I.W. Smith, MP, Minister for Finance, 7 April 1993 — (*Hon. D.R. White*) — *Resumption of debate.* (*Hon. Rosemary Varty*).
- 3 **STATE SCHOOL CLEANERS** — Motion condemning Government for treatment of cleaners before, and on, 31 December 1992 and consequent extra workload and responsibilities imposed on teachers, students and parents — (*Hon. D.A. Nardella*) — *Resumption of debate.* (*Hon. C.J. Hogg*).
- 4 **ROAD FUNDS FUEL LEVY** — Motion for Trust Fund money derived from 3 cent levy on fuel to be dedicated to stage one of Western Bypass and the Domain tunnel, and for remaining funds to be applied to certain major State arterial roads and, further, that introduction of the tax not proceed until such a commitment is made — (*Hon. D.R. White*) — *Resumption of debate.* (*Hon. G.B. Ashman*).
- 5 **INDUSTRIAL RELATIONS** — Motion condemning Government for its gross mishandling of industrial relations and for seeking to prevent Victorian workers obtaining Federal award protection — (*Hon. D.T. Walpole*) — *Resumption of debate.* (*Hon. B.W. Mier*).
- 6 **STATE SCHOOL EDUCATION SYSTEM** — Motion condemning Government for its sustained attack on the system — (*Hon. C.J. Hogg*) — *Resumption of debate.* (*Hon. R.S. Ives*).

A.V. BRAY
Clerk of the Legislative Council

B.A. CHAMBERLAIN
President

Tuesday, 26 October 1993

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

* * * *

COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis, B.W. Mier and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (ex-officio), R.A. Best, L. Kokocinski, D.A. Nardella, B.A.E. Skeggs, and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING — The Honourables the President, B.W. Bishop, G.H. Cox, B.W. Mier, D.A. Nardella, B.A.E. Skeggs and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables A.R. Brideson, B.W. Bishop, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS (JOINT) — The Honourables L. Asher, M.M. Gould and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 28 October 1992 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday	—	2.30 p.m.
Wednesday	—	10.00 a.m.
Thursday	—	10.00 a.m.

Business to take precedence—

Tuesday	—	Government business.
Wednesday	—	General business (until 2.00 p.m.).
Thursday	—	Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 27 October 1992, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

ADJOURNMENT OF BILLS [Effective until 31 December 1993]

By resolution of the Council on 14 September 1993 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 18 November 1993, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in 1994: Provided that any Bill transmitted from the Legislative Assembly which is in the hands of the Clerk no later than 10.00 a.m. on 19 November 1993 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 45

Wednesday, 27 October 1993

Mr. President takes the Chair at 10.00 a.m.

GENERAL BUSINESS

[To take precedence until 2.00 p.m.]

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Government for its hasty introduction of ill considered, poorly drafted and divisive legislation that it intends to pass by ambushing the people of Victoria instead of allowing time for community consultation and scrutiny.
- 2 THE HON. D.M. EVANS — To move, That the Council take note of the report of the Auditor-General on Salinity, March 1993.
- 3 THE HON. D.R. WHITE — To move, That the Sessional Orders relating to the Business of the House, adopted by the Council on 28 October 1992, be amended as follows:
In paragraph (b), after "20A," insert "53,".
- *4 THE HON. C.J. HOGG — To move, That this House condemns the Government for its handling of early childhood services; in particular its cuts to kindergarten funding and its ill considered changes to the Maternal and Child Health Service.

ORDERS OF THE DAY

- 1 LOCAL GOVERNMENT BOARD — MINISTER'S ANSWER TO QUESTION WITHOUT NOTICE, 6 NOVEMBER 1992 — To be considered.
- 2 PUBLIC SECTOR SUPERANNUATION — Motion to take note of document prepared by the Hon. I.W. Smith, MP, Minister for Finance, 7 April 1993 — (*Hon. D.R. White*) — *Resumption of debate.* (*Hon. Rosemary Varty*).
- 3 STATE SCHOOL CLEANERS — Motion condemning Government for treatment of cleaners before, and on, 31 December 1992 and consequent extra workload and responsibilities imposed on teachers, students and parents — (*Hon. D.A. Nardella*) — *Resumption of debate.* (*Hon. C.J. Hogg*).
- 4 ROAD FUNDS FUEL LEVY — Motion for Trust Fund money derived from 3 cent levy on fuel to be dedicated to stage one of Western Bypass and the Domain tunnel, and for remaining funds to be applied to certain major State arterial roads and, further,

that introduction of the tax not proceed until such a commitment is made — (Hon. D.R. White) — *Resumption of debate.* (Hon. G.B. Ashman).

- 5 **INDUSTRIAL RELATIONS** — Motion condemning Government for its gross mishandling of industrial relations and for seeking to prevent Victorian workers obtaining Federal award protection — (Hon. D.T. Walpole) — *Resumption of debate.* (Hon. B.W. Mier).
- 6 **STATE SCHOOL EDUCATION SYSTEM** — Motion condemning Government for its sustained attack on the system — (Hon. C.J. Hogg) — *Resumption of debate.* (Hon. R.S. Ives).

GOVERNMENT BUSINESS

NOTICE OF MOTION

- *1 **THE R.M. HALLAM** — To move, That he have leave to bring in a Bill to amend the *Local Government Act 1989*, the *Health Act 1958*, the *Building Control Act 1981* and certain other Acts and for other purposes.

ORDERS OF THE DAY

- *1 **RURAL FINANCE (VEDC ABOLITION) BILL** — (from Assembly — Hon. R.M. Hallam) — Second reading.
- 2 **PUBLIC SECTOR MANAGEMENT (AMENDMENT) BILL** — (from Assembly — Hon. M.A. Birrell) — Second reading — *Resumption of debate.* (Hon. D.R. White).
- 3 **MINERAL RESOURCES DEVELOPMENT (AMENDMENT) BILL** — (from Assembly — Hon. R.M. Hallam) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).
- *4 **PHYSIOTHERAPISTS (AMENDMENT) BILL** — (from Assembly — Hon. R.I. Knowles) — Second reading — *Resumption of debate.* (Hon. C.J. Hogg).
- *5 **HEALTH (AMENDMENT) BILL** — (from Assembly — Hon. R.I. Knowles) — Second reading — *Resumption of debate.* (Hon. C.J. Hogg).
- 6 **TOBACCO (AMENDMENT) BILL** — (from Assembly — Hon. R.I. Knowles) — Second reading — *Resumption of debate.* (Hon. C.J. Hogg).
- *7 **RACING (FURTHER AMENDMENT) BILL** — (from Assembly — Hon. W.R. Baxter) — Second reading — *Resumption of debate.* (Hon. B.E. Davidson).
- 8 **INTERPRETATION OF LEGISLATION (AMENDMENT) BILL** — (from Assembly — Hon. Haddon Storey) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

Wednesday, 27 October 1993

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

* * * *

COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis, B.W. Mier and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (ex-officio), R.A. Best, L. Kokocinski, D.A. Nardella, B.A.E. Skeggs, and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING — The Honourables the President, B.W. Bishop, G.H. Cox, B.W. Mier, D.A. Nardella, B.A.E. Skeggs and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables A.R. Brideson, B.W. Bishop, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS (JOINT) — The Honourables L. Asher, M.M. Gould and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

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AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

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LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 46

Thursday, 28 October 1993

Mr. President takes the Chair at 10.00 a.m.

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- *1 STATE OWNED ENTERPRISES (AMENDMENT) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading.
- *2 LOCAL GOVERNMENT (MISCELLANEOUS AMENDMENTS) BILL — (*Hon. R.M. Hallam*) — Second reading.
- *3 ROAD SAFETY (AMENDMENT) BILL — (*from Assembly — Hon. W.R. Baxter*) — Second reading.
- 4 RACING (FURTHER AMENDMENT) BILL — (*from Assembly — Hon. W.R. Baxter*) — Second reading — *Resumption of debate.* (*Hon. B.E. Davidson*).
- 5 MINERAL RESOURCES DEVELOPMENT (AMENDMENT) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate.* (*Hon. B.T. Pullen*).
- 6 INTERPRETATION OF LEGISLATION (AMENDMENT) BILL — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (*Hon. B.T. Pullen*).
- *7 PHARMACISTS (AMENDMENT) BILL — (*from Assembly — Hon. R.I. Knowles*) — Second reading — *Resumption of debate.* (*Hon. C.J. Hogg*).
- *8 GAS AND FUEL CORPORATION (HEATANE GAS) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate.* (*Hon. T.C. Theophanous*).
- *9 ADULT, COMMUNITY AND FURTHER EDUCATION (EMPLOYMENT) BILL — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (*Hon. B.T. Pullen*).
- *10 TEACHING SERVICE (AMENDMENT) BILL — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (*Hon. C.J. Hogg*).

- 11 **RURAL FINANCE (VEDC ABOLITION) BILL** — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. D.R. White).

GENERAL BUSINESS

NOTICES OF MOTION

- 1 **THE HON. D.R. WHITE** — To move, That this House condemns the Government for its hasty introduction of ill considered, poorly drafted and divisive legislation that it intends to pass by ambushing the people of Victoria instead of allowing time for community consultation and scrutiny.
- 2 **THE HON. D.M. EVANS** — To move, That the Council take note of the report of the Auditor-General on Salinity, March 1993.
- 3 **THE HON. D.R. WHITE** — To move, That the Sessional Orders relating to the Business of the House, adopted by the Council on 28 October 1992, be amended as follows:
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- 1 **LOCAL GOVERNMENT BOARD — MINISTER'S ANSWER TO QUESTION WITHOUT NOTICE, 6 NOVEMBER 1992** — To be considered.
- 2 **PUBLIC SECTOR SUPERANNUATION** — Motion to take note of document prepared by the Hon. I.W. Smith, MP, Minister for Finance, 7 April 1993 — (Hon. D.R. White) — Resumption of debate. (Hon. Rosemary Varty).
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A.V. BRAY
Clerk of the Legislative Council

B.A. CHAMBERLAIN
President

Thursday, 28 October 1993

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

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* * * *

COMMITTEES

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PUBLIC BODIES REVIEW (JOINT) — The Honourables A.R. Brideson, B.W. Bishop, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

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STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

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ADJOURNMENT OF BILLS [Effective until 31 December 1993]

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LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS

Nos. 45, 46 and 47

No. 45 — Tuesday, 26 October 1993

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The Honourable M.A. Birrell presented Messages from His Excellency 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:
Tattersall Consultations (Further Amendment) Act
Evidence (Proof of Offences) Act.
That he had, this day, given the Royal Assent to the undermentioned Acts presented to him by the Honourable the Speaker of the Legislative Assembly:
Appropriation (1993-94, No. 1) Act
Appropriation (Parliament 1993-94, No. 1) Act.
- 3 **RACING (FURTHER AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Racing Act 1958' and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honourable W.R. Baxter, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **RURAL FINANCE (VEDC ABOLITION) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Rural Finance Act 1988' and to repeal the 'Victorian Economic Development Corporation Act 1981' and to make consequential amendments to certain Acts and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 5 **PHYSIOTHERAPISTS (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Physiotherapists Act 1978' and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honourable R.I. Knowles, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 6 **HEALTH (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Health Act 1958' and the 'Health and Community Services (General Amendment) Act 1993' and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honourable R.I. Knowles, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

7 **EVIDENCE (PROOF OF OFFENCES) 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.

8 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order No. 71A.

9 **PAPERS** —

NATIONAL ROAD TRANSPORT COMMISSION — The Honourable W.R. Baxter moved, by leave, That there be laid before this House a copy of the Report of the National Road Transport Commission for the year 1992-93.

Question — put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable W.R. Baxter and ordered to lie on the Table.

* * * * *

PUBLIC BODIES REVIEW COMMITTEE — METROPOLITAN FIRE BRIGADES BOARD — The Honourable W.A.N. Hartigan presented an Interim Report from the Public Bodies Review Committee upon the Metropolitan Fire Brigades Board.

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:

Ambulance Officers' Training Centre — Report, 1992-93.

Ambulance Service Victoria —

Metropolitan Region — Report, 1992-93.

North Eastern Region — Report, 1992-93.

North Western Region — Report, 1992-93.

South Eastern Region — Report, 1992-93.

South Western Region — Report, 1992-93.

Western Region — Report, 1992-93.

Arts Centre Trust — Report, 1992-93.

Casino Control Authority — Report, 1992-93.

Construction Industry Long Service Leave Board — Report, 1992-93.

Country Fire Authority — Report, 1992-93.

Crimes Compensation Tribunal — Report, 1992-93.

Crown Land (Reserves) Act 1978 — Minister's orders of 18 October 1993 (Camberwell) and 20 October 1993 (Brighton) giving approval to granting of leases (two papers).

Economic Development Corporation — Report, 1992-93.

Emerald Tourist Railway Board — Report, 1992-93.

Equal Opportunity Board — Report, 1992-93.

Equal Opportunity Commissioner — Report, 1992-93.

Financial Institutions Commission — Report, 1992-93.

Forensic Pathology Institute — Report, 1992-93.

Geelong Regional Commission — Report, 1992-93.

Guardianship and Administration Board — Reports, 1991-92 and 1992-93 (two papers).

Latrobe Regional Commission — Report, 1992-93.

Legal Aid Commission — Report, 1992-93.

Marine Board — Report, 1992-93.

Metropolitan Fire Brigades Board — Report, 1992-93.

Museum Council — Report, 1992-93.

Museums Advisory Board — Report, 1992-93.

Planning and Development Department — Report, 1992-93.

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

Altona Planning Scheme — Amendment L33.

Broadmeadows Planning Scheme — Amendment L42.

Bulla Planning Scheme — Amendment L71.

Fitzroy Planning Scheme — Amendment L29.

Keilor Planning Scheme — Amendment L64.

South Melbourne Planning Scheme — Amendment L68.

St Kilda Planning Scheme — Amendment L26.

Williamstown Planning Scheme — Amendment L21.

Port of Geelong Authority — Report, 1992-93.

Port of Melbourne Authority — Report, 1992-93.

Port of Portland Authority — Report, 1992-93.

Prevention of Cruelty to Animals Act 1986 — Code of Practice for the Welfare of Pigs (Revision No. 1).

Public Advocate Office — Report, 1992-93.

Public Authorities Finance Agency — Report, 1992.

Roads Corporation — Report, 1992-93.

Rural Finance Corporation — Report, 1992-93.

State Electricity Commission — Report, 1992-93.

State Library Council — Report, 1992-93.

State Trust Corporation — Report, 1992-93.

Tourism Victoria — Report, 1992-93.

Transport Accident Commission — Report, 1992-93.

Treasury Corporation — Report, 1992-93.

Urban Land Authority — Report, 1992-93.

Victorian Debt Retirement Fund — Report, 1992-93.

Victorian Development Fund — Report, 1992-93.

Young Farmers' Finance Council — Report, 1992-93.

10 **BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 1, be postponed until later this day.

11 **TOBACCO (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.

The Honourable C.J. Hogg moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

12 **MINERAL RESOURCES DEVELOPMENT (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable B.T. Pullen moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 13 PHYSIOTHERAPISTS (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.
The Honourable C.J. Hogg moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until the next day of meeting.
- 14 HEALTH (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.
The Honourable C.J. Hogg moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until the next day of meeting.
- 15 PUBLIC SECTOR MANAGEMENT (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable M.A. Birrell moved, That this Bill be now read a second time.
The Honourable M.A. Birrell made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.
The Honourable D.R. White moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until the next day of meeting.
- 16 RACING (FURTHER AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable W.R. Baxter moved, That this Bill be now read a second time.
The Honourable B.E. Davidson moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until the next day of meeting.
- 17 LAND (FURTHER AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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, 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 CHATTEL SECURITIES (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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 therein.
- 19 PROBATE DUTY (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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 **SUNDAY ENTERTAINMENT (REPEAL) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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.
- 21 **PETROLEUM (SUBMERGED LANDS) (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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.
- 22 **ADJOURNMENT** — The Honourable R.I. Knowles moved, That the House do now adjourn.
Debate ensued.
Question — put and resolved in the affirmative.
- And then the Council, at 4.54 p.m., adjourned until tomorrow.

A.V. BRAY
Clerk of the Legislative Council

No. 46 — Wednesday, 27 October 1993

- 1 The President took the Chair and read the Prayer.
- 2 **PHARMACISTS (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Pharmacists Act 1974' and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honourable R.I. Knowles, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 3 **GAS AND FUEL CORPORATION (HEATANE GAS) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to facilitate the transfer of certain pipelines in connection with the transfer and operation of the Heatane gas business of the Gas and Fuel Corporation of Victoria, to amend the 'Gas and Fuel Corporation Act 1958' and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **ADULT, COMMUNITY AND FURTHER EDUCATION (EMPLOYMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to provide for the employment of staff by Regional Councils of Adult, Community and Further Education, to amend the 'Adult, Community and Further Education Act 1991' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 5 **TEACHING SERVICE (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Teaching Service Act 1981' to create a Principal Class within the teaching service, to remove the requirements for employment registers and to revise procedures for inquiring into the conduct of members of the teaching service, and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 6 **OCCUPATIONAL HEALTH AND SAFETY (MISCELLANEOUS AMENDMENTS) BILL** — The President announced the receipt of a Message from the Assembly transmitting a communication from the Clerk of the Parliaments calling attention to a clerical error in this Bill and acquainting the Council that they have agreed that such error be corrected, and desiring the concurrence of the Council therein.

Ordered — That the Message be taken into consideration later this day.

7 **PAPERS** —

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — HOUSE OF LORDS COMMITTEE — DELEGATED POWERS — The Honourable B.A.E. Skeggs moved, by leave, That there be laid before this House a copy of a Report from the Scrutiny of Acts and Regulations Committee upon Discussions with the Select Committee on the Scrutiny of Delegated Powers, House of Lords, Westminster.

Question — put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable B.A.E. Skeggs and ordered to lie on the Table and to be printed.

* * * * *

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — SUBORDINATE LEGISLATION — The Honourable B.A.E. Skeggs presented an Annual Report from the Scrutiny of Acts and Regulations Committee on Subordinate Legislation concerning Statutory Rules Series 1992, 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:

National Parks Advisory Council — Report, 1992-93.

Recycling and Resource Recovery Council — Report, 1992-93.

- 8 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 3 inclusive, be postponed until later this day.

- 9 **EARLY CHILDHOOD SERVICES** — The Honourable C.J. Hogg moved, That this House condemns the Government for its handling of early childhood services; in particular its cuts to kindergarten funding and its ill considered changes to the Maternal and Child Health Service.

Debate ensued.

The Honourable P.R. Davis moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

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

- 10 **BUSINESS OF THE HOUSE** — The Honourable R.I. Knowles moved, That so much of the Sessional Orders be suspended as would prevent General Business taking precedence over other business until 2.30 p.m. during the sitting of the Council this day.

Question — put and resolved in the affirmative.

- 11 **EARLY CHILDHOOD SERVICES** — The Order of the Day having been read for the resumption of the debate on the question, That this House condemns the Government for its handling of early childhood services; in particular its cuts to kindergarten funding and its ill considered changes to the Maternal and Child Health Service —

Debate resumed.

Question — put.

The Council divided.

AYES, 12

The Hon. B.E. Davidson
M.M. Gould
D.E. Henshaw
C.J. Hogg
L. Kokocinski (*Teller*)
J. McLean
B.W. Mier
D.A. Nardella
P. Power
B.T. Pullen (*Teller*)
T.C. Theophanous
D.R. White

NOES, 26

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson
W.R. Baxter
R.A. Best (*Teller*)
M.A. Birrell
B.W. Bishop (*Teller*)
R.H. Bowden
G.P. Connard
G.H. Cox
G.R. Craige
P.R. Davis
R.S. de Fegely
D.M. Evans
W. Forwood
J.V.C. Guest
P.R. Hall
R.M. Hallam
W.A.N. Hartigan
R.I. Knowles
B.A.E. Skeggs
K.M. Smith
Graeme Stoney
Haddon Storey
C.A. Strong
Sue deC. Wilding

And so it passed in the negative.

- 12 **QUESTIONS** — Questions without notice were taken and answers were given to certain questions on notice pursuant to Standing Order No. 71A.

- 13 **LOCAL GOVERNMENT (MISCELLANEOUS AMENDMENTS) BILL** — On the motion of the Honourable R.M. Hallam, leave was given to bring in a Bill to amend the *Local Government Act 1989*, the *Health Act 1958*, the *Building Control Act 1981* and certain other 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 later this day.

- 14 RURAL FINANCE (VEDC ABOLITION) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.
- The Honourable R.M. Hallam made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.
- The Honourable D.R. White moved, That the debate be now adjourned.
- Question — That the debate be now adjourned — put and resolved in the affirmative.
- Ordered — That the debate be adjourned until later this day.
- 15 PHARMACISTS (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.
- The Honourable C.J. Hogg moved, That the debate be now adjourned.
- Question — That the debate be now adjourned — put and resolved in the affirmative.
- Ordered — That the debate be adjourned until the next day of meeting.
- 16 ADULT, COMMUNITY AND FURTHER EDUCATION (EMPLOYMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.
- The Honourable B.T. Pullen moved, That the debate be now adjourned.
- Question — That the debate be now adjourned — put and resolved in the affirmative.
- Ordered — That the debate be adjourned until the next day of meeting.
- 17 TEACHING SERVICE (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.
- The Honourable Haddon Storey made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.
- The Honourable C.J. Hogg moved, That the debate be now adjourned.
- Question — That the debate be now adjourned — put and resolved in the affirmative.
- Ordered — That the debate be adjourned until the next day of meeting.
- 18 GAS AND FUEL CORPORATION (HEATANE GAS) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.
- The Honourable R.M. Hallam made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.
- The Honourable T.C. Theophanous moved, That the debate be now adjourned.
- Question — That the debate be now adjourned — put and resolved in the affirmative.
- Ordered — That the debate be adjourned until the next day of meeting.
- 19 OCCUPATIONAL HEALTH AND SAFETY (MISCELLANEOUS AMENDMENTS) BILL** — The Order of the Day was read for the consideration of the Message from the Assembly transmitting a communication from the Clerk of the Parliaments (pursuant to Joint Standing Order No. 21), calling attention to a clerical error in this Bill and acquainting the Council that they have agreed that such error be corrected by omitting the word "Bill" in the Short Title and inserting the word "Act" in its stead, and desiring the concurrence of the Council therein.
- The Honourable R.M. Hallam moved, That the Council concur with the Assembly in the correction of the clerical error discovered in this Bill.
- Question — put and resolved in the affirmative.
- Ordered — That a Message be sent to the Assembly acquainting them accordingly.

- 20 PUBLIC SECTOR MANAGEMENT (AMENDMENT) BILL — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

Question — put.

The Council divided.

AYES, 27

The Hon. L. Asher
 G.B. Ashman
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson (*Teller*)
 G.P. Connard
 G.H. Cox (*Teller*)
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

NOES, 12

The Hon. B.E. Davidson
 M.M. Gould (*Teller*)
 D.E. Henshaw
 C.J. Hogg
 L. Kokocinski
 J. McLean
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen
 T.C. Theophanous (*Teller*)
 D.R. White

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.

House in Committee.

The President resumed the Chair; and the Honourable D.M. Evans 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.

- 21 STATE OWNED ENTERPRISES (AMENDMENT) BILL — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'State Owned Enterprises Act 1992' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 22 **BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 3, be postponed until later this day.
- 23 **PHYSIOTHERAPISTS (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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.
- 24 **HEALTH (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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.
- 25 **TOBACCO (AMENDMENT) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time — Debate resumed.
The Honourable C.J. Hogg 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 redrafted to provide health warnings on cigarette packets in accordance with the agreement made at the July Ministerial Council on Drug Strategy".
Debate ensued.
Question — That the words proposed to be omitted stand part of the question — put and resolved in the affirmative — Amendment negatived.
Question — That this 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.
- 26 **ROAD SAFETY (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Road Safety Act 1986' and the 'Marine Act 1988' and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honourable R.I. Knowles (for the Honourable W.R. Baxter), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 27 **ADJOURNMENT** — The Honourable R.I. Knowles moved, That the House do now adjourn.
Debate ensued.
Question — put and resolved in the affirmative.

And then the Council, at 10.47 p.m., adjourned until tomorrow.

A.V. BRAY
Clerk of the Legislative Council

No. 47 — Thursday, 28 October 1993

1 The President took the Chair and read the Prayer.

2 **PAPERS —**

VISTEL LIMITED — The Honourable R.M. Hallam moved, by leave, That there be laid before this House a copy of the Report of Vistel Limited for the year 1992-93.

Question — put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable R.M. Hallam 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:

Annual Reporting Act 1983 — Minister for Tertiary Education and Training's report of failure of Wodonga College of TAFE to submit 1992 annual report to him within the prescribed period and the reasons therefor.

Intellectually Disabled Persons' Services Act 1986 — Report on Community Visitors, 1992-93.

Members of Parliament (Register of Interests) Act 1978 — Cumulative Summary of Returns, September 1993.

Statutory Rules under the following Acts of Parliament:

Building Control Act 1981 — Nos. 190 and 191.

Cemeteries Act 1958 — No. 199.

Drugs, Poisons and Controlled Substances Act 1981 — No. 194.

Evidence Act 1958 — No. 202.

Food Act 1984 — No. 193.

Health Act 1958 — Nos. 192 and 195 to 198.

Mental Health Act 1986 — No. 200.

Wodonga College of TAFE — Report, 1992.

3 **STATE OWNED ENTERPRISES (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable T.C. Theophanous moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

4 **BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 2 and 3, be postponed until later this day.

5 **RACING (FURTHER AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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.

6 **MINERAL RESOURCES DEVELOPMENT (AMENDMENT) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

The Honourable B.T. Pullen moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this House declines to read this Bill a second time until there has been adequate community consultation and

consideration of the serious concerns raised by community groups, local government and Members of the Scrutiny of Acts and Regulations Committee regarding the reduction in rights of landowners and third parties".

Debate ensued.

Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders —

- 7 **QUESTIONS** — Questions without notice were taken and an answer was given to a question on notice pursuant to Standing Order No. 71A.
- 8 **MINERAL RESOURCES DEVELOPMENT (AMENDMENT) BILL** — Debate continued on the question, That this Bill be now read a second time and on the reasoned amendment (for text see item 6 *ante*).

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

AYES, 26

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson (*Teller*)
W.R. Baxter
R.A. Best
M.A. Birrell
B.W. Bishop
R.H. Bowden
A.R. Brideson
G.P. Connard (*Teller*)
G.H. Cox
G.R. Craige
P.R. Davis
R.S. de Fegely
D.M. Evans
W. Forwood
J.V.C. Guest
P.R. Hall
R.M. Hallam
W.A.N. Hartigan
K.M. Smith
Haddon Storey
C.A. Strong
Rosemary Varty
Dr. R.J.H. Wells
Sue deC. Wilding

NOES, 11

The Hon. B.E. Davidson (*Teller*)
M.M. Gould
D.E. Henshaw
C.J. Hogg
L. Kokocinski (*Teller*)
B.W. Mier
D.A. Nardella
P. Power
B.T. Pullen
T.C. Theophanous
D.T. Walpole

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

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

The Council divided.

AYES, 26

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson
W.R. Baxter
R.A. Best (*Teller*)
M.A. Birrell

NOES, 11

The Hon. B.E. Davidson
M.M. Gould
D.E. Henshaw
C.J. Hogg
L. Kokocinski
B.W. Mier

B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood
 J.V.C. Guest
 P.R. Hall (Teller)
 R.M. Hallam
 W.A.N. Hartigan
 K.M. Smith
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

D.A. Nardella (Teller)
 P. Power
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole (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 Honourable D.M. Evans 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 **LAND TAX (FURTHER AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Land Tax Act 1958' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 10 **CATTLE AND SWINE COMPENSATION (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Cattle Compensation Act 1967' and the 'Swine Compensation Act 1967'*" and desiring the concurrence of the Council therein.

On the motion of the Honourable W.R. Baxter, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 11 **BORROWING AND INVESTMENT POWERS (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Borrowing and Investment Powers Act 1987' and make consequential amendments to certain other Acts and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

12 LIMITATION OF ACTIONS (AMENDMENT) BILL — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Limitation of Actions Act 1958' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

13 ASSOCIATION FOR THE BLIND (BRAILLE AND TALKING BOOK LIBRARY) BILL — The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to this Bill without amendment.

14 LOCAL GOVERNMENT (MISCELLANEOUS AMENDMENTS) BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable P. Power moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

15 ADJOURNMENT — The Honourable W.R. Baxter moved, That the Council, at its rising, adjourn until Tuesday, 9 November 1993.

Question — put and resolved in the affirmative.

The Honourable W.R. Baxter moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 5.47 p.m., adjourned until Tuesday, 9 November 1993.

A.V. BRAY

Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 47

Tuesday, 9 November 1993

Mr. President takes the Chair at 2.30 p.m.

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- 1 ROAD SAFETY (AMENDMENT) BILL — (*from Assembly — Hon. W.R. Baxter*) — Second reading.
- *2 LAND TAX (FURTHER AMENDMENT) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading.
- *3 CATTLE AND SWINE COMPENSATION (AMENDMENT) BILL — (*from Assembly — Hon. W.R. Baxter*) — Second reading.
- *4 BORROWING AND INVESTMENT POWERS (AMENDMENT) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading.
- *5 LIMITATION OF ACTIONS (AMENDMENT) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading.
- 6 INTERPRETATION OF LEGISLATION (AMENDMENT) BILL — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).
- 7 PHARMACISTS (AMENDMENT) BILL — (*from Assembly — Hon. R.I. Knowles*) — Second reading — *Resumption of debate.* (Hon. C.J. Hogg).
- 8 GAS AND FUEL CORPORATION (HEATANE GAS) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate.* (Hon. T.C. Theophanous).
- 9 ADULT, COMMUNITY AND FURTHER EDUCATION (EMPLOYMENT) BILL — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).
- 10 TEACHING SERVICE (AMENDMENT) BILL — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (Hon. C.J. Hogg).

- 11 **STATE OWNED ENTERPRISES (AMENDMENT) BILL** — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. T.C. Theophanous).
- 12 **LOCAL GOVERNMENT (MISCELLANEOUS AMENDMENTS) BILL** — (Hon. R.M. Hallam) — Second reading. — Resumption of debate. (Hon. P. Power).
- 13 **RURAL FINANCE (VEDC ABOLITION) BILL** — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. D.R. White).

GENERAL BUSINESS

NOTICES OF MOTION

- 1 **THE HON. D.R. WHITE** — To move, That this House condemns the Government for its hasty introduction of ill considered, poorly drafted and divisive legislation that it intends to pass by ambushing the people of Victoria instead of allowing time for community consultation and scrutiny.
- 2 **THE HON. D.M. EVANS** — To move, That the Council take note of the report of the Auditor-General on Salinity, March 1993.
- 3 **THE HON. D.R. WHITE** — To move, That the Sessional Orders relating to the Business of the House, adopted by the Council on 28 October 1992, be amended as follows:
 In paragraph (b), after "20A," insert "53,".

ORDERS OF THE DAY

- 1 **LOCAL GOVERNMENT BOARD — MINISTER'S ANSWER TO QUESTION WITHOUT NOTICE, 6 NOVEMBER 1992** — To be considered.
- 2 **PUBLIC SECTOR SUPERANNUATION** — Motion to take note of document prepared by the Hon. I.W. Smith, MP, Minister for Finance, 7 April 1993 — (Hon. D.R. White) — Resumption of debate. (Hon. Rosemary Varty).
- 3 **STATE SCHOOL CLEANERS** — Motion condemning Government for treatment of cleaners before, and on, 31 December 1992 and consequent extra workload and responsibilities imposed on teachers, students and parents — (Hon. D.A. Nardella) — Resumption of debate. (Hon. C.J. Hogg).
- 4 **ROAD FUNDS FUEL LEVY** — Motion for Trust Fund money derived from 3 cent levy on fuel to be dedicated to stage one of Western Bypass and the Domain tunnel, and for remaining funds to be applied to certain major State arterial roads and, further, that introduction of the tax not proceed until such a commitment is made — (Hon. D.R. White) — Resumption of debate. (Hon. G.B. Ashman).
- 5 **INDUSTRIAL RELATIONS** — Motion condemning Government for its gross mishandling of industrial relations and for seeking to prevent Victorian workers obtaining Federal award protection — (Hon. D.T. Walpole) — Resumption of debate. (Hon. B.W. Mier).

Tuesday, 9 November 1993

- 6 STATE SCHOOL EDUCATION SYSTEM — Motion condemning Government for its sustained attack on the system — (*Hon. C.J. Hogg*) — *Resumption of debate.* (*Hon. R.S. Ives*).

A.V. BRAY
Clerk of the Legislative Council

B.A. CHAMBERLAIN
President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

* * * *

COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis, B.W. Mier and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (ex-officio), R.A. Best, L. Kokocinski, D.A. Nardella, B.A.E. Skeggs, and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING — The Honourables the President, B.W. Bishop, G.H. Cox, B.W. Mier, D.A. Nardella, B.A.E. Skeggs and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables A.R. Brideson, B.W. Bishop, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS (JOINT) — The Honourables L. Asher, M.M. Gould and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

Tuesday, 9 November 1993

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 28 October 1992 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday	—	2.30 p.m.
Wednesday	—	10.00 a.m.
Thursday	—	10.00 a.m.

Business to take precedence—

Tuesday	—	Government business.
Wednesday	—	General business (until 2.00 p.m.).
Thursday	—	Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 27 October 1992, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

ADJOURNMENT OF BILLS [Effective until 31 December 1993]

By resolution of the Council on 14 September 1993 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 18 November 1993, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in 1994: Provided that any Bill transmitted from the Legislative Assembly which is in the hands of the Clerk no later than 10.00 a.m. on 19 November 1993 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 48

Wednesday, 10 November 1993

Mr. President takes the Chair at 10.00 a.m.

GENERAL BUSINESS

[To take precedence until 2.00 p.m.]

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Government for its hasty introduction of ill considered, poorly drafted and divisive legislation that it intends to pass by ambushing the people of Victoria instead of allowing time for community consultation and scrutiny.
- 2 THE HON. D.M. EVANS — To move, That the Council take note of the report of the Auditor-General on Salinity, March 1993.
- 3 THE HON. D.R. WHITE — To move, That the Sessional Orders relating to the Business of the House, adopted by the Council on 28 October 1992, be amended as follows:
In paragraph (b), after "20A," insert "53,".

ORDERS OF THE DAY

- 1 LOCAL GOVERNMENT BOARD — MINISTER'S ANSWER TO QUESTION WITHOUT NOTICE, 6 NOVEMBER 1992 — To be considered.
- 2 PUBLIC SECTOR SUPERANNUATION — Motion to take note of document prepared by the Hon. I.W. Smith, MP, Minister for Finance, 7 April 1993 — (*Hon. D.R. White*) — *Resumption of debate.* (*Hon. Rosemary Varty*).
- 3 STATE SCHOOL CLEANERS — Motion condemning Government for treatment of cleaners before, and on, 31 December 1992 and consequent extra workload and responsibilities imposed on teachers, students and parents — (*Hon. D.A. Nardella*) — *Resumption of debate.* (*Hon. C.J. Hogg*).
- 4 ROAD FUNDS FUEL LEVY — Motion for Trust Fund money derived from 3 cent levy on fuel to be dedicated to stage one of Western Bypass and the Domain tunnel, and for remaining funds to be applied to certain major State arterial roads and, further, that introduction of the tax not proceed until such a commitment is made — (*Hon. D.R. White*) — *Resumption of debate.* (*Hon. G.B. Ashman*).
- 5 INDUSTRIAL RELATIONS — Motion condemning Government for its gross mishandling of industrial relations and for seeking to prevent Victorian workers

obtaining Federal award protection — (Hon. D.T. Walpole) — Resumption of debate. (Hon. B.W. Mier).

- 6 STATE SCHOOL EDUCATION SYSTEM — Motion condemning Government for its sustained attack on the system — (Hon. C.J. Hogg) — Resumption of debate. (Hon. R.S. Ives).

GOVERNMENT BUSINESS

NOTICE OF MOTION

- *1 THE HON. HADDON STOREY — To move, That he have leave to bring in a Bill to allow gaming on certain ships and for other purposes.

ORDERS OF THE DAY

- *1 CASINO CONTROL (FURTHER AMENDMENT) BILL — (from Assembly — Hon. Haddon Storey) — Second reading.
- 2 STATE OWNED ENTERPRISES (AMENDMENT) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. T.C. Theophanous).
- 3 LOCAL GOVERNMENT (MISCELLANEOUS AMENDMENTS) BILL — (Hon. R.M. Hallam) — Second reading. — Resumption of debate. (Hon. P. Power).
- 4 ROAD SAFETY (AMENDMENT) BILL — (from Assembly — Hon. W.R. Baxter) — Second reading — Resumption of debate. (Hon. B.E. Davidson).
- 5 LAND TAX (FURTHER AMENDMENT) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. D.R. White).
- 6 CATTLE AND SWINE COMPENSATION (AMENDMENT) BILL — (from Assembly — Hon. W.R. Baxter) — Second reading — Resumption of debate. (Hon. C.J. Hogg).
- 7 BORROWING AND INVESTMENT POWERS (AMENDMENT) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. D.R. White).
- 8 LIMITATION OF ACTIONS (AMENDMENT) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. D.R. White).
- 9 RURAL FINANCE (VEDC ABOLITION) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. D.R. White).

A.V. BRAY
Clerk of the Legislative Council

B.A. CHAMBERLAIN
President

Wednesday, 10 November 1993

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

* * * *

COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis, B.W. Mier and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (ex-officio), R.A. Best, L. Kokocinski, D.A. Nardella, B.A.E. Skeggs, and K.M. Smith.

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SESSIONAL ORDERS

BUSINESS OF THE HOUSE

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LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 49

Thursday, 11 November 1993

Mr. President takes the Chair at 12.00 noon

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- *1 CASINO (MANAGEMENT AGREEMENT) BILL — (*from Assembly — Hon. Haddon Storey*) — Second reading.
- 2 CASINO CONTROL (FURTHER AMENDMENT) BILL — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (Hon. D.R. White).
- 3 LOCAL GOVERNMENT (MISCELLANEOUS AMENDMENTS) BILL — (Hon. R.M. Hallam) — Second reading. — *Resumption of debate.* (Hon. P. Power).
- 4 ROAD SAFETY (AMENDMENT) BILL — (*from Assembly — Hon. W.R. Baxter*) — Second reading — *Resumption of debate.* (Hon. B.E. Davidson).
- 5 LAND TAX (FURTHER AMENDMENT) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate.* (Hon. D.R. White).
- 6 BORROWING AND INVESTMENT POWERS (AMENDMENT) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate.* (Hon. D.R. White).
- 7 LIMITATION OF ACTIONS (AMENDMENT) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate.* (Hon. D.R. White).
- *8 TT-LINE GAMING BILL — (Hon. Haddon Storey) — Second reading — *Resumption of debate.* (Hon. D.R. White).
- *9 CHOICE OF LAW (LIMITATION PERIODS) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate.* (Hon. D.R. White).
- 10 RURAL FINANCE (VEDC ABOLITION) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate.* (Hon. D.R. White).

*Indicates new entry.

GENERAL BUSINESS

NOTICES OF MOTION

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- 6 **STATE SCHOOL EDUCATION SYSTEM** — Motion condemning Government for its sustained attack on the system — (*Hon. C.J. Hogg*) — *Resumption of debate.* (*Hon. D.A. Nardella*).
- *7 **HEALTH SERVICES ACT 1988 — COMMUNITY VISITORS REPORT, 1992-93 — MINISTERIAL STATEMENT** — Motion to take note of Statement — (*Hon. C.J. Hogg*).

A.V. BRAY
Clerk of the Legislative Council

B.A. CHAMBERLAIN
President

Thursday, 11 November 1993

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

* * * *

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SESSIONAL ORDERS

BUSINESS OF THE HOUSE

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LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS

Nos. 48, 49 and 50

No. 48 — Tuesday, 9 November 1993

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The Honourable M.A. Birrell presented Messages from His Excellency 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 29 October 1993 —
Racing (Further Amendment) Act.
 - On 3 November 1993 —
Occupational Health and Safety (Miscellaneous Amendments) Act
Land (Further Amendment) Act
Sunday Entertainment (Repeal) Act
Probate Duty (Amendment) Act
Petroleum (Submerged Lands) (Amendment) Act
Tobacco (Amendment) Act
Health (Amendment) Act
Association for the Blind (Braille and Talking Book Library) Act
Mineral Resources Development (Amendment) Act
Physiotherapists (Amendment) Act.
- 3 **QUESTIONS** — Questions without notice were taken and an answer was given to a question on notice pursuant to Standing Order No. 71A.
- 4 **PAPERS** —
SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — SUBORDINATE LEGISLATION — The Honourable B.A.E. Skeggs presented a Report from the Scrutiny of Acts and Regulations Committee upon the *Subordinate Legislation Act 1962*, together with Appendices and Minutes of Evidence.
Ordered to lie on the Table and the Report and Appendices 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:
 - Abattoir and Meat Inspection Authority — Report, 1 October 1992 to 30 June 1993.
 - City of Melbourne Superannuation Fund — Report, 1992-93.
 - Melbourne Wholesale Fruit and Vegetable Market Trust — Report, 1992-93.
 - Murray Valley Citrus Marketing Board — Report, 1992-93.
 - Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:
 - Altona Planning Scheme — Amendment L36.
 - Bairnsdale (Shire) Planning Scheme — Amendment L21 Part 3.
 - Ballaarat (City) Planning Scheme — Amendment L38.

Planning and Environment Act 1987 — *continued*

- Barrabool Planning Scheme — Amendment R11.
 - Berwick Planning Scheme — Amendment L61 Part 2.
 - Bulla Planning Scheme — Amendment L75.
 - Buln Buln Planning Scheme — Amendment L25.
 - Collingwood Planning Scheme — Amendment L6.
 - Cranbourne Planning Scheme — Amendment L89.
 - Dandenong Planning Scheme — Amendment L22.
 - Doncaster and Templestowe Planning Scheme — Amendment L39 Part 1.
 - Flinders Planning Scheme — Amendments L90, L96 and L117.
 - Footscray Planning Scheme — Amendment L42.
 - Frankston Planning Scheme — Amendment L53.
 - Greater Geelong Planning Scheme — Amendment R23.
 - Hampden Planning Scheme — Amendment L7.
 - Hastings Planning Scheme — Amendment L66 Part 2.
 - Keilor Planning Scheme — Amendment L52.
 - Korumburra Planning Scheme — Amendment L43.
 - Maryborough Planning Scheme — Amendment L19.
 - Melbourne Planning Scheme — Amendment L136.
 - Moorabbin Planning Scheme — Amendment L32.
 - Mornington Planning Scheme — Amendment L44.
 - Morwell Planning Scheme — Amendment L34.
 - Nunawading Planning Scheme — Amendment L26 Part 1.
 - Pakenham Planning Scheme — Amendment L22 Part 1.
 - Port of Melbourne Planning Scheme — Amendment L11.
 - Prahran Planning Scheme — Amendments L27 and L37.
 - Richmond Planning Scheme — Amendment L28.
 - Ringwood Planning Scheme — Amendment L27.
 - Romsey Planning Scheme — Amendment L28.
 - Rosedale Planning Scheme — Amendment L34.
 - South Gippsland Planning Scheme — Amendment L23.
 - South Melbourne Planning Scheme — Amendments L64 and L70.
 - Springvale Planning Scheme — Amendment L53.
 - Stawell (City) Planning Scheme — Amendment L23.
 - Sunshine Planning Scheme — Amendment L56.
 - Traralgon (City) Planning Scheme — Amendment L46.
 - Upper Yarra Planning Scheme — Amendment L32.
 - Victoria — State Section Planning Schemes — Amendment S13.
 - Waverley Planning Scheme — Amendment L42 Part 1A.
 - Werribee Planning Scheme — Amendments L48 and L59.
 - Whittlesea Planning Scheme — Amendments L71 and L80.
- Police Board — Report, 1992-93.
- Prison Industries Commission — Report, 1992-93.
- Rural Water Corporation — Report, 1992-93.
- Sport, Recreation and Racing Department — Report, 1992-93.
- Statutory Rules under the following Acts of Parliament:
- Dairy Industry Act 1992 — No. 203.
 - Fisheries Act 1968 — No. 208.
 - National Tennis Centre Act 1985 — No. 204.
 - Zoological Parks and Gardens Act 1967 — No. 205.
- Tattersall Sweep Consultations — Financial statements, 1992-93.
- Treasury Department — Report, 1992-93.

- 5 **ROAD SAFETY (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable W.R. Baxter moved, That this Bill be now read a second time.

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

The Honourable B.E. Davidson moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 6 **LAND TAX (FURTHER AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable D.R. White moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

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

- 7 **CATTLE AND SWINE COMPENSATION (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable W.R. Baxter moved, That this Bill be now read a second time.

The Honourable C.J. Hogg moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 8 **BORROWING AND INVESTMENT POWERS (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable C.J. Hogg (for the Honourable D.R. White) moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 9 **LIMITATION OF ACTIONS (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

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

The Honourable C.J. Hogg (for the Honourable D.R. White) moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be 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 this Bill be now read a second time and, after further debate, the question being put 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 Honourable P.R. Hall having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon 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 therein.

11 PHARMACISTS (AMENDMENT) BILL — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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 GAS AND FUEL CORPORATION (HEATANE GAS) BILL — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

Question — put.

The Council divided.

AYES, 26

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige (*Teller*)
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 K.M. Smith (*Teller*)
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

NOES, 11

The Hon. B.E. Davidson
 M.M. Gould
 D.E. Henshaw
 R.S. Ives
 L. Kokocinski
 J. McLean
 D.A. Nardella (*Teller*)
 P. Power
 B.T. Pullen (*Teller*)
 T.C. Theophanous
 D.T. Walpole

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, 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 **ADULT, COMMUNITY AND FURTHER EDUCATION (EMPLOYMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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 **TEACHING SERVICE (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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, 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 **CASINO CONTROL (FURTHER AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Casino Control Act 1991' and the 'Gaming Machine Control Act 1991' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message 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 R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 10.56 p.m., adjourned until tomorrow.

A.V. BRAY

Clerk of the Legislative Council

No. 49 — Wednesday, 10 November 1993

1 The President took the Chair and read the Prayer.

2 **PAPERS** —

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — The Honourable B.A.E. Skeggs presented Alert Digest No. 16 of 1993 from the Scrutiny of Acts and Regulations Committee, together with an Appendix.

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:

Health Services Act 1988 — Report of Community Visitors, 1992-93.

Statutory Rules under the following Acts of Parliament:

Environment Protection Act 1970 — No. 206.

Gaming Machine Control Act 1991 — No. 207.

Statutory Rules — *continued*

Legal Profession Practice Act 1958 — No. 201.

- 3 **BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, General Business, and Orders of the Day, General Business, Nos. 1 to 5 inclusive, be postponed until later this day.
- 4 **STATE SCHOOL EDUCATION SYSTEM** — The Order of the Day having been read for the resumption of the debate on the question, That this House condemns the Government for its sustained attack on the State school education system through cuts to staffing and forced school closures; its failure to include principals, parents and teachers in decision making; and its divisive "Schools of the Future" programme —
Debate resumed.
General Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders, the debate stood adjourned in the name of the Honourable D.A. Nardella.
- 5 **MINISTERIAL STATEMENT — REPORT OF COMMUNITY VISITORS, 1992-93** — By leave, the Honourable R.I. Knowles made a Ministerial Statement relating to the report of Community Visitors under the *Health Services Act 1988* for the year 1992-93.
The Honourable C.J. Hogg moved, That the Ministerial Statement be taken into consideration on the next day of meeting.
Question — put and resolved in the affirmative.
- 6 **TT-LINE GAMING BILL** — On the motion of the Honourable R.I. Knowles (for the Honourable Haddon Storey), leave was given to bring in a Bill to allow gaming on certain ships 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 later this day.
- 7 **BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 1 to 5 inclusive, be postponed until later this day.
- 8 **CATTLE AND SWINE COMPENSATION (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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 **QUESTIONS** — Questions without notice were taken and an answer was given to a question on notice pursuant to Standing Order No. 71A.
- 10 **TT-LINE GAMING BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.
The Honourable D.R. White moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until the next day of meeting.
- 11 **CASINO CONTROL (FURTHER AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.
The Honourable D.R. White moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until the next day of meeting.

- 12 **STATE OWNED ENTERPRISES (AMENDMENT) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

Question — put.

The Council divided.

AYES, 25

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.R. Craige (*Teller*)
 P.R. Davis
 R.S. de Fegely
 W. Forwood (*Teller*)
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Dr. R.J.H. Wells
 Sue deC. Wilding

NOES, 12

The Hon. M.M. Gould (*Teller*)
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 L. Kokocinski
 J. McLean (*Teller*)
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen
 D.T. Walpole
 D.R. White

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 **CASINO (MANAGEMENT AGREEMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to ratify the management agreement for the Melbourne Casino, to amend the 'Casino Control Act 1991' and the 'Gaming Machine Control Act 1991' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 14 **CHOICE OF LAW (LIMITATION PERIODS) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act relating to limitation periods for choice of law purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time forthwith.

Accordingly, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable D.R. White moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

15 **ADJOURNMENT** — The Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until tomorrow at 12.00 noon.

Question — put and resolved in the affirmative.

And then the Council, at 5.26 p.m., adjourned until tomorrow at 12.00 noon.

A.V. BRAY

Clerk of the Legislative Council

No. 50 — Thursday, 11 November 1993

- 1 The President took the Chair and read the Prayer.
- 2 **STATE TAXATION (FURTHER AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Business Franchise (Tobacco) Act 1974', the 'Financial Institutions Duty Act 1982', the 'Land Tax Act 1958', the 'Pay-roll Tax Act 1971' and the 'Stamps Act 1958' and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 3 **CITY OF MELBOURNE 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 **PETITION — IONA PRIMARY SCHOOL** — The Honourable R.S. Ives presented a Petition bearing 120 signatures from certain citizens of Victoria praying that Iona Primary School be allowed to remain open.
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:
 - Adult, Community and Further Education Board — Report, 1992-93.
 - Anti-Cancer Council — Report, 1992-93.
 - Director of Public Prosecutions Office — Report, 1992-93.
 - Judicial Studies Board — Report, 1991-92.
 - Nursing Council — Report, 1992-93.
 - Post-Secondary Education Commission — Report, 1992-93.
 - Radiation Advisory Committee — Report for the year ended 30 September 1993.
 - State Training Board — Report, 1992-93.
 - Totalizator Agency Board — Report for the year ended 31 July 1993.
- 6 **CASINO (MANAGEMENT AGREEMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.
The Honourable D.R. White moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

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

- 7 **COGNATE BILLS** — The Honourable Haddon Storey moved, by leave, That this House authorizes and requires the Honourable the President to permit the second reading debate on the Casino Control (Further Amendment) Bill and the Casino (Management Agreement) Bill to be taken concurrently.

Question — put and resolved in the affirmative.

- 8 **CASINO (MANAGEMENT AGREEMENT) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time [the Casino Control (Further Amendment) Bill having been authorized to be debated concurrently pursuant to an Order of the Council this day] —

Debate resumed.

The Honourable D.R. White moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "-

(a) this Bill be withdrawn and redrafted to contain all separate and private agreements between Crown Casino Ltd. and the Victorian Casino Control Authority; and

(b) all policy directions and decisions of the Cabinet Sub-Committee on the Bill and the agreement be made available to the House."

Debate ensued.

Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders —

- 9 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order No. 71A.

- 10 **CASINO (MANAGEMENT AGREEMENT) BILL** — Debate continued on the question, That this Bill now be read a second time and on the reasoned amendment (*for text see Item 8 ante*) [the Casino Control (Further Amendment) Bill having been authorized to be debated concurrently pursuant to an Order of the Council this day] .

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

The Council divided.

AYES, 27

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson
W.R. Baxter
R.A. Best
B.W. Bishop (*Teller*)
R.H. Bowden
A.R. Brideson
G.P. Connard
G.H. Cox
G.R. Craige
P.R. Davis
R.S. de Fegely
W. Forwood
J.V.C. Guest
P.R. Hall (*Teller*)
R.M. Hallam
W.A.N. Hartigan
R.I. Knowles
B.A.E. Skeggs

NOES, 13

The Hon. B.E. Davidson (*Teller*)
M.M. Gould (*Teller*)
D.E. Henshaw
C.J. Hogg
R.S. Ives
L. Kokocinski
J. McLean
B.W. Mier
D.A. Nardella
P. Power
B.T. Pullen
T.C. Theophanous
D.T. Walpole

K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

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

Question — That this 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.

- 11 **CASINO CONTROL (FURTHER AMENDMENT) BILL** — The concurrent second reading debate having concluded —

Question — That this 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.

- 12 **STAMPS (FURTHER AMENDMENT) BILL** — The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Stamps Act 1958' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 13 **STOCK (SELLER LIABILITY AND DECLARATIONS) BILL** — The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to impose certain minimum conditions on the sale of stock and to establish a system of seller declarations as to the state of stock to be sold and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam (for the Honourable W.R. Baxter) the Bill transmitted by the foregoing Message 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 (MISCELLANEOUS AMENDMENTS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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.

- 15 **PUBLIC HOLIDAYS BILL** — The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to make new provision with respect to public holidays in Victoria, to repeal the 'Bank Holidays Act 1958', to amend the 'Public Sector Management Act 1992', the 'Teaching Service Act 1981' and the 'Shop Trading Act 1987', to make consequential amendments to certain other Acts and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time forthwith.

Accordingly, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable B.T. Pullen (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 16 **CLASSIFICATION OF FILMS AND PUBLICATIONS (AMENDMENT) BILL** — The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Classification of Films and Publications Act 1990' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time forthwith.

Accordingly, the Honourable R.I. Knowles moved, That this Bill be now read a second time.

The Honourable B.T. Pullen moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 17 **TELECOMMUNICATIONS (INTERCEPTION) (STATE PROVISIONS) (AMENDMENT) BILL** — The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Telecommunications (Interception) (State Provisions) Act 1988' and certain other Acts and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles (for the Honourable Haddon Storey), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time forthwith.

Accordingly, the Honourable R.I. Knowles (for the Honourable Haddon Storey) moved, That this Bill be now read a second time.

The Honourable B.T. Pullen moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 18 **STATE TAXATION (FURTHER AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

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

The Honourable D.R. White moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 19 **ADJOURNMENT** — The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 6.21 p.m., adjourned until Tuesday next.

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 50

Tuesday, 16 November 1993

Mr. President takes the Chair at 2.30 p.m.

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- *1 STAMPS (FURTHER AMENDMENT) BILL — *(from Assembly — Hon. R.M. Hallam)*
— Second reading.
- *2 STOCK (SELLER LIABILITY AND DECLARATIONS) BILL — *(from Assembly — Hon. W.R. Baxter)* — Second reading.
- 3 LOCAL GOVERNMENT (MISCELLANEOUS AMENDMENTS) BILL — *(Hon. R.M. Hallam)* — To be committed.
- 4 TT-LINE GAMING BILL — *(Hon. Haddon Storey)* — Second reading — *Resumption of debate. (Hon. D.R. White).*
- 5 LAND TAX (FURTHER AMENDMENT) BILL — *(from Assembly — Hon. R.M. Hallam)* — Second reading — *Resumption of debate. (Hon. D.R. White).*
- 6 BORROWING AND INVESTMENT POWERS (AMENDMENT) BILL — *(from Assembly — Hon. R.M. Hallam)* — Second reading — *Resumption of debate. (Hon. D.R. White).*
- 7 LIMITATION OF ACTIONS (AMENDMENT) BILL — *(from Assembly — Hon. R.M. Hallam)* — Second reading — *Resumption of debate. (Hon. D.R. White).*
- 8 CHOICE OF LAW (LIMITATION PERIODS) BILL — *(from Assembly — Hon. R.M. Hallam)* — Second reading — *Resumption of debate. (Hon. D.R. White).*
- *9 PUBLIC HOLIDAYS BILL — *(from Assembly — Hon. R.M. Hallam)* — Second reading — *Resumption of debate. (Hon. T.C. Theophanous).*
- *10 CLASSIFICATION OF FILMS AND PUBLICATIONS (AMENDMENT) BILL — *(from Assembly — Hon. R.I. Knowles)* — Second reading — *Resumption of debate. (Hon. B.T. Pullen).*
- *11 TELECOMMUNICATIONS (INTERCEPTION) (STATE PROVISIONS) (AMENDMENT) BILL — *(from Assembly — Hon. Haddon Storey)* — Second reading — *Resumption of debate. (Hon. B.T. Pullen).*

*Indicates new entry.

- 12 **STATE TAXATION (FURTHER AMENDMENT) BILL** — (from Assembly — Hon. R.M. Hallam) — Second reading — *Resumption of debate.* (Hon. D.R. White).
- 13 **ROAD SAFETY (AMENDMENT) BILL** — (from Assembly — Hon. W.R. Baxter) — Second reading — *Resumption of debate.* (Hon. B.E. Davidson).
- 14 **RURAL FINANCE (VEDC ABOLITION) BILL** — (from Assembly — Hon. R.M. Hallam) — Second reading — *Resumption of debate.* (Hon. D.R. White).

GENERAL BUSINESS

NOTICES OF MOTION

- 1 **THE HON. D.R. WHITE** — To move, That this House condemns the Government for its hasty introduction of ill considered, poorly drafted and divisive legislation that it intends to pass by ambushing the people of Victoria instead of allowing time for community consultation and scrutiny.
- 2 **THE HON. D.M. EVANS** — To move, That the Council take note of the report of the Auditor-General on Salinity, March 1993.
- 3 **THE HON. D.R. WHITE** — To move, That the Sessional Orders relating to the Business of the House, adopted by the Council on 28 October 1992, be amended as follows:
In paragraph (b), after "20A," insert "53,".

ORDERS OF THE DAY

- 1 **LOCAL GOVERNMENT BOARD — MINISTER'S ANSWER TO QUESTION WITHOUT NOTICE, 6 NOVEMBER 1992** — To be considered.
- 2 **PUBLIC SECTOR SUPERANNUATION** — Motion to take note of document prepared by the Hon. I.W. Smith, MP, Minister for Finance, 7 April 1993 — (Hon. D.R. White) — *Resumption of debate.* (Hon. Rosemary Varty).
- 3 **STATE SCHOOL CLEANERS** — Motion condemning Government for treatment of cleaners before, and on, 31 December 1992 and consequent extra workload and responsibilities imposed on teachers, students and parents — (Hon. D.A. Nardella) — *Resumption of debate.* (Hon. C.J. Hogg).
- 4 **ROAD FUNDS FUEL LEVY** — Motion for Trust Fund money derived from 3 cent levy on fuel to be dedicated to stage one of Western Bypass and the Domain tunnel, and for remaining funds to be applied to certain major State arterial roads and, further, that introduction of the tax not proceed until such a commitment is made — (Hon. D.R. White) — *Resumption of debate.* (Hon. G.B. Ashman).
- 5 **INDUSTRIAL RELATIONS** — Motion condemning Government for its gross mishandling of industrial relations and for seeking to prevent Victorian workers obtaining Federal award protection — (Hon. D.T. Walpole) — *Resumption of debate.* (Hon. B.W. Mier).
- 6 **STATE SCHOOL EDUCATION SYSTEM** — Motion condemning Government for its sustained attack on the system — (Hon. C.J. Hogg) — *Resumption of debate.* (Hon. D.A. Nardella).

Tuesday, 16 November 1993

7 HEALTH SERVICES ACT 1988 — COMMUNITY VISITORS REPORT, 1992-93 —
MINISTERIAL STATEMENT — Motion to take note of Statement — (*Hon. C.J.*
Hogg).

A.V. BRAY
Clerk of the Legislative Council

B.A. CHAMBERLAIN
President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

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COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis, B.W. Mier and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (ex-officio), R.A. Best, L. Kokocinski, D.A. Nardella, B.A.E. Skeggs, and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING — The Honourables the President, B.W. Bishop, G.H. Cox, B.W. Mier, D.A. Nardella, B.A.E. Skeggs and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables A.R. Brideson, B.W. Bishop, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS (JOINT) — The Honourables L. Asher, M.M. Gould and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

Tuesday, 16 November 1993

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 28 October 1992 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday	—	2.30 p.m.
Wednesday	—	10.00 a.m.
Thursday	—	10.00 a.m.

Business to take precedence—

Tuesday	—	Government business.
Wednesday	—	General business (until 2.00 p.m.).
Thursday	—	Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 27 October 1992, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

ADJOURNMENT OF BILLS [Effective until 31 December 1993]

By resolution of the Council on 14 September 1993 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 18 November 1993, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in 1994: Provided that any Bill transmitted from the Legislative Assembly which is in the hands of the Clerk no later than 10.00 a.m. on 19 November 1993 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 51

Wednesday, 17 November 1993

Mr. President takes the Chair at 10.00 a.m.

GENERAL BUSINESS

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Government for its hasty introduction of ill considered, poorly drafted and divisive legislation that it intends to pass by ambushing the people of Victoria instead of allowing time for community consultation and scrutiny.
- 2 THE HON. D.M. EVANS — To move, That the Council take note of the report of the Auditor-General on Salinity, March 1993.
- 3 THE HON. D.R. WHITE — To move, That the Sessional Orders relating to the Business of the House, adopted by the Council on 28 October 1992, be amended as follows:
In paragraph (b), after "20A," insert "53,".
- *4 THE HON. P. POWER — To move, That this House condemns the Government for its continuing neglect of provincial and rural Victoria and, in particular —
 - (a) failing to identify and address the real issues of regionalism in a modern community in its plan *Investing in Country Victoria*;
 - (b) its preparedness to continue treating country Victorians as second class citizens, as reflected in the plan and consistent with its attack on rural and provincial Victoria since coming to office; and
 - (c) lacking a vision to carry provincial and rural Victoria to the year 2000 and beyond.

ORDERS OF THE DAY

- 1 LOCAL GOVERNMENT BOARD — MINISTER'S ANSWER TO QUESTION WITHOUT NOTICE, 6 NOVEMBER 1992 — To be considered.
- 2 PUBLIC SECTOR SUPERANNUATION — Motion to take note of document prepared by the Hon. I.W. Smith, MP, Minister for Finance, 7 April 1993 — (*Hon. D.R. White*) — *Resumption of debate.* (*Hon. Rosemary Varty*).
- 3 STATE SCHOOL CLEANERS — Motion condemning Government for treatment of cleaners before, and on, 31 December 1992 and consequent extra workload and

*Indicates new entry.

- responsibilities imposed on teachers, students and parents — (Hon. D.A. Nardella) — *Resumption of debate.* (Hon. C.J. Hogg).
- 4 ROAD FUNDS FUEL LEVY — Motion for Trust Fund money derived from 3 cent levy on fuel to be dedicated to stage one of Western Bypass and the Domain tunnel, and for remaining funds to be applied to certain major State arterial roads and, further, that introduction of the tax not proceed until such a commitment is made — (Hon. D.R. White) — *Resumption of debate.* (Hon. G.B. Ashman).
 - 5 INDUSTRIAL RELATIONS — Motion condemning Government for its gross mishandling of industrial relations and for seeking to prevent Victorian workers obtaining Federal award protection — (Hon. D.T. Walpole) — *Resumption of debate.* (Hon. B.W. Mier).
 - 6 STATE SCHOOL EDUCATION SYSTEM — Motion condemning Government for its sustained attack on the system — (Hon. C.J. Hogg) — *Resumption of debate.* (Hon. D.A. Nardella).
 - 7 HEALTH SERVICES ACT 1988 — COMMUNITY VISITORS REPORT, 1992-93 — MINISTERIAL STATEMENT — Motion to take note of Statement — (Hon. C.J. Hogg).

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- 1 PUBLIC HOLIDAYS BILL — (from Assembly — Hon. R.M. Hallam) — *To be committed.*
- 2 CLASSIFICATION OF FILMS AND PUBLICATIONS (AMENDMENT) BILL — (from Assembly — Hon. R.I. Knowles) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).
- 3 TELECOMMUNICATIONS (INTERCEPTION) (STATE PROVISIONS) (AMENDMENT) BILL — (from Assembly — Hon. Haddon Storey) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).
- 4 STATE TAXATION (FURTHER AMENDMENT) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — *Resumption of debate.* (Hon. D.R. White).
- 5 STAMPS (FURTHER AMENDMENT) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — *Resumption of debate.* (Hon. D.R. White).
- 6 STOCK (SELLER LIABILITY AND DECLARATIONS) BILL — (from Assembly — Hon. W.R. Baxter) — Second reading — *Resumption of debate.* (Hon. C.J. Hogg).
- 7 RURAL FINANCE (VEDC ABOLITION) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — *Resumption of debate.* (Hon. D.R. White).
- 8 ROAD SAFETY (AMENDMENT) BILL — (from Assembly — Hon. W.R. Baxter) — Second reading — *Resumption of debate.* (Hon. B.E. Davidson).

Wednesday, 17 November 1993

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

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COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis, B.W. Mier and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (ex-officio), R.A. Best, L. Kokocinski, D.A. Nardella, B.A.E. Skeggs, and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING — The Honourables the President, B.W. Bishop, G.H. Cox, B.W. Mier, D.A. Nardella, B.A.E. Skeggs and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables A.R. Brideson, B.W. Bishop, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS (JOINT) — The Honourables L. Asher, M.M. Gould and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 28 October 1992 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday	—	2.30 p.m.
Wednesday	—	10.00 a.m.
Thursday	—	10.00 a.m.

Business to take precedence—

Tuesday	—	Government business.
Wednesday	—	General business (until 2.00 p.m.).
Thursday	—	Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 27 October 1992, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

ADJOURNMENT OF BILLS [Effective until 31 December 1993]

By resolution of the Council on 14 September 1993 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 18 November 1993, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in 1994: Provided that any Bill transmitted from the Legislative Assembly which is in the hands of the Clerk no later than 10.00 a.m. on 19 November 1993 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 51 and 52

No. 51 — Tuesday, 16 November 1993

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The Honourable M.A. Birrell presented a Message from His Excellency 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:
 - Gas and Fuel Corporation (Heatane Gas) Act*
 - Adult, Community and Further Education (Employment) Act*
 - Pharmacists (Amendment) Act*
 - Cattle and Swine Compensation (Amendment) Act*
 - State Owned Enterprises (Amendment) Act*
 - Casino Control (Further Amendment) Act*
 - Casino (Management Agreement) Act*
 - Interpretation of Legislation (Amendment) Act*
 - Teaching Service (Amendment) Act*
 - Public Sector Management (Amendment) Act.*
- 3 **INTERPRETATION OF LEGISLATION (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.
- 4 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order No. 71A.
- 5 **PAPERS** —
 - LAW REFORM COMMITTEE — RESTITUTION FOR VICTIMS OF CRIME** — The Honourable J.V.C. Guest presented an Interim Report from the Law Reform Committee upon Restitution for Victims of Crime, together with Appendices, Submissions and Minutes of Evidence.
Ordered to lie on the Table and the Report and Appendices to be printed.
* * * * *
 - SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — The Honourable B.A.E. Skeggs presented Alert Digest No. 17 of 1993 from the Scrutiny of Acts and Regulations Committee, together with an Appendix.
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:
 - Greyhound Racing Control Board — Report for the year ended 31 July 1993.
 - Mental Health Act 1986 — Report of Community Visitors, 1992-93.
 - National Tennis Centre Trust — Report, 1992-93.
 - Pharmacy Board — Report, 1992.

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

Ballan Planning Scheme — Amendment L10.

Collingwood Planning Scheme — Amendment L5.

Doncaster and Templestowe Planning Scheme — Amendment L58 Part 1.

Fitzroy Planning Scheme — Amendment L21.

Knox Planning Scheme — Amendments L62 Part 1 and L64.

Lillydale Planning Scheme — Amendment L108 Part 1.

Malvern Planning Scheme — Amendment L18.

Nunawading Planning Scheme — Amendment L48.

Prahran Planning Scheme — Amendment L39.

Preston Planning Scheme — Amendment L44.

Springvale Planning Scheme — Amendments L54 and L57.

Strathfieldsaye Planning Scheme — Amendment L9.

Yackandandah Planning Scheme — Amendment L15.

Victorian Relief Committee — Report, 1992-93.

- 6 **STAMPS (FURTHER AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable D.R. White moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

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

- 7 **STOCK (SELLER LIABILITY AND DECLARATIONS) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable W.R. Baxter moved, That this Bill be now read a second time.

The Honourable C.J. Hogg moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 8 **LOCAL GOVERNMENT (MISCELLANEOUS AMENDMENTS) BILL** — This Bill was, according to Order, committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable D.M. Evans having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, 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 therein.

- 9 **TT-LINE GAMING BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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 therein.

- 10 **LAND TAX (FURTHER AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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 Honourable D.M. Evans 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 **BORROWING AND INVESTMENT POWERS (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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 **LIMITATION OF ACTIONS (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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, 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 **CHOICE OF LAW (LIMITATION PERIODS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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 **PUBLIC HOLIDAYS BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

The Honourable T.C. Theophanous 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 such time as an assessment can be made of its economic and tourism implications for the State."

Debate ensued.

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

The Council divided.

AYES, 28

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson
W.R. Baxter
R.A. Best (*Teller*)
M.A. Birrell
B.W. Bishop
A.R. Brideson
G.P. Connard
G.H. Cox
G.R. Craige

NOES, 13

The Hon. M.M. Gould
D.E. Henshaw
C.J. Hogg
R.S. Ives
L. Kokocinski
J. McLean
B.W. Mier
D.A. Nardella
P. Power
B.T. Pullen
T.C. Theophanous (*Teller*)

P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs (*Teller*)
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

D.T. Walpole (*Teller*)
 D.R. White

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

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

15 **ADJOURNMENT** — The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 10.56 p.m., adjourned until tomorrow.

A.V. BRAY

Clerk of the Legislative Council

No. 52 — Wednesday, 17 November 1993

- 1 The President took the Chair and read the Prayer.
- 2 **ADJOURNMENT OF BILLS** — The Honourable R.I. Knowles moved, by leave, That the Order of the Council of 14 September 1993 providing for the adjournment of debate on Bills received after 18 November 1993 until the first sitting day in 1994 be amended as follows:
 - (a) omit "18 November 1993" and insert "26 November 1993"; and
 - (b) omit "19 November 1993" and insert "29 November 1993".

Question — put and resolved in the affirmative.
- 3 **BUSINESS OF THE HOUSE** — The Honourable R.I. Knowles moved, by leave, That so much of the Sessional Orders as requires that General business shall take precedence of Government business on Wednesdays until 2.00 p.m. be suspended from Thursday 18 November until the end of December 1993 and that until the end of December 1993, unless otherwise ordered by the House, Government business shall take precedence of General business from 12 noon on Wednesdays.

Question — put and resolved in the affirmative.

4 PETITIONS —

HUMAN EMBRYOS — The Honourable G.P. Connard presented a Petition bearing 156 signatures from certain citizens of Victoria praying that legislation be passed to prohibit harmful and destructive experimentation on human embryos.

Ordered to lie on the Table.

* * * * *

DOVETON POLICE STATION — The Honourable R.S. Ives presented a Petition bearing 447 signatures from certain citizens of Victoria praying that the Doveton Police Station remain open.

Ordered to lie on the Table.

5 PAPERS —

WORKCOVER AUTHORITY — The Honourable R.M. Hallam moved, by leave, That there be laid before this House a copy of the Report and financial statements of the WorkCover Authority for the quarter ending 30 September 1993, given to Mr. President pursuant to section 38 of the *Accident Compensation Act 1985*.

Question — put and resolved in the affirmative.

The said report was thereupon presented by the Honourable R.M. Hallam 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:

State Electoral Office — Report, 1992-93.

Statutory Rules under the following Acts of Parliament:

Dentists Act 1972 — No. 210.

Pharmacists Act 1974 — No. 211.

6 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 3 inclusive, be postponed until later this day.

7 **PROVINCIAL AND RURAL VICTORIA** — The Honourable P. Power moved, That this House condemns the Government for its continuing neglect of provincial and rural Victoria and, in particular —

- (a) failing to identify and address the real issues of regionalism in a modern community in its plan *Investing in Country Victoria*;
- (b) its preparedness to continue treating country Victorians as second class citizens, as reflected in the plan and consistent with its attack on rural and provincial Victoria since coming to office; and
- (c) lacking a vision to carry provincial and rural Victoria to the year 2000 and beyond.

Debate ensued.

The Honourable D.R. White moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

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

8 **PUBLIC HOLIDAYS BILL** — This Bill was, according to Order, committed to a Committee of the whole.

House in Committee.

Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders —

9 **QUESTIONS** — Questions without notice were taken and answers were given to certain questions on notice pursuant to Standing Order No. 71A.

10 PUBLIC HOLIDAYS BILL — Consideration of the Bill in Committee of the whole resumed.

The President resumed the Chair; and the Honourable D.M. Evans having reported that the Committee had agreed to the Bill with an amendment, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report.

The Honourable R.M. Hallam moved, That the Bill be now read a third time.

Question — put.

The Council divided.

AYES, 26	NOES, 10
The Hon. L. Asher	The Hon. D.E. Henshaw
G.B. Ashman	C.J. Hogg
B.N. Atkinson (<i>Teller</i>)	R.S. Ives
W.R. Baxter	L. Kokocinski (<i>Teller</i>)
R.A. Best	B.W. Mier
B.W. Bishop	D.A. Nardella (<i>Teller</i>)
A.R. Brideson	B.T. Pullen
G.P. Connard	T.C. Theophanous
G.H. Cox	D.T. Walpole
G.R. Craige	D.R. White
P.R. Davis	
R.S. de Fegely	
D.M. Evans	
W. Forwood	
J.V.C. Guest	
P.R. Hall	
R.M. Hallam	
W.A.N. Hartigan	
R.I. Knowles	
B.A.E. Skeggs	
K.M. Smith (<i>Teller</i>)	
Graeme Stoney	
C.A. Strong	
Rosemary Varty	
Dr. R.J.H. Wells	
Sue deC. Wilding	

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 an amendment, and desiring their concurrence therein.

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 STAMPS (FURTHER AMENDMENT) BILL — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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 **STOCK (SELLER LIABILITY AND DECLARATIONS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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 Honourable D.M. Evans having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon 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 therein.

- 14 **STATE TAXATION (FURTHER AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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, 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 **RURAL FINANCE (VEDC ABOLITION) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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.

House in Committee.

The President resumed the Chair; and the Honourable D.M. Evans having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon 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 therein.

- 16 **TELECOMMUNICATIONS (INTERCEPTION) (STATE PROVISIONS) (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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 Honourable D.M. Evans having reported that the Committee had agreed to the Bill with an amended title, as follows: "*An Act to amend the 'Telecommunications (Interception) (State Provisions) Act 1988' and for other purposes*", the House ordered the Report to be taken into consideration this day, whereupon 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 an amendment, and desiring their concurrence therein.

17 **CLASSIFICATION OF FILMS AND PUBLICATIONS (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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 **ADJOURNMENT** — The Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until Tuesday next.

Question — put and resolved in the affirmative.

The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 10.38 p.m., adjourned until Tuesday next.

A.V. BRAY
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 52

Tuesday, 23 November 1993

Mr. President takes the Chair at 2.30 p.m.

GOVERNMENT BUSINESS

ORDER OF THE DAY

- 1 ROAD SAFETY (AMENDMENT) BILL — (*from Assembly — Hon. W.R. Baxter*) —
Second reading — *Resumption of debate. (Hon. B.E. Davidson).*

GENERAL BUSINESS

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Government for its hasty introduction of ill considered, poorly drafted and divisive legislation that it intends to pass by ambushing the people of Victoria instead of allowing time for community consultation and scrutiny.
- 2 THE HON. D.M. EVANS — To move, That the Council take note of the report of the Auditor-General on Salinity, March 1993.
- 3 THE HON. D.R. WHITE — To move, That the Sessional Orders relating to the Business of the House, adopted by the Council on 28 October 1992, be amended as follows:
In paragraph (b), after "20A," insert "53,".

ORDERS OF THE DAY

- 1 LOCAL GOVERNMENT BOARD — MINISTER'S ANSWER TO QUESTION WITHOUT NOTICE, 6 NOVEMBER 1992 — To be considered.
- 2 PUBLIC SECTOR SUPERANNUATION — Motion to take note of document prepared by the Hon. I.W. Smith, MP, Minister for Finance, 7 April 1993 — (*Hon. D.R. White*) — *Resumption of debate. (Hon. Rosemary Varty).*
- 3 STATE SCHOOL CLEANERS — Motion condemning Government for treatment of cleaners before, and on, 31 December 1992 and consequent extra workload and responsibilities imposed on teachers, students and parents — (*Hon. D.A. Nardella*) — *Resumption of debate. (Hon. C.J. Hogg).*
- 4 ROAD FUNDS FUEL LEVY — Motion for Trust Fund money derived from 3 cent levy on fuel to be dedicated to stage one of Western Bypass and the Domain tunnel, and

- for remaining funds to be applied to certain major State arterial roads and, further, that introduction of the tax not proceed until such a commitment is made — (Hon. D.R. White) — *Resumption of debate.* (Hon. G.B. Ashman).
- 5 **INDUSTRIAL RELATIONS** — Motion condemning Government for its gross mishandling of industrial relations and for seeking to prevent Victorian workers obtaining Federal award protection — (Hon. D.T. Walpole) — *Resumption of debate.* (Hon. B.W. Mier).
- 6 **STATE SCHOOL EDUCATION SYSTEM** — Motion condemning Government for its sustained attack on the system — (Hon. C.J. Hogg) — *Resumption of debate.* (Hon. D.A. Nardella).
- 7 **HEALTH SERVICES ACT 1988 — COMMUNITY VISITORS REPORT, 1992-93 — MINISTERIAL STATEMENT** — Motion to take note of Statement — (Hon. C.J. Hogg).
- *8 **PROVINCIAL AND RURAL VICTORIA** — Motion condemning Government for its continuing neglect and, in particular, its failure to address issues of regionalism, its treatment of country Victorians as second class citizens and its lack of vision for the future — (Hon. P. Power) — *Resumption of debate.* (Hon. D.R. White).

A.V. BRAY
Clerk of the Legislative Council

B.A. CHAMBERLAIN
President

Tuesday, 23 November 1993

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

* * * *

COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis, B.W. Mier and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (ex-officio), R.A. Best, L. Kokocinski, D.A. Nardella, B.A.E. Skeggs, and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING — The Honourables the President, B.W. Bishop, G.H. Cox, B.W. Mier, D.A. Nardella, B.A.E. Skeggs and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables A.R. Brideson, B.W. Bishop, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS (JOINT) — The Honourables L. Asher, M.M. Gould and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 28 October 1992 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday	—	2.30 p.m.
Wednesday	—	10.00 a.m.
Thursday	—	10.00 a.m.

Business to take precedence—

Tuesday	—	Government business.
‡Wednesday	—	General business (until 12 noon).
Thursday	—	Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 27 October 1992, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

*ADJOURNMENT OF BILLS [Effective until 31 December 1993]

By resolution of the Council on 14 September 1993 (*as subsequently amended on 17 November 1993*) where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 26 November 1993, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in 1994: Provided that any Bill transmitted from the Legislative Assembly which is in the hands of the Clerk no later than 10.00 a.m. on 29 November 1993 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 53

Wednesday, 24 November 1993

Mr. President takes the Chair at 10.00 a.m.

GENERAL BUSINESS

[To take precedence until 12 noon]

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Government for its hasty introduction of ill considered, poorly drafted and divisive legislation that it intends to pass by ambushing the people of Victoria instead of allowing time for community consultation and scrutiny.
- 2 THE HON. D.M. EVANS — To move, That the Council take note of the report of the Auditor-General on Salinity, March 1993.
- 3 THE HON. D.R. WHITE — To move, That the Sessional Orders relating to the Business of the House, adopted by the Council on 28 October 1992, be amended as follows:
In paragraph (b), after "20A," insert "53,".
- *4 THE HON. T.C. THEOPHANOUS — To move, That this House condemns the Government for —
 - (a) dumping an additional 6500 workers classified as partially incapacitated from WorkCover by 1 December 1993, without any attempt to provide them with suitable employment, ongoing rehabilitation or retraining, and without regard to the impact on Victoria's unemployment rate or already-stretched social services;
 - (b) its blanket reclassification of injured workers as partially incapacitated which led to only 819 workers being classified as seriously injured or totally and permanently incapacitated by July 1993, and for refusing to back-pay 2700 additional workers that have since been reclassified again as seriously injured or totally and permanently incapacitated;
 - (c) sending thousands of notices of termination or reduction of benefits to injured workers which, according to recent court judgements, are invalid because the workers' full appeal rights were not explained, and for refusing to compensate such workers; and
 - (d) its failure to establish Medical Panels, and guidelines for referrals to Medical Panels, which have the confidence of workers, employers and the Courts.

ORDERS OF THE DAY

- 1 LOCAL GOVERNMENT BOARD — MINISTER'S ANSWER TO QUESTION WITHOUT NOTICE, 6 NOVEMBER 1992 — To be considered.
- 2 PUBLIC SECTOR SUPERANNUATION — Motion to take note of document prepared by the Hon. I.W. Smith, MP, Minister for Finance, 7 April 1993 — (Hon. D.R. White) — *Resumption of debate.* (Hon. Rosemary Varty).
- 3 STATE SCHOOL CLEANERS — Motion condemning Government for treatment of cleaners before, and on, 31 December 1992 and consequent extra workload and responsibilities imposed on teachers, students and parents — (Hon. D.A. Nardella) — *Resumption of debate.* (Hon. C.J. Hogg).
- 4 ROAD FUNDS FUEL LEVY — Motion for Trust Fund money derived from 3 cent levy on fuel to be dedicated to stage one of Western Bypass and the Domain tunnel, and for remaining funds to be applied to certain major State arterial roads and, further, that introduction of the tax not proceed until such a commitment is made — (Hon. D.R. White) — *Resumption of debate.* (Hon. G.B. Ashman).
- 5 INDUSTRIAL RELATIONS — Motion condemning Government for its gross mishandling of industrial relations and for seeking to prevent Victorian workers obtaining Federal award protection — (Hon. D.T. Walpole) — *Resumption of debate.* (Hon. B.W. Mier).
- 6 STATE SCHOOL EDUCATION SYSTEM — Motion condemning Government for its sustained attack on the system — (Hon. C.J. Hogg) — *Resumption of debate.* (Hon. D.A. Nardella).
- 7 HEALTH SERVICES ACT 1988 — COMMUNITY VISITORS REPORT, 1992-93 — MINISTERIAL STATEMENT — Motion to take note of Statement — (Hon. C.J. Hogg).
- 8 PROVINCIAL AND RURAL VICTORIA — Motion condemning Government for its continuing neglect and, in particular, its failure to address issues of regionalism, its treatment of country Victorians as second class citizens and its lack of vision for the future — (Hon. P. Power) — *Resumption of debate.* (Hon. D.R. White).

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- *1 NURSES BILL — (from Assembly — Hon. R.I. Knowles) — Motion for second reading and reasoned amendment of the Hon. C.J. Hogg — *Resumption of debate.* (Hon. L. Kokocinski).
- *2 GAMING MACHINE CONTROL (GENERAL AMENDMENT) BILL — (from Assembly — Hon. Haddon Storey) — Second reading — *Resumption of debate.* (Hon. D.R. White).
- *3 PUBLIC SECTOR SUPERANNUATION (ADMINISTRATION) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading.
- *4 EQUAL OPPORTUNITY (AMENDMENT) BILL — (from Assembly — Hon. Haddon Storey) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).

Wednesday, 24 November 1993

- *5 **TRANSPORT (AMENDMENT) BILL (No. 2)** — (*from Assembly — Hon. W.R. Baxter*)
— *Second reading — Resumption of debate. (Hon. B.E. Davidson).*
- 6 **ROAD SAFETY (AMENDMENT) BILL** — (*from Assembly — Hon. W.R. Baxter*) —
Second reading — Resumption of debate. (Hon. B.E. Davidson).

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

* * * *

COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis, B.W. Mier and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (ex-officio), R.A. Best, L. Kokocinski, D.A. Nardella, B.A.E. Skeggs, and K.M. Smith.

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PUBLIC BODIES REVIEW (JOINT) — The Honourables A.R. Brideson, B.W. Bishop, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS (JOINT) — The Honourables L. Asher, M.M. Gould and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

Wednesday, 24 November 1993

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 28 October 1992 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday	—	2.30 p.m.
Wednesday	—	10.00 a.m.
Thursday	—	10.00 a.m.

Business to take precedence—

Tuesday	—	Government business.
†Wednesday	—	General business (until 12 noon).
Thursday	—	Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

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* * * *

ADJOURNMENT OF BILLS [Effective until 31 December 1993]

By resolution of the Council on 14 September 1993 (*as subsequently amended on 17 November 1993*) where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 26 November 1993, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in 1994: Provided that any Bill transmitted from the Legislative Assembly which is in the hands of the Clerk no later than 10.00 a.m. on 29 November 1993 may be taken through all stages.

† Effective until 31 December 1993.

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 54

Thursday, 25 November 1993

Mr. President takes the Chair at 10.00 a.m.

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- *1 POLICE REGULATION (DISCIPLINE) (AMENDMENT) BILL — (*from Assembly — Hon. W.R. Baxter*) — Second reading.
- 2 EQUAL OPPORTUNITY (AMENDMENT) BILL — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (*Hon. B.T. Pullen*).
- 3 TRANSPORT (AMENDMENT) BILL (No. 2) — (*from Assembly — Hon. W.R. Baxter*) — Second reading — *Resumption of debate.* (*Hon. B.E. Davidson*).
- 4 ROAD SAFETY (AMENDMENT) BILL — (*from Assembly — Hon. W.R. Baxter*) — Second reading — *Resumption of debate.* (*Hon. B.E. Davidson*)

GENERAL BUSINESS

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Government for its hasty introduction of ill considered, poorly drafted and divisive legislation that it intends to pass by ambushing the people of Victoria instead of allowing time for community consultation and scrutiny.
- 2 THE HON. D.M. EVANS — To move, That the Council take note of the report of the Auditor-General on Salinity, March 1993.
- 3 THE HON. D.R. WHITE — To move, That the Sessional Orders relating to the Business of the House, adopted by the Council on 28 October 1992, be amended as follows:
In paragraph (b), after "20A," insert "53,".

ORDERS OF THE DAY

- 1 LOCAL GOVERNMENT BOARD — MINISTER'S ANSWER TO QUESTION WITHOUT NOTICE, 6 NOVEMBER 1992 — To be considered.
- 2 PUBLIC SECTOR SUPERANNUATION — Motion to take note of document prepared by the Hon. I.W. Smith, MP, Minister for Finance, 7 April 1993 — (Hon. D.R. White) — *Resumption of debate.* (Hon. Rosemary Varty).
- 3 STATE SCHOOL CLEANERS — Motion condemning Government for treatment of cleaners before, and on, 31 December 1992 and consequent extra workload and responsibilities imposed on teachers, students and parents — (Hon. D.A. Nardella) — *Resumption of debate.* (Hon. C.J. Hogg).
- 4 ROAD FUNDS FUEL LEVY — Motion for Trust Fund money derived from 3 cent levy on fuel to be dedicated to stage one of Western Bypass and the Domain tunnel, and for remaining funds to be applied to certain major State arterial roads and, further, that introduction of the tax not proceed until such a commitment is made — (Hon. D.R. White) — *Resumption of debate.* (Hon. G.B. Ashman).
- 5 INDUSTRIAL RELATIONS — Motion condemning Government for its gross mishandling of industrial relations and for seeking to prevent Victorian workers obtaining Federal award protection — (Hon. D.T. Walpole) — *Resumption of debate.* (Hon. B.W. Mier).
- 6 STATE SCHOOL EDUCATION SYSTEM — Motion condemning Government for its sustained attack on the system — (Hon. C.J. Hogg) — *Resumption of debate.* (Hon. D.A. Nardella).
- 7 HEALTH SERVICES ACT 1988 — COMMUNITY VISITORS REPORT, 1992-93 — MINISTERIAL STATEMENT — To be considered.
- 8 PROVINCIAL AND RURAL VICTORIA — Motion condemning Government for its continuing neglect and, in particular, its failure to address issues of regionalism, its treatment of country Victorians as second class citizens and its lack of vision for the future — (Hon. P. Power) — *Resumption of debate.* (Hon. D.R. White).
- *9 WORKCOVER — Motion condemning Government for - (i) dumping additional workers classified as partially incapacitated; (ii) its blanket reclassification of injured workers as partially incapacitated and its refusal to back-pay additional workers who have again been reclassified as seriously injured; (iii) sending invalid termination or reduction of benefits notices to injured workers and refusing to compensate such workers; and (iv) its failure to establish Medical Panels which have the confidence of workers, employers and the Courts — (Hon. T.C. Theophanous) — *Resumption of debate.* (Hon. R.M. Hallam).

A.V. BRAY
Clerk of the Legislative Council

B.A. CHAMBERLAIN
President

Thursday, 25 November 1993

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

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COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis, B.W. Mier and P. Power.

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HOUSE (JOINT) — The Honourables the President (ex-officio), R.A. Best, L. Kokocinski, D.A. Nardella, B.A.E. Skeggs, and K.M. Smith.

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ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS (JOINT) — The Honourables L. Asher, M.M. Gould and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

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No new business shall be taken after 10.00 p.m.

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AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

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* * * *

ADJOURNMENT OF BILLS [Effective until 31 December 1993]

By resolution of the Council on 14 September 1993 (*as subsequently amended on 17 November 1993*) where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 26 November 1993, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in 1994: Provided that any Bill transmitted from the Legislative Assembly which is in the hands of the Clerk no later than 10.00 a.m. on 29 November 1993 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS

Nos. 53, 54 and 55

No. 53 — Tuesday, 23 November 1993

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The Honourable M.A. Birrell presented Messages from His Excellency the Governor and the Deputy Governor informing the Council that they had, on the following dates, given the Royal Assent to the undermentioned Acts presented to them by the Clerk of the Parliaments:
 - On 18 November 1993 —
City of Melbourne Act.
 - On 23 November 1993 —
Borrowing and Investment Powers (Amendment) Act
Choice of Law (Limitation Periods) Act
Land Tax (Further Amendment) Act
Limitation of Actions (Amendment) Act
Stamps (Further Amendment) Act
State Taxation (Further Amendment) Act.
- 3 **GAMING MACHINE CONTROL (GENERAL AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Gaming Machine Control Act 1991' and the 'Racing Act 1958' and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **JURIES (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Juries Act 1967' and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 5 **EQUAL OPPORTUNITY (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to make various amendments to the 'Equal Opportunity Act 1984' and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 6 **UNIVERSITY OF BALLARAT BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to establish a university to be known as the University of Ballarat, to amend the 'Tertiary Education Act 1993' and the 'Administrative Law Act 1978' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 7 **TRANSPORT (AMENDMENT) BILL (NO. 2)** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Transport Act 1983', the 'Road Safety Act 1986', the 'Limitation of Actions Act 1958', the 'Crimes Act 1958' and the 'Transport (Amendment) Act 1992' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles (for the Honourable W.R. Baxter), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 8 **NURSES BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to make provision for the registration of nurses, investigation into the professional conduct and fitness to practise of registered nurses, to establish the Nurses Board of Victoria and the Nurses Board Fund of Victoria, to repeal the 'Nurses Act 1958' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 9 **PUBLIC SECTOR SUPERANNUATION (ADMINISTRATION) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to establish the Victorian Superannuation Board, to constitute the Victorian Superannuation Fund, to amend the 'Borrowing and Investment Powers Act 1987', the 'State Superannuation Act 1988', the 'State Casual Employees Superannuation Act 1989', the 'Parliamentary Salaries and Superannuation Act 1968', the 'Hospitals Superannuation Act 1988', the 'Local Authorities Superannuation Act 1988', the 'Transport Superannuation Act 1988', the 'Emergency Services Superannuation Act 1986', the 'Superannuation (Portability) Act 1989', the 'State Employees Retirement Benefits Act 1979' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 10 **CHATTEL SECURITIES (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.

- 11 **QUESTIONS** — Questions without notice were taken and answers were given to certain questions on notice pursuant to Standing Order No. 71A.

- 12 **PAPERS** —

POLICE INFORMATION — OPERATION ICEBERG — The Honourable W.R. Baxter moved, by leave, That there be laid before this House a copy of the Report of the Deputy Ombudsman (Police Complaints) on the Investigation of Leaked Confidential Police Information and Related Matters — Operation Iceberg, October 1993.

Question — put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable W.R. Baxter and ordered to lie on the Table.

BEAVE LTD — The Honourable R.M. Hallam moved, by leave, That there be laid before this House a copy of the Financial Statements of Beave Limited (in voluntary liquidation) (formerly known as Knowledge Victoria Limited) for the years ended 31 December 1990, 1991 and 1992.

Question — put and resolved in the affirmative.

The said Statements were thereupon presented by the Honourable R.M. Hallam and ordered to lie on the Table.

* * * * *

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE —

HUMAN RIGHTS CONVENTION, VIENNA — The Honourable B.A.E. Skeggs moved, by leave, That there be laid before this House a copy of the Report on the World Conference on Human Rights, Vienna.

The said Report was thereupon presented by the Honourable B.A.E. Skeggs and ordered to lie on the Table.

* * * * *

DELEGATED LEGISLATION CONFERENCE — The Honourable B.A.E. Skeggs moved, by leave, That there be laid before this House a copy of the Proceedings of the Australasian and Pacific Conference on Delegated Legislation and on the Scrutiny of Bills 1993.

The said Paper was thereupon presented by the Honourable B.A.E. Skeggs and ordered to lie on the Table.

* * * * *

ALERT DIGESTS —

The Honourable B.A.E. Skeggs presented Alert Digest No. 18 of 1993 from the Scrutiny of Acts and Regulations Committee, together with an Appendix.

Ordered to lie on the Table and to be printed.

* * * * *

The Honourable B.A.E. Skeggs presented Alert Digest No. 19 of 1993 from the Scrutiny of Acts and Regulations Committee, together with an Appendix and Minutes of Evidence.

Ordered to lie on the Table and the Report and Appendix to be printed.

* * * * *

INTERPRETATION OF LEGISLATION ACT — The Honourable B.A.E. Skeggs presented the second report from the Scrutiny of Acts and Regulations Committee on the Operation of Section 32 of the *Interpretation of Legislation Act 1984*, 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:

Adult Parole Board — Report, 1992-93.

Agriculture Department — Report, 1992-93.

Albury-Wodonga (Victoria) Development Corporation — Report, 1992-93.

Alexandra District Hospital — Report, 1992-93 (two papers).

Alfred Group of Hospitals — Report, 1992-93.

Altona District Hospital — Report, 1992-93.

Angliss Hospital — Report, 1992-93.

Anne Caudle Centre — Report, 1992-93 (two papers).

- Apollo Bay and District Memorial Hospital — Report, 1992-93.
Ararat and District Hospital — Report, 1992-93.
Arts Victoria — Report, 1992-93.
Austin Hospital — Report, 1992-93 (three papers).
Bacchus Marsh and Melton Memorial Hospital — Report, 1992-93.
Bairnsdale Regional Health Service — Report, 1992-93.
Ballarat Base Hospital — Report, 1992-93 (three papers).
Beeac and District Hospital — Report, 1992-93.
Benalla and District Memorial Hospital — Report, 1992-93.
Bendigo Hospital — Report, 1992-93.
Bethlehem Hospital Inc. — Report, 1992-93 (two papers).
Birregurra and District Community Hospital — Report, 1992-93.
Boort District Hospital — Report, 1992-93.
Box Hill Hospital — Report, 1992-93.
Bright District Hospital — Report, 1992-93.
Bundoora Extended Care Centre — Report, 1992-93.
Burwood and District Community Hospital — Report, 1992-93.
Business and Employment Department — Report, 1992-93.
Camperdown District Hospital — Report, 1992-93.
Caritas Christi Hospice Limited — Report, 1992-93.
Casino Control Act 1991 — Orders in Council of 16 November 1993 in relation to a
Temporary Casino Lease and the Melbourne Casino site (three papers).
Casterton Memorial Hospital — Report, 1992-93.
Clunes District Hospital — Report, 1992-93.
Cobram District Hospital — Report, 1992-93.
Cohuna District Hospital — Report, 1992-93.
Colac District Hospital — Report, 1992-93.
Coleraine and District Hospital — Report, 1992-93.
Conservation and Natural Resources Department — Report, 1992-93.
Corryong District Hospital — Report, 1992-93.
Creswick District Hospital — Report, 1992-93 (two papers).
Dandenong Hospital — Report, 1992-93.
Daylesford District Hospital — Report, 1992-93.
Deputy Ombudsman (Police Complaints) — Report, 1991-92 and 1992-93.
Dimboola District Hospital — Report, 1992-93.
Donald District Hospital — Report, 1992-93.
Dunmunkle Health Services — Report, 1992-93.
Dunolly District Hospital — Report, 1992-93.
Eastern Suburbs Geriatric Centre — Report, 1992-93.
Echuca District Hospital — Report, 1992-93.
Edenhope and District Memorial Hospital — Report, 1992-93.
Eildon and District Community Hospital — Report, 1992-93.
Elmore District Hospital — Report, 1992-93.
Energy and Minerals Department — Report, 1992-93.
Fairfield Hospital — Report, 1992-93 (two papers).
Finance Department — Report, 1992-93.

- Gaming Commission — Report, 1992-93.
Gas and Fuel Corporation Superannuation Fund — Report, 1992-93.
Geelong Hospital — Report, 1992-93.
Gippsland Base Hospital — Report, 1992-93.
Gippsland Southern Health Service — Report, 1992-93 (four papers).
Glenview Community Care Inc. — Report, 1992-93.
Goulburn Valley Base Hospital — Report, 1992-93 (two papers).
Grace McKellar Centre — Report, 1992-93.
Hamilton Base Hospital — Report, 1992-93 (two papers).
Hampton Rehabilitation Hospital — Report, 1992-93 (two papers).
Harness Racing Board — Report for the year ended 31 July 1993.
Healesville and District Hospital — Report, 1992-93.
Health and Community Services Department — Report, 1992-93.
Heathcote District Hospital — Report, 1992-93.
Heywood and District Memorial Hospital — Report, 1992-93.
Hospitals Superannuation Board — Report, 1992-93.
Hospitals Superannuation Fund — Actuarial Investigation as at 30 June 1993.
Inglewood Hospital — Report, 1992-93.
Kaniva District Hospital — Report, 1992-93.
Kerang and District Hospital — Report, 1992-93.
Kilmore and District Hospital — Report, 1992-93.
Kingston Centre — Report, 1992-93.
Koroit and District Memorial Hospital — Report, 1992-93.
Kyabram and District Memorial Community Hospital — Report, 1992-93.
Kyneton District Hospital — Report, 1992-93.
Latrobe Regional Hospital — Report, 1992-93 (two papers).
Lismore and District Hospital — Report, 1992-93.
Local Authorities Superannuation Board — Report, 1992-93.
Lorne Community Hospital — Report, 1992-93.
Lyndoch, Warrnambool Inc. — Report, 1992-93.
Macarthur and District Memorial Hospital — Report, 1992-93.
Maffra District Hospital — Report, 1992-93.
Maldon Hospital — Report, 1992-93.
Manangatang and District Hospital — Report, 1992-93.
Mansfield District Hospital — Report, 1992-93.
Maroondah Hospital — Report, 1992-93 (two papers).
Maryborough District Health Service — Report, 1992-93 (three papers).
Mental Health Review Board and Psychosurgery Review Board — Report, 1992-93.
Mercy Public Hospitals Incorporated — Report, 1992-93 (two papers).
Mildura Base Hospital — Report, 1992-93.
Monash Medical Centre — Report, 1992-93.
Mordialloc-Cheltenham Community Hospital — Report, 1992-93 (two papers).
Mornington Peninsula Hospital — Report, 1992-93.
Mortlake District Hospital — Report, 1992-93.
Mount Alexander Hospital — Report, 1992-93.

- Mount Eliza Centre — Report, 1992-93 (two papers).
- MTA Superannuation Fund — Report, 1992-93.
- Murray-Darling Basin Commission — Report, 1992-93.
- Myrtleford District War Memorial Hospital — Report, 1992-93.
- Nathalia District Hospital — Report, 1992-93 (two papers).
- Nhill Hospital — Report, 1992-93.
- North West Hospital — Report, 1992-93 (two papers).
- Numurkah and District War Memorial Hospital — Report, 1992-93.
- O'Connell Family Centre (Grey Sisters) Inc. — Report, 1992-93.
- Omeo District Hospital — Report, 1992-93.
- Orbost and District Hospital — Report, 1992-93.
- Ouyen and District Hospital — Report, 1992-93.
- Penshurst and District Memorial Hospital — Report, 1992-93.
- Peter MacCallum Cancer Institute — Report, 1992-93 (two papers).
- Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:
- Alberton Planning Scheme — Amendment L16.
 - Bass Planning Scheme — Amendment L27.
 - Beechworth Planning Scheme — Amendment L22.
 - Berwick Planning Scheme — Amendments L64 and L65.
 - Caulfield Planning Scheme — Amendment L23.
 - Coburg Planning Scheme — Amendment L33.
 - Diamond Valley Planning Scheme — Amendment L45.
 - Footscray Planning Scheme — Amendment L36.
 - Kilmore Planning Scheme — Amendment L65.
 - Korumburra Planning Scheme — Amendment L49.
 - Melbourne Planning Scheme — Amendments L110 and L112.
 - Mildura (Shire) Planning Scheme — Amendment L32.
 - Nunawading Planning Scheme — Amendment L65.
 - Rodney Planning Scheme — Amendment L54.
 - Shepparton (City) Planning Scheme — Amendment L50.
 - Springvale Planning Scheme — Amendment L51.
 - Sunshine Planning Scheme — Amendments L46 and L47.
 - Westernport Region Planning Scheme — Amendment R12.
- Police — Chief Commissioner's Office — Report, 1992-93.
- Port Fairy Hospital — Report, 1992-93.
- Portland and District Hospital — Report, 1992-93 (two papers).
- Preston and Northcote Community Hospital — Report, 1992-93 (two papers).
- Queen Elizabeth Centre — Report, 1992-93.
- Queen Elizabeth Centre, Ballarat — Report, 1992-93 (two papers).
- Ripon Peace Memorial Hospital — Report, 1992-93.
- Rochester and District War Memorial Hospital — Report, 1992-93.
- Royal Children's Hospital — Report, 1992-93.
- Royal Dental Hospital of Melbourne — Report, 1992-93 (two papers).
- Royal Melbourne Hospital — Report, 1992-93.
- Royal Victorian Eye and Ear Hospital — Report, 1992-93 (two papers).
- Royal Women's Hospital — Report, 1992-93 (two papers).
- Sandringham and District Memorial Hospital — Report, 1992-93.
- Seymour District Memorial Hospital — Report, 1992-93 (two papers).

- Skipton and District Memorial Hospital — Report, 1992-93.
 South Gippsland Hospital — Report, 1992-93.
 St Arnaud District Hospital — Report, 1992-93.
 St George's Hospital and Inner Eastern Geriatric Service — Report, 1992-93.
 St Vincent's Hospital (Melbourne) Ltd. — Report, 1992-93 (two papers).
 State Employees Retirement Benefits Board — Report, 1992-93.
 State Superannuation Board — Report, 1992-93.
 Statutory Rules under the following Acts of Parliament:
 Building Control Act 1981 — No. 215.
 County Court Act 1958 — No. 212.
 Credit (Administration) Act 1984 — No. 209.
 Local Government Act 1989 — No. 213.
 Transport Act 1983 — No. 214.
 Stawell District Hospital — Report, 1992-93.
 Swan Hill District Hospital — Report, 1992-93.
 Tallangatta Hospital — Report, 1992-93.
 Tawonga District General Hospital — Report, 1992-93.
 Terang and District Community Hospital — Report, 1992-93.
 The Constitution Act Amendment Act 1958 — Report on the Doutta Galla
 Province By-election, 20 February 1993.
 Timboon and District Hospital — Report, 1992-93.
 Transport Department — Report, 1992-93.
 Transport Superannuation Board — Report, 1992-93.
 Tweddle Child and Family Health Service — Report, 1992-93 (two papers).
 Wangaratta District Base Hospital — Report, 1992-93 (two papers).
 Waranga Memorial Hospital — Report, 1992-93.
 Warracknabeal District Hospital — Report, 1992-93.
 Warrnambool and District Base Hospital — Report, 1992-93.
 Werribee District Hospital — Report, 1992-93 (two papers).
 West Gippsland Hospital — Report, 1992-93 (two papers).
 Western Hospital — Report, 1992-93 (two papers).
 Westernport Memorial Hospital — Report, 1992-93 (two papers).
 Willaura and District Hospital — Report, 1992-93 (two papers).
 Williamstown Hospital — Report, 1992-93 (two papers).
 Wimmera Base Hospital — Report, 1992-93.
 Winchelsea and District Hospital — Report, 1992-93.
 Wodonga District Hospital — Report, 1992-93 (two papers).
 Wonthaggi and District Hospital — Report, 1992-93 (two papers).
 Wycheproof District Hospital — Report, 1992-93.
 Yarram and District Hospital — Report, 1992-93.
 Yarrawonga District Hospital — Report, 1992-93.
 Yea and District Memorial Hospital — Report, 1992-93.

* * * * *

PROCLAMATION — A Proclamation of His Excellency the Governor in Council fixing an operative date in respect of the following Act was laid upon the Table by the Clerk pursuant to an Order of the Council on 27 October 1992:

Casino Control (Further Amendment) Act 1993 — Remaining provisions — 16 November 1993 (*Gazette* No. S82, 16 November 1993).

- 13 **UNIVERSITY OF BALLARAT BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.
 The Honourable B.T. Pullen moved, That the debate be now adjourned.
 Question — That the debate be now adjourned — put and resolved in the affirmative.
 Ordered — That the debate be adjourned until later this day.
- 14 **JURIES (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.
 The Honourable B.T. Pullen moved, That the debate be now adjourned.
 Question — That the debate be now adjourned — put and resolved in the affirmative.
 Ordered — That the debate be adjourned until later this day.
- 15 **TRANSPORT (AMENDMENT) BILL (NO. 2)** — The Order of the Day having been read for the second reading of this Bill, the Honourable W.R. Baxter moved, That this Bill be now read a second time.
 The Honourable W.R. Baxter made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.
 The Honourable C.J. Hogg (for the Honourable B.E. Davidson) moved, That the debate be now adjourned.
 Question — That the debate be now adjourned — put and resolved in the affirmative.
 Ordered — That the debate be adjourned until the next day of meeting.
- 16 **GAMING MACHINE CONTROL (GENERAL AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable Haddon Storey) moved, That this Bill be now read a second time.
 The Honourable C.J. Hogg (for the Honourable D.R. White) moved, That the debate be now adjourned.
 Question — That the debate be now adjourned — put and resolved in the affirmative.
 Ordered — That the debate be adjourned until later this day.
- 17 **EQUAL OPPORTUNITY (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable Haddon Storey) moved, That this Bill be now read a second time.
 The Honourable R.I. Knowles made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.
 The Honourable B.T. Pullen moved, That the debate be now adjourned.
 Question — That the debate be now adjourned — put and resolved in the affirmative.
 Ordered — That the debate be adjourned until the next day of meeting.
- 18 **UNIVERSITY OF BALLARAT BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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.

19 JURIES (AMENDMENT) BILL — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

Question — put.

The Council divided.

AYES, 28

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard (*Teller*)
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood
 J.V.C. Guest
 P.R. Hall (*Teller*)
 R.M. Hallam
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

NOES, 13

The Hon. B.E. Davidson (*Teller*)
 M.M. Gould
 D.E. Henshaw (*Teller*)
 C.J. Hogg
 R.S. Ives
 L. Kokocinski
 J. McLean
 B.W. Mier
 D.A. Nardella
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole
 D.R. White

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 NURSES BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.

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

Debate ensued.

The Honourable C.J. Hogg 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 redrafted to provide that —

- (a) half the Nurses Board membership be elected nurses; and
- (b) patients continue to be protected by ensuring that there is specific provision for nurses practising in areas of speciality such as psychiatry, midwifery, and maternal and child health to have appropriate qualifications and clinical experience."

Debate ensued.

The Honourable L. Kokocinski moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

21 **ADJOURNMENT** — The Honourable R.I. Knowles 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.

A.V. BRAY
Clerk of the Legislative Council

No. 54 — Wednesday, 24 November 1993

1 The President took the Chair and read the Prayer.

2 **PAPERS** —

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE —

AUDITOR-GENERAL PERFORMANCE AUDIT — The Honourable P.R. Hall presented a Report from the Public Accounts and Estimates Committee upon the performance of the Auditor-General of Victoria, together with Appendices and Minutes of Evidence.

Ordered to lie on the Table and the Report and Appendices to be printed.

* * * * *

PRIVATE INVESTMENT IN PUBLIC INFRASTRUCTURE — The Honourable P.R. Hall presented a Report from the Public Accounts and Estimates Committee upon private investment in the provision of public infrastructure, together with Appendices and Minutes of Evidence.

Ordered to lie on the Table and the Report and Appendices to be printed.

* * * * *

AUDITOR-GENERAL — The following paper was laid upon the Table by the Clerk pursuant to an Order of the Council on 29 October 1992:

Auditor-General — Report on Investment Management, November 1993.

* * * * *

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 College — Report, 1992.

Deakin University — Reports, 1991 and 1992.

Fair Trading — Report of Secretary to the Department of Justice, 1992-93.

La Trobe University — Report, 1992.

Legal Profession Practice Act 1958 — Report of the Lay Observer to the Solicitors' Board and Barristers' Disciplinary Tribunal, 1992.

Melbourne University — Report, 1992 (two papers).

Monash University — Report, 1992.

Parliamentary Committees Act 1968 — Minister's response to recommendations in Road Safety Committee's report upon Motorcycle Safety in Victoria.

Royal Botanic Gardens Board —

Minister for Conservation and Environment's report of failure of Board to submit 1992-93 annual report to him within the prescribed period and the reasons therefor.

Report, 1992-93.

Royal Melbourne Institute of Technology — Report, 1992.

Swinburne University of Technology — Report, 1992.

Victoria University of Technology — Report, 1992.

Victorian College of Agriculture and Horticulture — Report, 1992.

Zoological Board — Report, 1992-93 (two papers).

3 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 3 inclusive, be postponed until later this day.

4 **WORKCOVER** — The Honourable T.C. Theophanous moved, That this House condemns the Government for —

- (a) dumping an additional 6500 workers classified as partially incapacitated from WorkCover by 1 December 1993, without any attempt to provide them with suitable employment, ongoing rehabilitation or retraining, and without regard to the impact on Victoria's unemployment rate or already-stretched social services;
- (b) its blanket reclassification of injured workers as partially incapacitated which led to only 819 workers being classified as seriously injured or totally and permanently incapacitated by July 1993, and for refusing to back-pay 2700 additional workers that have since been reclassified again as seriously injured or totally and permanently incapacitated;
- (c) sending thousands of notices of termination or reduction of benefits to injured workers which, according to recent court judgements, are invalid because the workers' full appeal rights were not explained, and for refusing to compensate such workers; and
- (d) its failure to establish Medical Panels, and guidelines for referrals to Medical Panels, which have the confidence of workers, employers and the Courts.

Debate ensued.

General Business having been interrupted at 12.00 noon pursuant to Sessional Orders, the debate stood adjourned in the name of the Honourable R.M. Hallam.

5 **NURSES BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and on the reasoned amendment of the Honourable C.J. Hogg — That all the words after "That" be omitted with the view of inserting in place thereof "this Bill be withdrawn and redrafted to provide that —

- (a) half the Nurses Board membership be elected nurses; and
- (b) patients continue to be protected by ensuring that there is specific provision for nurses practising in areas of speciality such as psychiatry, midwifery, and maternal and child health to have appropriate qualifications and clinical experience."

Debate resumed.

Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders —

6 **QUESTIONS** — Questions without notice were taken and an answer was given to a question on notice pursuant to Standing Order No. 71A.

7 NURSES BILL — Debate continued on the question, That this Bill be now read a second time and on the reasoned amendment (*for text see item 5 ante*).

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

AYES, 28

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson
W.R. Baxter
R.A. Best
M.A. Birrell
B.W. Bishop
R.H. Bowden
A.R. Brideson
G.P. Connard
G.H. Cox (*Teller*)
P.R. Davis
R.S. de Fegely
D.M. Evans
W. Forwood
J.V.C. Guest
P.R. Hall
R.M. Hallam
W.A.N. Hartigan
R.I. Knowles
B.A.E. Skeggs
K.M. Smith
Graeme Stoney
Haddon Storey
C.A. Strong
Rosemary Varty
Dr. R.J.H. Wells
Sue deC. Wilding (*Teller*)

NOES, 13

The Hon. B.E. Davidson
M.M. Gould
D.E. Henshaw
C.J. Hogg
R.S. Ives (*Teller*)
L. Kokocinski
J. McLean
B.W. Mier
D.A. Nardella
P. Power
B.T. Pullen
T.C. Theophanous (*Teller*)
D.R. White

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

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

The Council divided.

AYES, 28

The Hon. L. Asher (*Teller*)
G.B. Ashman
B.N. Atkinson
W.R. Baxter
R.A. Best
M.A. Birrell
B.W. Bishop
R.H. Bowden
A.R. Brideson
G.P. Connard
G.H. Cox
P.R. Davis
R.S. de Fegely

NOES, 13

The Hon. B.E. Davidson
M.M. Gould
D.E. Henshaw
C.J. Hogg
R.S. Ives
L. Kokocinski (*Teller*)
J. McLean (*Teller*)
B.W. Mier
D.A. Nardella
P. Power
B.T. Pullen
T.C. Theophanous
D.R. White

D.M. Evans
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan (*Teller*)
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

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.

House in Committee.

The Deputy President resumed the Chair; and the Honourable P.R. Hall 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.

- 8 **POLICE REGULATION (DISCIPLINE) (AMENDMENT) BILL** — The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Police Regulation (Discipline) Act 1993' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable W.R. Baxter, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on 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 **PUBLIC SECTOR SUPERANNUATION (ADMINISTRATION) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

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

The Honourable D.R. White moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

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

- 11 **GAMING MACHINE CONTROL (GENERAL AMENDMENT) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

The Honourable D.R. White 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 redrafted so as to allow the Gaming Commission to declare that the amounts payable under section 136 of the *Gaming Machine Control Act 1991* by certain gaming machine operators holding a general licence are to be paid as if they are holders of a club licence."

Debate ensued.

Question — That the words proposed to be omitted stand part of the question — put and resolved in the affirmative — Amendment negatived.

Question — That this 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.

- 12 **PUBLIC SECTOR SUPERANNUATION (ADMINISTRATION) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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, 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 **ADJOURNMENT** — The Honourable R.I. Knowles 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.

A.V. BRAY

Clerk of the Legislative Council

No. 55 — Thursday, 25 November 1993

- 1 The President took the Chair and read the Prayer.
- 2 **LIQUOR CONTROL (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Liquor Control Act 1987' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable W.R. Baxter, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 3 **PAPERS** —

CRIME PREVENTION COMMITTEE — PUBLIC TRANSPORT SYSTEM — The Honourable K.M. Smith presented a Report from the Crime Prevention Committee upon Personal Safety on the Public Transport System: *Developing a Safer Public Transport System*, together with Appendices and Minutes of Evidence.

Ordered to lie on the Table and the Report and Appendices to be printed.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — 1992-93 BUDGET ESTIMATES AND OUTCOMES — The Honourable P.R. Hall presented a Report from the Public Accounts and Estimates Committee upon the 1992-93 Budget Estimates and Outcomes, together with Minutes of Evidence.

Ordered to lie on the Table and the Report to be printed.

* * * * *

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — EQUAL OPPORTUNITY ACT — The Honourable B.A.E. Skeggs presented the Final Report from the Scrutiny of Acts and Regulations Committee upon the Review of the Victorian *Equal Opportunity Act 1984*, together with Appendices and Minutes of Evidence.

Ordered to lie on the Table and the Report and Appendices to be printed.

* * * * *

ALERT DIGEST — The Honourable B.A.E. Skeggs presented Alert Digest No. 20 of 1993 from the Scrutiny of Acts and Regulations Committee, together with an Appendix.

Ordered to lie on the Table to be printed.

* * * * *

AUDITOR-GENERAL — The following Paper was laid upon the Table by the Clerk pursuant to an Order of the Council on 29 October 1992:

Auditor-General — Report on Management of Heritage Collections, November 1993.

* * * * *

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

Housing Guarantee Fund Limited — Report, 1992-93.

Melbourne Water Corporation Employees' Superannuation Fund — Report, 1992-93.

Members of Parliament (Register of Interests) Act 1978 — Summary of Variations notified between 2 October and 24 November 1993.

Ombudsman — Report, 1992-93.

Sunraysia College of TAFE —

Minister for Tertiary Education and Training's report of 23 November 1993 of failure of College to submit 1992 annual report to him within the prescribed period and the reasons therefor.

Report, 1992.

Water Act 1989 — Minister for Natural Resources' reasons of 23 November 1993 for decision to constitute the Goulburn Valley Region Water Authority to take over various responsibilities under the Act in place of the Mooroopna and Rodney Water Boards and the Shepparton Regional Water Authority.

Yarra Bend Park Trust —

Minister for Conservation and Environment's report of failure of Trust to submit 1992-93 annual report to him within the prescribed period and the reasons therefor.

Report, 1992-93.

4 POLICE REGULATION (DISCIPLINE) (AMENDMENT) BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable W.R. Baxter moved, That this Bill be now read a second time.

The Honourable B.T. Pullen (for the Honourable B.E. Davidson) moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.
 Ordered — That the debate be adjourned until later this day.

- 5 **EQUAL OPPORTUNITY (AMENDMENT) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders —

- 6 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order No. 71A.

- 7 **EQUAL OPPORTUNITY (AMENDMENT) BILL** — Debate continued on the question, That this Bill be now read a second time.

Question — put.

The Council divided.

AYES, 29

NOES, 14

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood
 J.V.C. Guest (*Teller*)
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan (*Teller*)
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

The Hon. B.E. Davidson
 M.M. Gould (*Teller*)
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 L. Kokocinski
 J. McLean
 B.W. Mier
 D.A. Nardella
 P. Power (*Teller*)
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole
 D.R. White

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.
 House in Committee.

The President resumed the Chair; and the Honourable D.M. Evans 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.

8 **TT-LINE GAMING 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 **TRANSPORT (AMENDMENT) BILL (NO. 2)** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

Question — put.

The Council divided.

AYES, 29

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson (*Teller*)
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop (*Teller*)
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

NOES, 14

The Hon. B.E. Davidson (*Teller*)
 M.M. Gould
 D.E. Henshaw (*Teller*)
 C.J. Hogg
 R.S. Ives
 L. Kokocinski
 J. McLean
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole
 D.R. White

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.

House in Committee.

The President resumed the Chair; and the Honourable D.M. Evans 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.

- 10 **POLICE REGULATION (DISCIPLINE) (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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 **LIQUOR CONTROL (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable W.R. Baxter moved, That this Bill be now read a second time.

The Honourable T.C. Theophanous moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 12 **ADJOURNMENT** — The Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until Tuesday next at 10.00 a.m.

Question — put and resolved in the affirmative.

The Honourable R.I. Knowles 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 next at 10.00 a.m.

A.V. BRAY
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 55

Tuesday, 30 November 1993

Mr. President takes the Chair at 10.00 a.m.

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- *1 LIQUOR CONTROL (AMENDMENT) BILL — *(from Assembly — Hon. W.R. Baxter)*
— Second reading — *Resumption of debate. (Hon. T.C. Theophanous).*
- 2 ROAD SAFETY (AMENDMENT) BILL — *(from Assembly — Hon. W.R. Baxter)* —
Second reading — *Resumption of debate. (Hon. B.E. Davidson).*

GENERAL BUSINESS

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Government for its hasty introduction of ill considered, poorly drafted and divisive legislation that it intends to pass by ambushing the people of Victoria instead of allowing time for community consultation and scrutiny.
- 2 THE HON. D.M. EVANS — To move, That the Council take note of the report of the Auditor-General on Salinity, March 1993.
- 3 THE HON. D.R. WHITE — To move, That the Sessional Orders relating to the Business of the House, adopted by the Council on 28 October 1992, be amended as follows:
In paragraph (b), after "20A," insert "53,".

ORDERS OF THE DAY

- 1 LOCAL GOVERNMENT BOARD — MINISTER'S ANSWER TO QUESTION WITHOUT NOTICE, 6 NOVEMBER 1992 — To be considered.
- 2 PUBLIC SECTOR SUPERANNUATION — Motion to take note of document prepared by the Hon. I.W. Smith, MP, Minister for Finance, 7 April 1993 — *(Hon. D.R. White)*
— *Resumption of debate. (Hon. Rosemary Varty).*

- 3 **STATE SCHOOL CLEANERS** — Motion condemning Government for treatment of cleaners before, and on, 31 December 1992 and consequent extra workload and responsibilities imposed on teachers, students and parents — (Hon. D.A. Nardella) — *Resumption of debate.* (Hon. C.J. Hogg).
- 4 **ROAD FUNDS FUEL LEVY** — Motion for Trust Fund money derived from 3 cent levy on fuel to be dedicated to stage one of Western Bypass and the Domain tunnel, and for remaining funds to be applied to certain major State arterial roads and, further, that introduction of the tax not proceed until such a commitment is made — (Hon. D.R. White) — *Resumption of debate.* (Hon. G.B. Ashman).
- 5 **INDUSTRIAL RELATIONS** — Motion condemning Government for its gross mishandling of industrial relations and for seeking to prevent Victorian workers obtaining Federal award protection — (Hon. D.T. Walpole) — *Resumption of debate.* (Hon. B.W. Mier).
- 6 **STATE SCHOOL EDUCATION SYSTEM** — Motion condemning Government for its sustained attack on the system — (Hon. C.J. Hogg) — *Resumption of debate.* (Hon. D.A. Nardella).
- 7 **PROVINCIAL AND RURAL VICTORIA** — Motion condemning Government for its continuing neglect and, in particular, its failure to address issues of regionalism, its treatment of country Victorians as second class citizens and its lack of vision for the future — (Hon. P. Power) — *Resumption of debate.* (Hon. D.R. White).
- 8 **WORKCOVER** — Motion condemning Government for - (i) dumping additional workers classified as partially incapacitated; (ii) its blanket reclassification of injured workers as partially incapacitated and its refusal to back-pay additional workers who have again been reclassified as seriously injured; (iii) sending invalid termination or reduction of benefits notices to injured workers and refusing to compensate such workers; and (iv) its failure to establish Medical Panels which have the confidence of workers, employers and the Courts — (Hon. T.C. Theophanous) — *Resumption of debate.* (Hon. R.M. Hallam).

A.V. BRAY
Clerk of the Legislative Council

B.A. CHAMBERLAIN
President

Tuesday, 30 November 1993

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

* * * *

COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis, B.W. Mier and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (ex-officio), R.A. Best, L. Kokocinski, D.A. Nardella, B.A.E. Skeggs, and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING — The Honourables the President, B.W. Bishop, G.H. Cox, B.W. Mier, D.A. Nardella, B.A.E. Skeggs and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables A.R. Brideson, B.W. Bishop, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS (JOINT) — The Honourables L. Asher, M.M. Gould and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 28 October 1992 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday	—	2.30 p.m.
Wednesday	—	10.00 a.m.
Thursday	—	10.00 a.m.

Business to take precedence—

Tuesday	—	Government business.
‡Wednesday	—	General business (until 12 noon).
Thursday	—	Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 27 October 1992, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

ADJOURNMENT OF BILLS [Effective until 31 December 1993]

By resolution of the Council on 14 September 1993 (*as subsequently amended on 17 November 1993*) where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 26 November 1993, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in 1994: Provided that any Bill transmitted from the Legislative Assembly which is in the hands of the Clerk no later than 10.00 a.m. on 29 November 1993 may be taken through all stages.

‡ Effective until 31 December 1993.

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 56

Wednesday, 1 December 1993

Mr. President takes the Chair at 10.00 a.m.

GENERAL BUSINESS

[To take precedence until 12 noon]

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Government for its hasty introduction of ill considered, poorly drafted and divisive legislation that it intends to pass by ambushing the people of Victoria instead of allowing time for community consultation and scrutiny.
- 2 THE HON. D.M. EVANS — To move, That the Council take note of the report of the Auditor-General on Salinity, March 1993.
- 3 THE HON. D.R. WHITE — To move, That the Sessional Orders relating to the Business of the House, adopted by the Council on 28 October 1992, be amended as follows:
In paragraph (b), after "20A," insert "53,".
- *4 THE HON. R.S. IVES — To move, That there be referred to the Public Accounts and Estimates Committee for inquiry, consideration and report the proposed outsourcing project involving the integration of the information technology functions of VicRoads and the Public Transport Corporation and their location in an operation at Ballarat; and, in particular, that the Committee investigate —
 - (a) the costs and benefits of this proposal; and
 - (b) the options available to the Government to ensure an efficient and effective information technology function servicing VicRoads and the Public Transport Corporation.

ORDERS OF THE DAY

- 1 LOCAL GOVERNMENT BOARD — MINISTER'S ANSWER TO QUESTION WITHOUT NOTICE, 6 NOVEMBER 1992 — To be considered.
- 2 PUBLIC SECTOR SUPERANNUATION — Motion to take note of document prepared by the Hon. I.W. Smith, MP, Minister for Finance, 7 April 1993 — (*Hon. D.R. White*) — *Resumption of debate.* (*Hon. Rosemary Varty*).
- 3 STATE SCHOOL CLEANERS — Motion condemning Government for treatment of cleaners before, and on, 31 December 1992 and consequent extra workload and

*Indicates new entry.

- responsibilities imposed on teachers, students and parents — (Hon. D.A. Nardella) — *Resumption of debate.* (Hon. C.J. Hogg).
- 4 **ROAD FUNDS FUEL LEVY** — Motion for Trust Fund money derived from 3 cent levy on fuel to be dedicated to stage one of Western Bypass and the Domain tunnel, and for remaining funds to be applied to certain major State arterial roads and, further, that introduction of the tax not proceed until such a commitment is made — (Hon. D.R. White) — *Resumption of debate.* (Hon. G.B. Ashman).
 - 5 **INDUSTRIAL RELATIONS** — Motion condemning Government for its gross mishandling of industrial relations and for seeking to prevent Victorian workers obtaining Federal award protection — (Hon. D.T. Walpole) — *Resumption of debate.* (Hon. B.W. Mier).
 - 6 **STATE SCHOOL EDUCATION SYSTEM** — Motion condemning Government for its sustained attack on the system — (Hon. C.J. Hogg) — *Resumption of debate.* (Hon. D.A. Nardella).
 - 7 **PROVINCIAL AND RURAL VICTORIA** — Motion condemning Government for its continuing neglect and, in particular, its failure to address issues of regionalism, its treatment of country Victorians as second class citizens and its lack of vision for the future — (Hon. P. Power) — *Resumption of debate.* (Hon. D.R. White).
 - 8 **WORKCOVER** — Motion condemning Government for - (i) dumping additional workers classified as partially incapacitated; (ii) its blanket reclassification of injured workers as partially incapacitated and its refusal to back-pay additional workers who have again been reclassified as seriously injured; (iii) sending invalid termination or reduction of benefits notices to injured workers and refusing to compensate such workers; and (iv) its failure to establish Medical Panels which have the confidence of workers, employers and the Courts — (Hon. T.C. Theophanous) — *Resumption of debate.* (Hon. R.M. Hallam).

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- *1 **HEALTH AND COMMUNITY SERVICES (FURTHER AMENDMENT) BILL** — (from Assembly — Hon. R.I. Knowles) — Second reading — *Resumption of debate.* (Hon. C.J. Hogg).
- *2 **BUILDING BILL** — (from Assembly — Hon. R.I. Knowles) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).
- *3 **CRIMES (AMENDMENT) BILL** — (from Assembly — Hon. Haddon Storey) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).
- *4 **EMPLOYEE RELATIONS (AMENDMENT) BILL** — (from Assembly — Hon. Haddon Storey) — Second reading — *Resumption of debate.* (Hon. D.R. White).
- *5 **ELECTRICITY INDUSTRY BILL** — (from Assembly — Hon. R.M. Hallam) — Second reading.
- 6 **ROAD SAFETY (AMENDMENT) BILL** — (from Assembly — Hon. W.R. Baxter) — Second reading — *Resumption of debate.* (Hon. B.E. Davidson).

A.V. BRAY
Clerk of the Legislative Council

B.A. CHAMBERLAIN
President

Wednesday, 1 December 1993

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

* * * *

COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis, B.W. Mier and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (ex-officio), R.A. Best, L. Kokocinski, D.A. Nardella, B.A.E. Skeggs, and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING — The Honourables the President, B.W. Bishop, G.H. Cox, B.W. Mier, D.A. Nardella, B.A.E. Skeggs and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Thephanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables A.R. Brideson, B.W. Bishop, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS (JOINT) — The Honourables L. Asher, M.M. Gould and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 28 October 1992 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday	—	2.30 p.m.
Wednesday	—	10.00 a.m.
Thursday	—	10.00 a.m.

Business to take precedence—

Tuesday	—	Government business.
‡Wednesday	—	General business (until 12 noon).
Thursday	—	Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 27 October 1992, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

ADJOURNMENT OF BILLS [Effective until 31 December 1993]

By resolution of the Council on 14 September 1993 (*as subsequently amended on 17 November 1993*) where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 26 November 1993, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in 1994: Provided that any Bill transmitted from the Legislative Assembly which is in the hands of the Clerk no later than 10.00 a.m. on 29 November 1993 may be taken through all stages.

‡ Effective until 31 December 1993.

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS

Nos. 56 and 57

No. 56 — Tuesday, 30 November 1993

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The Honourable M.A. Birrell presented a Message from His Excellency the Governor informing the Council that he had, on 26 November 1993, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:
 - Classification of Films and Publications (Amendment) Act*
 - Chattel Securities (Amendment) Act*
 - University of Ballarat Act*
 - Juries (Amendment) Act*
 - TT-Line Gaming Act.*
- 3 **MELBOURNE WHOLESALE FRUIT AND VEGETABLE MARKET TRUST (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Melbourne Wholesale Fruit and Vegetable Market Trust Act 1977' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable W.R. Baxter, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **PLANNING AND ENVIRONMENT (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Planning and Environment Act 1987' to improve the administration and enforcement of that Act and of planning schemes under that Act and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 5 **HEALTH AND COMMUNITY SERVICES (FURTHER AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Children and Young Persons Act 1989', the 'Health (Fluoridation) Act 1973', the 'Health Services Act 1988', the 'Intellectually Disabled Persons' Services Act 1986', the 'Mental Health Act 1986' and the 'Psychologists Registration Act 1987', to repeal the 'Dietitians Act 1981' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 6 **HEALTH SERVICES (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Health Services Act 1988' and the 'Health Services (Conciliation and Review) Act 1987' and for other purposes*" and desiring the concurrence of the Council therein.
- On the motion of the Honourable R.I. Knowles, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 7 **BUILDING BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to provide for the regulation of building and building standards, to amend various Acts and for other purposes*" and desiring the concurrence of the Council therein.
- On the motion of the Honourable R.I. Knowles, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 8 **CRIMES (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Crimes Act 1958' and for other purposes*" and desiring the concurrence of the Council therein.
- On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 9 **ELECTRICITY INDUSTRY BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act relating to the restructuring of the electricity supply industry, to amend the 'State Electricity Commission Act 1958', to make consequential amendments to other Acts and for other purposes*" and desiring the concurrence of the Council therein.
- On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 10 **EDUCATION (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Education Act 1958' and for other purposes*" and desiring the concurrence of the Council therein.
- On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 11 **EMPLOYEE RELATIONS (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Employee Relations Act 1992' and for other purposes*" and desiring the concurrence of the Council therein.
- On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 12 **LOCAL GOVERNMENT (MISCELLANEOUS AMENDMENTS) BILL** — The President announced the receipt of a Message from the Assembly returning this Bill and acquainting the Council that they have agreed to the same with an amendment, and desiring the concurrence of the Council therein.
- Ordered — That the amendment be taken into consideration later this day.
- 13 **MESSAGES FROM THE 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:
- Stock (Seller Liability and Declarations) Bill
 - Rural Finance (VEDC Abolition) Bill

Telecommunications (Interception) (State Provisions) (Amendment) Bill
Public Holidays Bill.

14 PAPERS —

PORT OF MELBOURNE AUTHORITY SUPERANNUATION SCHEME — The Honourable R.M. Hallam moved, by leave, That there be laid before this House a copy of the Report and financial statements of the Port of Melbourne Authority Superannuation Scheme for the year 1992-93.

Question — put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable R.M. Hallam and ordered to lie on the Table.

* * * * *

HEALTH COMPUTING SERVICES — VICTORIA LIMITED — The Honourable R.I. Knowles moved, by leave, That there be laid before this House a copy of the Report of Health Computing Services — Victoria Limited for the year 1992-93.

Question — put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable R.I. Knowles and ordered to lie on the Table.

* * * * *

AUDITOR-GENERAL — The following Paper was laid upon the Table by the Clerk pursuant to an Order of the Council on 29 October 1992:

Auditor-General — Report on the Legal Aid Commission of Victoria and Office of the Valuer-General.

* * * * *

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

Arts, Sport and Tourism Department — Report, 1992-93.

Board of Studies — Report, 1992-93.

Chiropractors and Osteopaths Registration Board — Report, 1992.

Coal Mine Workers' Pensions Tribunal — Report, 1992-93.

Education Department — Report, 1992-93.

Emergency Services Superannuation Scheme — Report, 1992-93.

Freedom of Information Act 1982 — Report on operation, 1992-93.

Justice Department — Report, 1992-93.

Parliamentary Committees Act 1968 — Minister's response to recommendations in Economic Development Committee's report upon the Victorian Building and Construction Industry.

Parliamentary Contributory Superannuation Fund — Report, 1992-93.

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

Eltham Planning Scheme — Amendment RL151.

Flinders Planning Scheme — Amendment RL3.

Lillydale Planning Scheme — Amendment L96 Part 4.

Mornington Planning Scheme — Amendment RL3.

South Melbourne Planning Scheme — Amendment L74.

Westernport Region Planning Scheme — Amendment RL3.

Psychological Council — Reports, 1991 and 1992 (two papers).

State Electricity Commission Superannuation Fund — Report, 1992-93.

Statutory Rule under the Audit Act 1958 — No. 216.

15 **HEALTH SERVICES (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.

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

The Honourable C.J. Hogg moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

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

- 16 **MELBOURNE WHOLESALE FRUIT AND VEGETABLE MARKET TRUST (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable W.R. Baxter moved, That this Bill be now read a second time.

The Honourable C.J. Hogg moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

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

- 17 **PLANNING AND ENVIRONMENT (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.

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

The Honourable B.T. Pullen moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

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

- 18 **HEALTH AND COMMUNITY SERVICES (FURTHER AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.

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

The Honourable C.J. Hogg moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

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

- 19 **BUILDING BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.

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

The Honourable B.T. Pullen moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 20 **EMPLOYEE RELATIONS (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.

The Honourable D.R. White moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

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

- 21 **CRIMES (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.

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

The Honourable B.T. Pullen moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 22 **LIQUOR CONTROL (AMENDMENT) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —
 Debate resumed.
Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders —
- 23 **QUESTIONS** — Questions without notice were taken and answers were given to certain questions on notice pursuant to Standing Order No. 71A.
- 24 **LIQUOR CONTROL (AMENDMENT) BILL** — Debate continued on the question, That this Bill be now read a second time.
 Question — That this 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 Honourable D.M. Evans 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.
- 25 **BUSINESS OF THE HOUSE** — The Honourable R.I. Knowles moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 10.00 p.m. during the sitting of the Council this day.
 Question — put and resolved in the affirmative.
- 26 **EDUCATION (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.
 The Honourable Haddon Storey made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.
 The Honourable C.J. Hogg moved, That the debate be now adjourned.
 Question — That the debate be now adjourned — put and resolved in the affirmative.
 Ordered — That the debate be adjourned until later this day.
- 27 **LOCAL GOVERNMENT (MISCELLANEOUS AMENDMENTS) BILL** — The Order of the Day having been read for the consideration of the amendment made by the Assembly in this Bill, the said amendment was read and is as follows:
 Clause 5, after line 10 insert -
 "(2) Until the Council authorises a person, the Council is deemed to have authorised the person who held the position of municipal clerk with the Council immediately before this section came into operation to exercise the powers and perform the duties and functions referred to in sub-section (1).
 (3) Sub-section (2) ceases to have any effect 3 months after this section comes into operation."
- On the motion of the Honourable R.M. Hallam, the Council agreed to the amendment made by the Assembly in this Bill and ordered that a Message be sent to the Assembly acquainting them therewith.
- 28 **HEALTH SERVICES (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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, 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.

29 MELBOURNE WHOLESALE FRUIT AND VEGETABLE MARKET TRUST (AMENDMENT) BILL — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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.

30 PLANNING AND ENVIRONMENT (AMENDMENT) BILL — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

Question — put.

The Council divided.

AYES, 28

The Hon. L. Asher
 G.B. Ashman
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood
 J.V.C. Guest
 P.R. Hall (*Teller*)
 R.M. Hallam
 W.A.N. Hartigan (*Teller*)
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

NOES, 13

The Hon. B.E. Davidson
 M.M. Gould
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives (*Teller*)
 J. McLean
 B.W. Mier
 D.A. Nardella (*Teller*)
 P. Power
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole
 D.R. White

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, 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.

31 EDUCATION (AMENDMENT) BILL — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time — Debate resumed.

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

WEDNESDAY, 1 DECEMBER 1993

Debate continued.

Question — put.

The Council divided.

AYES, 28

The Hon. L. Asher (*Teller*)
 G.B. Ashman (*Teller*)
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

NOES, 13

The Hon. B.E. Davidson
 M.M. Gould
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives (*Teller*)
 J. McLean
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen (*Teller*)
 T.C. Theophanous
 D.T. Walpole
 D.R. White

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.

House in Committee.

The President resumed the Chair; and the Honourable D.M. Evans 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.

32 ADJOURNMENT — The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 1.55 a.m., adjourned until this day at 10.00 a.m.

A.V. BRAY
Clerk of the Legislative Council

No. 57 — Wednesday, 1 December 1993

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACT** — The Honourable M.A. Birrell presented a Message from His Excellency the Governor informing the Council that he had, on 30 November 1993, given the Royal Assent to the undermentioned Act presented to him by the Clerk of the Parliaments:

Public Sector Superannuation (Administration) Act.

3 **PAPERS** —

WATER (ANNUAL REPORTING) (AMENDMENT) REGULATIONS 1993 — The Honourable M.A. Birrell moved, by leave, That, pursuant to section 32 (7) (a) of the *Interpretation of Legislation Act 1984*, there be laid before this House by the Minister for Conservation and Environment copies of the documents identified in Appendix 1 of the Second Report of the Scrutiny of Acts and Regulations Committee on the Operation of Section 32 of the *Interpretation of Legislation Act 1984* concerning the Water (Annual Reporting) (Amendment) Regulations 1993 (Statutory Rule No. 124 of 1993), which Report was tabled in this House on Tuesday, 23 November 1993.

Question — put and resolved in the affirmative.

The said Papers were thereupon presented by the Honourable M.A. Birrell and ordered to lie on the Table.

* * * * *

BLF CUSTODIAN — The Honourable Haddon Storey moved, by leave, That there be laid before this House a copy of Report No. 25 dated 30 November 1993 given to Mr. President pursuant to section 7A of the *BLF (De-recognition) Act 1985*, by the Custodian appointed under section 7(1) of that Act.

Question — put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable Haddon Storey 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:

National Parks — Report of the Director, 1992-93.

State Casual Employees Superannuation Fund — Report, 1992-93.

Statutory Rules under the following Acts of Parliament:

Melbourne and Metropolitan Board of Works Act 1958 — No. 218.

Water Act 1989 — No. 219.

- 4 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 3 inclusive, be postponed until later this day.
- 5 **VICROADS AND PUBLIC TRANSPORT CORPORATION INFORMATION TECHNOLOGY FUNCTIONS** — The Honourable R.S. Ives moved, That there be referred to the Public Accounts and Estimates Committee for inquiry, consideration and report the proposed outsourcing project involving the integration of the information technology functions of VicRoads and the Public Transport Corporation and their location in an operation at Ballarat; and, in particular, that the Committee investigate —
 - (a) the costs and benefits of this proposal; and

- (b) the options available to the Government to ensure an efficient and effective information technology function servicing VicRoads and the Public Transport Corporation.

Debate ensued.

The Honourable B.E. Davidson moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

6 BUSINESS POSTPONED —

Ordered — That the consideration of the Orders of the Day, General Business, be postponed until the next day of meeting.

Ordered — That the consideration of Orders of the Day, Government Business, Nos. 1 to 4 inclusive, be postponed until later this day.

7 ELECTRICITY INDUSTRY BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable R.M. Hallam) moved, That this Bill be now read a second time.

The Honourable C.J. Hogg (for the Honourable T.C. Theophanous) moved; That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

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

8 HEALTH AND COMMUNITY SERVICES (FURTHER AMENDMENT) BILL — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

The Honourable C.J. Hogg 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 redrafted to implement the recommendations of Justice Fogarty in his Report on Protective Services for Children in Victoria."

Debate ensued.

Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders —

9 QUESTIONS — Questions without notice were taken and an answer was given to a question on notice pursuant to Standing Order No. 71A.

10 HEALTH AND COMMUNITY SERVICES (FURTHER AMENDMENT) BILL — Debate continued on the question, That this Bill be now read a second time and on the reasoned amendment (*for text see item 8 ante*).

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

The Council divided.

AYES, 26

The Hon. L. Asher
G.B. Ashman
W.R. Baxter
M.A. Birrell
B.W. Bishop
R.H. Bowden
A.R. Brideson
G.P. Connard
G.H. Cox (*Teller*)
G.R. Craige
P.R. Davis
R.S. de Fegely
D.M. Evans

NOES, 11

The Hon. D.E. Henshaw
C.J. Hogg
R.S. Ives (*Teller*)
L. Kokocinski
J. McLean
B.W. Mier
D.A. Nardella
P. Power
B.T. Pullen
T.C. Theophanous
D.T. Walpole (*Teller*)

W. Forwood
 J.V.C. Guest
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs (*Teller*)
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

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

Question — That this Bill be now read a second time — 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 Honourable D.M. Evans 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 BUILDING BILL — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

The Honourable B.T. Pullen 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 redrafted to include provisions which would require mandatory installation of isolation fences around all domestic swimming pools."

Debate ensued.

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

AYES, 26

NOES, 13

The Hon. L. Asher
 G.B. Ashman
 W.R. Baxter
 R.A. Best
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 W. Forwood
 J.V.C. Guest
 P.R. Hall

The Hon. M.M. Gould
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 L. Kokocinski
 J. McLean
 B.W. Mier
 D.A. Nardella (*Teller*)
 P. Power
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole (*Teller*)
 D.R. White

R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs (*Teller*)
 K.M. Smith (*Teller*)
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

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

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

The Council divided.

AYES, 26

The Hon. L. Asher
 G.B. Ashman
 W.R. Baxter
 R.A. Best
 B.W. Bishop
 R.H. Bowden (*Teller*)
 A.R. Brideson (*Teller*)
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

NOES, 12

The Hon. M.M. Gould
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 L. Kokocinski (*Teller*)
 J. McLean
 B.W. Mier
 D.A. Nardella
 B.T. Pullen (*Teller*)
 T.C. Theophanous
 D.T. Walpole
 D.R. White

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, 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 (AMENDMENT) BILL — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time — Debate resumed.

The Honourable B.T. Pullen 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 amendment to provide for a summary offence of loitering by a sexual offender has been referred to the Crime Prevention Committee of the Parliament for inquiry and report, including consideration of all matters relating to the protection of children from sexual assault."

Debate ensued.

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

AYES, 27

The Hon. L. Asher
G.B. Ashman (*Teller*)
W.R. Baxter
R.A. Best (*Teller*)
M.A. Birrell
B.W. Bishop
R.H. Bowden
A.R. Brideson
G.P. Connard
G.H. Cox
P.R. Davis
R.S. de Fegely
D.M. Evans
W. Forwood
J.V.C. Guest
P.R. Hall
R.M. Hallam
W.A.N. Hartigan
R.I. Knowles
B.A.E. Skeggs
K.M. Smith
Graeme Stoney
Haddon Storey
C.A. Strong
Rosemary Varty
Dr. R.J.H. Wells
Sue deC. Wilding

NOES, 12

The Hon. B.E. Davidson
D.E. Henshaw
C.J. Hogg
R.S. Ives
L. Kokocinski
J. McLean (*Teller*)
B.W. Mier
D.A. Nardella (*Teller*)
P. Power
B.T. Pullen
T.C. Theophanous
D.T. Walpole

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

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

The Council divided.

AYES, 27

The Hon. L. Asher
G.B. Ashman
W.R. Baxter
R.A. Best
M.A. Birrell
B.W. Bishop
R.H. Bowden
A.R. Brideson
G.P. Connard
G.H. Cox

NOES, 12

The Hon. B.E. Davidson
D.E. Henshaw (*Teller*)
C.J. Hogg
R.S. Ives
L. Kokocinski (*Teller*)
J. McLean
B.W. Mier
D.A. Nardella
P. Power
B.T. Pullen

P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan (*Teller*)
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney (*Teller*)
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

T.C. Theophanous
 D.T. Walpole

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, 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 **BUSINESS OF THE HOUSE** — The Honourable R.I. Knowles moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 10.00 p.m. during the sitting of the Council this day.

Question — put and resolved in the affirmative.

- 14 **EMPLOYEE RELATIONS (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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 **ELECTRICITY INDUSTRY BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time, and after further debate, the question being put was resolved in the affirmative.

Bill read a second time.

The Honourable R.M. Hallam moved, by leave, That the Bill be now read a third time.

Question — put.

The Council divided.

AYES, 27

The Hon. L. Asher
 G.B. Ashman (*Teller*)
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop (*Teller*)
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox

NOES, 12

The Hon. B.E. Davidson
 M.M. Gould
 D.E. Henshaw (*Teller*)
 C.J. Hogg
 R.S. Ives
 L. Kokocinski
 B.W. Mier
 D.A. Nardella
 B.T. Pullen
 T.C. Theophanous

P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

D.T. Walpole (Teller)
 D.R. White

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.

16 PAPERS —

CITY OF SUNSHINE — The Honourable R.M. Hallam moved, by leave, That there be laid before this House a copy of the Report on the Investigation into the City of Sunshine grants program.

Question — put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable R.M. Hallam and 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:

Statutory Rule under the Tobacco Act 1987 — No. 217.

17 ADJOURNMENT — The Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until a day and hour to be fixed by the President, which time of meeting shall be notified in writing to each Honourable Member.

Debate ensued.

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

THURSDAY, 2 DECEMBER 1993

Debate continued.

Question — put and resolved in the affirmative.

The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 12.34 a.m., adjourned until a day and hour to be fixed by the President, which time of meeting shall be notified in writing to each Honourable Member.

A.V. BRAY
 Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 57

Tuesday, 29 March 1994

Mr. President takes the Chair at 2.30 p.m.

GOVERNMENT BUSINESS

ORDER OF THE DAY

- 1 ROAD SAFETY (AMENDMENT) BILL — *(from Assembly — Hon. W.R. Baxter) — Second reading — Resumption of debate. (Hon. B.E. Davidson).*

GENERAL BUSINESS

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Government for its hasty introduction of ill considered, poorly drafted and divisive legislation that it intends to pass by ambushing the people of Victoria instead of allowing time for community consultation and scrutiny.
- 2 THE HON. D.M. EVANS — To move, That the Council take note of the report of the Auditor-General on Salinity, March 1993.
- 3 THE HON. D.R. WHITE — To move, That the Sessional Orders relating to the Business of the House, adopted by the Council on 28 October 1992, be amended as follows:
In paragraph (b), after "20A," insert "53,".

ORDERS OF THE DAY

- 1 LOCAL GOVERNMENT BOARD — MINISTER'S ANSWER TO QUESTION WITHOUT NOTICE, 6 NOVEMBER 1992 — To be considered.
- 2 PUBLIC SECTOR SUPERANNUATION — Motion to take note of document prepared by the Hon. I.W. Smith, MP, Minister for Finance, 7 April 1993 — *(Hon. D.R. White) — Resumption of debate. (Hon. Rosemary Varty).*
- 3 STATE SCHOOL CLEANERS — Motion condemning Government for treatment of cleaners before, and on, 31 December 1992 and consequent extra workload and responsibilities imposed on teachers, students and parents — *(Hon. D.A. Nardella) — Resumption of debate. (Hon. C.J. Hogg).*
- 4 ROAD FUNDS FUEL LEVY — Motion for Trust Fund money derived from 3 cent levy on fuel to be dedicated to stage one of Western Bypass and the Domain tunnel, and

for remaining funds to be applied to certain major State arterial roads and, further, that introduction of the tax not proceed until such a commitment is made — (Hon. D.R. White) — *Resumption of debate.* (Hon. G.B. Ashman).

- 5 **INDUSTRIAL RELATIONS** — Motion condemning Government for its gross mishandling of industrial relations and for seeking to prevent Victorian workers obtaining Federal award protection — (Hon. D.T. Walpole) — *Resumption of debate.* (Hon. B.W. Mier).
- 6 **STATE SCHOOL EDUCATION SYSTEM** — Motion condemning Government for its sustained attack on the system — (Hon. C.J. Hogg) — *Resumption of debate.* (Hon. D.A. Nardella).
- 7 **PROVINCIAL AND RURAL VICTORIA** — Motion condemning Government for its continuing neglect and, in particular, its failure to address issues of regionalism, its treatment of country Victorians as second class citizens and its lack of vision for the future — (Hon. P. Power) — *Resumption of debate.* (Hon. D.R. White).
- 8 **WORKCOVER** — Motion condemning Government for - (i) dumping additional workers classified as partially incapacitated; (ii) its blanket reclassification of injured workers as partially incapacitated and its refusal to back-pay additional workers who have again been reclassified as seriously injured; (iii) sending invalid termination or reduction of benefits notices to injured workers and refusing to compensate such workers; and (iv) its failure to establish Medical Panels which have the confidence of workers, employers and the Courts — (Hon. T.C. Theophanous) — *Resumption of debate.* (Hon. R.M. Hallam).
- *9 **VICROADS AND PUBLIC TRANSPORT CORPORATION INFORMATION TECHNOLOGY FUNCTIONS** — Motion to refer proposed outsourcing project to Public Accounts and Estimates Committee for investigation — (Hon. R.S. Ives) — *Resumption of debate.* (Hon. B.E. Davidson).

A.V. BRAY
Clerk of the Legislative Council

B.A. CHAMBERLAIN
President

Tuesday, 29 March 1994

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

* * * *

COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis, B.W. Mier and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (ex-officio), R.A. Best, L. Kokocinski, D.A. Nardella, B.A.E. Skeggs, and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING — The Honourables the President, B.W. Bishop, G.H. Cox, B.W. Mier, D.A. Nardella, B.A.E. Skeggs and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables A.R. Brideson, B.W. Bishop, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS (JOINT) — The Honourables L. Asher, M.M. Gould and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 28 October 1992 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday	—	2.30 p.m.
Wednesday	—	10.00 a.m.
Thursday	—	10.00 a.m.

Business to take precedence—

Tuesday	—	Government business.
Wednesday	—	General business (until 12 noon).
Thursday	—	Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 27 October 1992, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 58

Wednesday, 30 March 1994

Mr. President takes the Chair at 10.00 a.m.

GENERAL BUSINESS

[To take precedence until 2.00 p.m.]

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Government for its hasty introduction of ill considered, poorly drafted and divisive legislation that it intends to pass by ambushing the people of Victoria instead of allowing time for community consultation and scrutiny.
- 2 THE HON. D.M. EVANS — To move, That the Council take note of the report of the Auditor-General on Salinity, March 1993.
- 3 THE HON. D.R. WHITE — To move, That the Sessional Orders relating to the Business of the House, adopted by the Council on 28 October 1992, be amended as follows:
In paragraph (b), after "20A," insert "53,".
- *4 THE HON. T.C. THEOPHANOUS — To move, That this House condemns the Government for its proposed restructure and privatization of the State Electricity Commission of Victoria which will lead to —
 - (a) higher electricity prices for most consumers and small businesses;
 - (b) higher electricity prices for regional and country Victoria;
 - (c) the establishment of five geographically based distribution companies which will effectively be private monopolies so far as 99 per cent of electricity consumers are concerned;
 - (d) the loss of Victoria's most important State asset which has provided a significant income stream to the State;
 - (e) the undermining of the fire mitigation program while increasing the burden of fire prevention and fire insurance to country Victorians;
 - (f) the undermining of energy conservation and demand management programs;
 - (g) the eventual abandonment of all community service obligations; and
 - (h) the transfer of private information about individual accounts and electricity usage patterns to private companies.

* Indicates new entry

ORDERS OF THE DAY

- 1 **LOCAL GOVERNMENT BOARD — MINISTER'S ANSWER TO QUESTION WITHOUT NOTICE, 6 NOVEMBER 1992** — To be considered.
- 2 **PUBLIC SECTOR SUPERANNUATION** — Motion to take note of document prepared by the Hon. I.W. Smith, MP, Minister for Finance, 7 April 1993 — (Hon. D.R. White) — *Resumption of debate.* (Hon. Rosemary Varty).
- 3 **STATE SCHOOL CLEANERS** — Motion condemning Government for treatment of cleaners before, and on, 31 December 1992 and consequent extra workload and responsibilities imposed on teachers, students and parents — (Hon. D.A. Nardella) — *Resumption of debate.* (Hon. C.J. Hogg).
- 4 **ROAD FUNDS FUEL LEVY** — Motion for Trust Fund money derived from 3 cent levy on fuel to be dedicated to stage one of Western Bypass and the Domain tunnel, and for remaining funds to be applied to certain major State arterial roads and, further, that introduction of the tax not proceed until such a commitment is made — (Hon. D.R. White) — *Resumption of debate.* (Hon. G.B. Ashman).
- 5 **INDUSTRIAL RELATIONS** — Motion condemning Government for its gross mishandling of industrial relations and for seeking to prevent Victorian workers obtaining Federal award protection — (Hon. D.T. Walpole) — *Resumption of debate.* (Hon. B.W. Mier).
- 6 **STATE SCHOOL EDUCATION SYSTEM** — Motion condemning Government for its sustained attack on the system — (Hon. C.J. Hogg) — *Resumption of debate.* (Hon. D.A. Nardella).
- 7 **PROVINCIAL AND RURAL VICTORIA** — Motion condemning Government for its continuing neglect and, in particular, its failure to address issues of regionalism, its treatment of country Victorians as second class citizens and its lack of vision for the future — (Hon. P. Power) — *Resumption of debate.* (Hon. D.R. White).
- 8 **WORKCOVER** — Motion condemning Government for - (i) dumping additional workers classified as partially incapacitated; (ii) its blanket reclassification of injured workers as partially incapacitated and its refusal to back-pay additional workers who have again been reclassified as seriously injured; (iii) sending invalid termination or reduction of benefits notices to injured workers and refusing to compensate such workers; and (iv) its failure to establish Medical Panels which have the confidence of workers, employers and the Courts — (Hon. T.C. Theophanous) — *Resumption of debate.* (Hon. R.M. Hallam).
- 9 **VICROADS AND PUBLIC TRANSPORT CORPORATION INFORMATION TECHNOLOGY FUNCTIONS** — Motion to refer proposed outsourcing project to Public Accounts and Estimates Committee for investigation — (Hon. R.S. Ives) — *Resumption of debate.* (Hon. B.E. Davidson).

GOVERNMENT BUSINESS

NOTICE OF MOTION

- *1 **THE HON. R.M. HALLAM** — To move, That he have leave to bring in a Bill to amend the *Local Government Act 1989*.

Wednesday, 30 March 1994

ORDERS OF THE DAY

- 1 **ROAD SAFETY (AMENDMENT) BILL** — (from Assembly — Hon. W.R. Baxter) — Second reading — Resumption of debate. (Hon. B.E. Davidson).
- *2 **EMPLOYMENT AND TRAINING (AMENDMENT) BILL** — (from Assembly — Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. C.J. Hogg).
- *3 **ECONOMIC DEVELOPMENT (REPEAL) BILL** — (from Assembly — Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. T.C. Theophanous).
- *4 **AGENT-GENERAL'S BILL** — (from Assembly — Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. D.R. White).
- *5 **ALBURY-WODONGA AGREEMENT (AMENDMENT) BILL** — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. P. Power).
- *6 **AUDIT BILL** — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. T.C. Theophanous).
- *7 **SMALL BUSINESS DEVELOPMENT CORPORATION (AMENDMENT) BILL** — (from Assembly — Hon. W.R. Baxter) — Second reading — Resumption of debate. (Hon. T.C. Theophanous).
- *8 **ADMINISTRATION AND PROBATE (AMENDMENT) BILL** — (from Assembly — Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. B.T. Pullen).
- *9 **MINERAL RESOURCES DEVELOPMENT (FURTHER AMENDMENT) BILL** — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. D.R. White).
- *10 **PETROLEUM (AMENDMENT) BILL** — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. D.R. White).
- *11 **BORROWING AND INVESTMENT POWERS (FURTHER AMENDMENT) BILL** — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. T.C. Theophanous).

A.V. BRAY
Clerk of the Legislative Council

B.A. CHAMBERLAIN
President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

* * * *

COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis, B.W. Mier and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (ex-officio), R.A. Best, L. Kokocinski, D.A. Nardella, B.A.E. Skeggs, and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

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PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables A.R. Brideson, B.W. Bishop, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS (JOINT) — The Honourables L. Asher, M.M. Gould and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

Wednesday, 30 March 1994

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 28 October 1992 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday	—	2.30 p.m.
Wednesday	—	10.00 a.m.
Thursday	—	10.00 a.m.

Business to take precedence—

Tuesday	—	Government business.
Wednesday	—	General business (until 2.00 p.m.).
Thursday	—	Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 27 October 1992, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

*ADJOURNMENT OF BILLS [Effective until 30 June 1994]

By resolution of the Council on 29 March 1994 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 27 May 1994, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in September 1994: Provided that any Bill transmitted from the Legislative Assembly which is in the hands of the Clerk no later than 10.00 a.m. on 30 May 1994 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS

Nos. 58 and 59

No. 58 — Tuesday, 29 March 1994

1 The Council met in accordance with adjournment, the President, pursuant to resolution, having fixed this day at 2.30 p.m. as the time of meeting.

2 The President took the Chair and read the Prayer.

3 **ASSENT TO ACTS** — The Honourable M.A. Birrell presented Messages from His Excellency 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 7 December 1993 —

Nurses Act

Health Services (Amendment) Act

Stock (Seller Liability and Declarations) Act

Employee Relations (Amendment) Act

Rural Finance (VEDC Abolition) Act

Telecommunications (Interception) (State Provisions) (Amendment) Act

Gaming Machine Control (General Amendment) Act

Police Regulation (Discipline) (Amendment) Act

Public Holidays Act

Transport (Amendment) Act

Education (Amendment) Act

Liquor Control (Amendment) Act

Equal Opportunity (Amendment) Act

Health and Community Services (Further Amendment) Act

Local Government (Miscellaneous Amendments) Act.

On 14 December 1993 —

Building Act

Melbourne Wholesale Fruit and Vegetable Market Trust (Amendment) Act

Planning and Environment (Amendment) Act

Crimes (Amendment) Act

Electricity Industry Act.

4 **ECONOMIC DEVELOPMENT (REPEAL) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "An Act to repeal the 'Economic Development Act 1981' and for other purposes" and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 5 **EMPLOYMENT AND TRAINING (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Employment and Training Act 1981' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 6 **AGENT-GENERAL'S BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to repeal and re-enact with amendments the 'Agent-General's Act 1958' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message 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 (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Albury-Wodonga Agreement Act 1973'*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 8 **AUDIT BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to provide for the office of Auditor-General and the audit of public accounts, to amend, and repeal, the 'Audit Act 1958', to repeal or amend certain other Acts and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 9 **SMALL BUSINESS DEVELOPMENT CORPORATION (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Small Business Development Corporation Act 1976', to consequentially amend the 'Annual Reporting Act 1983' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable W.R. Baxter, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 10 **ADMINISTRATION AND PROBATE (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Administration and Probate Act 1958' and the 'Wills Act 1958' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 11 **MINERAL RESOURCES DEVELOPMENT (FURTHER AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Mineral Resources Development Act 1990' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

12 **PETROLEUM (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Petroleum Act 1958' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

13 **BORROWING AND INVESTMENT POWERS (FURTHER AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Borrowing and Investment Powers (Amendment) Act 1993' and make consequential amendments to the 'Public Sector Superannuation (Administration) Act 1993' and the 'Electricity Industry Act 1993' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

14 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order No. 71A.

15 **SUSPENSION OF STANDING ORDERS — QUESTIONS** — The Honourable M.A. Birrell moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.

Question — put and resolved in the affirmative.

Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.

16 **ADJOURNMENT OF BILLS** — The Honourable R. I. Knowles moved, by leave, That —

(a) unless otherwise ordered, where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 27 May 1994, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in September 1994: Provided that any Bill transmitted from the Legislative Assembly which is in the hands of the Clerk no later than 10.00 a.m. on 30 May 1994 may be taken through all stages; and

(b) this Order shall have effect until 30 June 1994.

Question — put and resolved in the affirmative.

17 **PETITIONS** —

HERBICIDE SPRAYING — The Honourable B.T. Pullen presented a Petition bearing 501 signatures from certain citizens of Victoria praying that an independent enquiry be established into spraying of herbicide in pine plantations in the Ballarat district in late 1993 and the issue of spraying of herbicides into the Victorian environment.

Ordered to lie on the Table.

* * * * *

SEXUAL DISCRIMINATION — The Honourable P.R. Hall presented a Petition bearing 13 signatures from certain citizens of Victoria requesting that the *Equal Opportunity Act 1984* be amended to prohibit discrimination on the grounds of a person's sexuality.

Ordered to lie on the Table.

* * * * *

"THE RANGE" DEVELOPMENT, WILLIAMSTOWN — The Honourable L. Kokocinski presented a Petition bearing 32 signatures from certain citizens of Victoria requesting that the Urban Land Authority be made to act in an open and responsible manner in respect of "The Range" development in Williamstown, and that the parkland be left as originally set out or a process of amelioration begin.

Ordered to lie on the Table.

18 PAPERS —

BLF CUSTODIAN — The Honourable Haddon Storey moved, by leave, That there be laid before this House a copy of Report No. 26 dated 28 February 1994 given to Mr. President pursuant to section 7A of the *BLF (De-recognition) Act 1985*, by the Custodian appointed under section 7(1) of that Act.

Question — put and resolved in the affirmative.

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

* * * * *

NATIONAL ROAD TRAUMA ADVISORY COUNCIL — The Honourable W.R. Baxter moved, by leave, That there be laid before this House a copy of the Report of the National Road Trauma Advisory Council for the year 1992.

Question — put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable W.R. Baxter and ordered to lie on the Table.

* * * * *

WORKCOVER AUTHORITY — The Honourable R.M. Hallam moved, by leave, That there be laid before this House a copy of the Report and financial statements of the WorkCover Authority for the quarter ending 31 December 1993, given to Mr. President pursuant to section 38 of the *Accident Compensation Act 1985*.

Question — put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable R.M. Hallam and ordered to lie on the Table.

* * * * *

PARLIAMENTARY CONTRIBUTORY SUPERANNUATION FUND — The Honourable R.M. Hallam moved, by leave, That there be laid before this House a copy of the Report of the Actuarial Investigation of the Parliamentary Contributory Superannuation Fund as at 30 June 1993.

Question — put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable R.M. Hallam and ordered to lie on the Table.

* * * * *

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — ERRATUM ON THIRD REPORT — The Honourable P.R. Hall presented a Report from the Public Accounts and Estimates Committee upon an erratum for the Committee's third report to Parliament, together with an Appendix.

Ordered to lie on the Table and to be printed.

* * * * *

PUBLIC BODIES REVIEW COMMITTEE — METROPOLITAN FIRE BRIGADES BOARD — The Honourable W.A.N. Hartigan presented a Report from the Public Bodies Review Committee upon the Metropolitan Fire Brigades Board, together with Extracts from the Proceedings of the Committee and Minutes of Evidence.

Ordered to lie on the Table and the Report and Extracts from the Proceedings of the Committee to be printed.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE —

ALERT DIGESTS — The Honourable B.A.E. Skeggs presented the following Alert Digests from the Scrutiny of Acts and Regulations Committee:

Alert Digest No. 1 of 1994, together with an Appendix.

Alert Digest No. 2 of 1994, together with an Appendix and Extracts from the Proceedings of the Committee.

Alert Digest No. 3 of 1994, together with an Appendix.

Severally ordered to lie on the Table and to be printed.

* * * * *

SUBORDINATE LEGISLATION — The Honourable B.A.E. Skeggs presented the Fourth Report from the Scrutiny of Acts and Regulations Committee upon Subordinate Legislation concerning the Land Tax (Further Amendment) Regulations 1993 (S.R. No. 176/1993), together with Appendices.

Ordered to lie on the Table and to be printed.

* * * * *

AUDITOR-GENERAL — The following paper was laid upon the Table by the Clerk pursuant to an Order of the Council on 29 October 1992:

Auditor-General — Report on International Student Programs in Universities, November 1993.

* * * * *

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 Commission — Report, year ended 31 October 1993.

Border Groundwaters Agreement Review Committee — Report, 1992-93.

Dental Board — Report, year ended 30 September 1993 [incorporating the Report of the Specialist Practitioners Qualifications Committee].

Electoral Commissioner — Statement of functions conferred, 25 January 1994.

Flora and Fauna Guarantee Act 1988 — Order in Council of 14 December 1993 adding items to Schedule 2 — List of Taxa and Communities of Flora or Fauna which are threatened.

Gaming Machine Control Act 1991 — Victorian Gaming Commission (Amendment) Rules 1994.

Geelong Regional Commission — Report, 1 July 1993 to 3 December 1993.

Grain Elevators Board — Report, year ended 30 September 1993.

Interpretation of Legislation Act 1984 — Amended and replacement documents to accompany Statutory Rule No. 119/1992 (pursuant to the *Gas and Fuel Corporation Act 1958*) tabled on 12 August 1992 which, by section 32 (4) (b), are required to be laid upon the Table:

AS 1167.1 — 1993 — Welding and brazing — Filler metals for brazing and braze welding.

AS 1397 — 1993 — Steel sheet and strip — Hot-dipped zinc-coated or aluminium/zinc-coated.

ASME/ANSI — B16.5 — 1988 — Pipe Flanges and Flanged Fittings (amended by ASME/ANSI B16.5a — 1992 — Addenda).

ASME B16.9 — 1993 — Factory-Made Wrought Steel Buttwelding Fittings.

AG 102 — 1989 — Approval Requirements for Gas Water Heaters (amended by AG 102 — 1993).

- AG 201 — 1983 — Approval Requirements for Manual Shut-off Valves (amended by AG 201 — 1993).
- AG 202 — 1984 — Approval Requirements for Gas Appliance Regulators (amended by AG 202 — 1993).
- AG 204 — 1984 — Approval Requirements for Thermoelectric Flame Safeguards (amended by AG 204 — 1993).
- AG 208 — 1985 — Approval Requirements for Jointing Compounds and Materials for use in Gas Pipe Joints (amended by AG 208 — 1993).
- AG 209 — 1980 — Approval Requirements for Combination Controls (amended by AG 209 — 1993).
- AG 210 — 1984 — Approval Requirements for Electronic Flame Safeguards and Flame Detectors (amended by AG 210 — 1993).
- AG 212 — 1983 — Approval Requirements for Quick-Connect Devices (amended by AG 212 — 1993).
- AG 214 — 1985 — Approval Requirements for Automatic Shut-off Valves and Vent Valves (amended by AG 214 — 1993).
- AG 215 — 1985 — Approval Requirements for Leakage Detection Systems (amended by AG 215 — 1993).
- Land Acquisition and Compensation Act 1986 — Attorney-General's certificate of 11 January 1994 made under section 7(1)(c) of the Act.
- Loddon-Campaspe Regional Planning Authority — Report, year ended 30 September 1993.
- Martial Arts Board — Report, 1992-93.
- Melbourne College of Decoration —
 Minister for Tertiary Education and Training's report of 10 January 1994 of failure of College to submit 1992 annual report to him within the prescribed period and the reasons therefor.
 Report, 1992.
- Melbourne College of Printing and Graphic Arts —
 Minister for Tertiary Education and Training's report of 17 December 1993 of failure of College to submit 1992 annual report to him within the prescribed period and the reasons therefor.
 Report, 1992.
- Murray-Darling Basin Act 1993 — Approved Ministerial Council Schedule of Accession by Queensland to the Murray-Darling Basin Agreement.
- National Crime Authority — Report, 1992-93.
- National Rail Corporation (Victoria) Act 1991 — Variations to Agreement establishing the National Rail Corporation (two papers).
- Ombudsman — Report on the Investigation of the Removal and Placement of a Client of Intellectual Disabilities Services because of Allegations made by Facilitated Communication, February 1994, together with a further report on that report pursuant to section 23(6) of the *Ombudsman Act 1973* (two papers).
- Optometrists Registration Board — Report, 1992-93.
- Pathology Services Accreditation Board — Report, 1992-93.
- Physiotherapists Registration Board — Report, 1 January 1993 to 30 June 1993.

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

- Alberton Planning Scheme — Amendment L29.
- Alexandra Planning Scheme — Amendments L27, L29 and L30.
- Altona Planning Scheme — Amendment L35.
- Bacchus Marsh Planning Scheme — Amendment L36.
- Bairnsdale (City) Planning Scheme — Amendment L38.
- Ballaarat (City) Planning Scheme — Amendment L41.
- Ballan Planning Scheme — Amendment L11 Part 2.
- Bannockburn Planning Scheme — Amendments R3 and RL8.
- Barrabool Planning Scheme — Amendments L20, R3 and R8.
- Bass Planning Scheme — Amendment L24.
- Beechworth Planning Scheme — Amendments L17 to L19.
- Benalla (City) Planning Scheme — Amendments L27 and L29.
- Bendigo Planning Scheme — Amendments L35, L37, L39 and L42.
- Berwick Planning Scheme — Amendments L66 and L67.
- Box Hill Planning Scheme — Amendments L19 and L23.
- Bright Planning Scheme — Amendments L33 and L36.
- Broadmeadows Planning Scheme — Amendments L51 to L54.
- Brunswick Planning Scheme — Amendments L23, L25, L32, L34, L36, L38 and L40.
- Bulla Planning Scheme — Amendments L74, L83, L95 and L97.
- Buln Buln Planning Scheme — Amendments L24, L26, L28 and L29.
- Bungaree Planning Scheme — Amendments L23 and L25.
- Buninyong Planning Scheme — Amendments L33, L41, L44 and L47.
- Camberwell Planning Scheme — Amendments L23, L35, L38 and L39.
- Camperdown Planning Scheme — Amendment L5.
- Caulfield Planning Scheme — Amendment L24.
- Chelsea Planning Scheme — Amendment L8.
- Coburg Planning Scheme — Amendments L20, L35 and L36.
- Cranbourne Planning Scheme — Amendments L88 and L97.
- Croydon Planning Scheme — Amendments L54, L57, L58 and L61.
- Dandenong Planning Scheme — Amendment L30.
- Diamond Valley Planning Scheme — Amendments L30 Part 1 and L48.
- Doncaster and Templestowe Planning Scheme — Amendments L40, L58 Part 2, L59, L65 and L70.
- Eaglehawk Planning Scheme — Amendment L11.
- Echuca Planning Scheme — Amendment L25.
- Eltham Planning Scheme — Amendments L25, L34 and L42.
- Essendon Planning Scheme — Amendment L30.
- Fitzroy Planning Scheme — Amendments L27 and L31.
- Flinders Planning Scheme — Amendments L61, L81, L88, L98 and L118.
- Footscray Planning Scheme — Amendment L44.
- Frankston Planning Scheme — Amendments L48, L50 and L51.
- Gisborne Planning Scheme — Amendment L22.
- Greater Geelong Planning Scheme — Amendments L18, L25, L34, L47, R3, R28, R30 to R32, R36 to R38, R40, R44, R48, R54, R57, R58, R62, R66, R73, RL8 Parts 1 and 2 and RL63.
- Hampden Planning Scheme — Amendment L8.
- Hastings Planning Scheme — Amendments L106 and L107.
- Hawthorn Planning Scheme — Amendment L24.
- Healesville Planning Scheme — Amendment L36.
- Heidelberg Planning Scheme — Amendments L29, L42 and L62 Part 1.
- Heytesbury Planning Scheme — Amendment L13.

Planning and Environment Act 1987 — *continued*

- Horsham Planning Scheme — Amendment L44.
Huntly Planning Scheme — Amendments L33, L36 and L37.
Keilor Planning Scheme — Amendments L45 Part 1, L54, L61, L62, L69 and L85.
Kilmore Planning Scheme — Amendment L59.
Knox Planning Scheme — Amendment L70.
Korumburra Planning Scheme — Amendments L50 and L53.
Latrobe Regional Planning Scheme — Amendment R3.
Lillydale Planning Scheme — Amendments L85, L88 Part 1, L94, L96 Part 3, L113, L117 and L123 to L125.
Lowan Planning Scheme — Amendments L8 to L10.
Marong Planning Scheme — Amendment L35.
Maryborough Planning Scheme — Amendment L20.
McIvor Planning Scheme — Amendment L15.
Melbourne Planning Scheme — Amendments L60, L115, L120, L123, L133, L137 to L141, L144 to L146 and L151.
Melton Planning Scheme — Amendments L19, L27, L32, L33, L35 and L39.
Metropolitan Region Planning Schemes — Amendment R113.
Mildura (City) Planning Scheme — Amendment L37.
Moe Planning Scheme — Amendment L28.
Moorabbin Planning Scheme — Amendments L28 and L34.
Mordialloc Planning Scheme — Amendments L7, L8 and L11.
Mornington Planning Scheme — Amendments L34, L43 Part 2 and L47.
Newham and Woodend Planning Scheme — Amendments L25 Part 1 and L28.
Northcote Planning Scheme — Amendments L24, L25 and L28.
Nunawading Planning Scheme — Amendments L49 and L71.
Oakleigh Planning Scheme — Amendments L29, L30 Part 1 and L31.
Pakenham Planning Scheme — Amendments L73, L82, L85 and L87.
Phillip Island Planning Scheme — Amendments L48 and L50.
Portland Planning Scheme — Amendments L36.
Preston Planning Scheme — Amendment L47.
Queenscliffe Planning Scheme — Amendments R3 and R10.
Rodney Planning Scheme — Amendments L59 and L63.
Romsey Planning Scheme — Amendments L25 and L26.
St Kilda Planning Scheme — Amendments L16, L24, L25, L29 and L30.
Sandringham Planning Scheme — Amendment L12.
Seymour Planning Scheme — Amendments L28 and L30.
Shepparton (City) Planning Scheme — Amendments L48, L49 and L51.
Shepparton (Shire) Planning Scheme — Amendments L58, L60 and L62.
Sherbrooke Planning Scheme — Amendments L74 and L75.
South Melbourne Planning Scheme — Amendment L62.
Springvale Planning Scheme — Amendments L48 and L56.
Stawell (Shire) Planning Scheme — Amendment L18.
Strathfieldsaye Planning Scheme — Amendments L14 and L16.
Sunshine Planning Scheme — Amendments L51 and L68.
Swan Hill (City) Planning Scheme — Amendment L14.
Tambo Planning Scheme — Amendment L59.
Traralgon (City) Planning Scheme — Amendments L44 and L47.
Upper Yarra Planning Scheme — Amendments L31 and L36.
Victoria — All Planning Schemes — Amendment S23.
Wangaratta (City) Planning Scheme — Amendment L19.
Wangaratta (Shire) Planning Scheme — Amendments L11 and L13.

Planning and Environment Act 1987 — *continued*

- Warragul Planning Scheme — Amendments L26 and L27.
- Warrnambool (City) Planning Scheme — Amendment L32.
- Waverley Planning Scheme — Amendments L34 and L46.
- Werribee Planning Scheme — Amendments L52, L58, L60, L61, L63 and L64.
- Whittlesea Planning Scheme — Amendments L34, L87, L92 and L101.
- Williamstown Planning Scheme — Amendments L20, L24 and L26.
- Winchelsea Planning Scheme — Amendments L10 and L11.
- Wodonga Planning Scheme — Amendment L54.
- Wonthaggi Planning Scheme — Amendment L17.
- Yackandandah Planning Scheme — Amendment L18.
- Yarrawonga Planning Scheme — Amendment L22.

Public Authorities Finance Agency — Report, 1992-93 [*in lieu of that Tabled on 26 October 1993*].

Queen Victoria Medical Centre (Guarantees) Act 1982 — Treasurer's notice of guarantees executed, 23 November 1993.

Statutory Rules under the following Acts of Parliament:

- Administrative Appeals Tribunal Act 1984 — No. 225/1993.
- Adoption Act 1984 — Nos. 14 and 15/1994.
- Audit Act 1958 — No. 216/1993.
- Boilers and Pressure Vessels Act 1970 — No. 259/1993.
- Building Control Act 1981 — No. 260/1993.
- Business Franchise (Tobacco) Act 1974 — No. 273/1993.
- Business Names Act 1962 — No. 237/1993.
- Cancer Act 1958 — No. 16/1994.
- Cemeteries Act 1958 — No. 12/1994.
- Chattel Securities Act 1987 — No. 28/1994.
- Construction Industry Long Service Leave Act 1983 — No. 222/1993.
- Country Fire Authority Act 1958 — No. 263/1993.
- Credit Act 1984 — No. 228/1993.
- Electric Light and Power Act 1958—State Electricity Commission Act 1958 — No. 249/1993.
- Environment Protection Act 1970 — No. 227/1993.
- Evidence Act 1958 — No. 226/1993.
- Extractive Industries Act 1966 — No. 239/1993.
- Financial Institutions Duty Act 1982 — No. 274/1993; and No. 26/1994.
- Fisheries Act 1968 — No. 17/1994.
- Forests Act 1958 — No. 8/1994.
- Freedom of Information Act 1982 — No. 236/1993.
- Guardianship and Administration Board Act 1986 — No. 19/1994.
- Health Act 1958 — Nos. 231, 232, 238 and 261/1993; and No. 9/1994.
- Health Services Act 1988 — No. 258/1993.
- Land Tax Act 1958 — Nos. 275 and 276/1993.
- Liquor Control Act 1987 — Nos. 269 and 270/1993.
- Magistrates' Court Act 1989 — No. 234/1993.
- Marine Act 1988 — No. 22/1994.
- Melbourne and Metropolitan Board of Works Act 1958 — No. 235/1993.
- Metropolitan Fire Brigades Act 1958 — No. 262/1993.
- Mineral Resources Development Act 1990 — Nos. 5 to 7/1994.
- Optometrists Registration Act 1958 — No. 18/1994.
- Pay-roll Tax Act 1971 — No. 277/1993.
- Physiotherapists Act 1978 — No. 21/1994.

Statutory Rules — *continued*

Planning and Environment Act 1987 — No. 229/1993.

Public Sector Management Act 1992 — No. 10/1994.

Racing Act 1958 — Nos. 271 and 272/1993; and No. 2/1994.

Road Safety Act 1986 — Nos. 233, 264, 266 and 267/1993; and Nos. 3, 4, 11, 13, 23, 24 and 29/1994.

Royal Botanic Gardens Act 1991 — No. 1/1994.

Stamps Act 1958 — No. 278/1993.

State Electricity Commission Act 1958 — Nos. 240 to 248 and 250 to 257/1993.

State Superannuation Act 1988 — No. 221/1993.

Tobacco Act 1987 — No. 20/1994.

Transfer of Land Act 1958 — No. 220/1993.

Transport Act 1983 — Nos. 265 and 268/1993.

Valuation of Land Act 1960 — No. 224/1993.

Veterinary Surgeons Act 1958 — No. 230/1993.

Water Act 1989 — No. 223/1993.

Wildlife Act 1975 — Nos. 25 and 27/1994.

Swan Hill Pioneer Settlement Authority — Minister for Tourism's report of 10 December 1993 of failure of Authority to submit 1991-92 and 1992-93 annual reports to him within the prescribed period and the reasons therefor.

Transport Act 1983 — Order in Council of 14 December 1993 amending Schedule 8 of the Act.

Upper Yarra Valley and Dandenong Ranges Authority — Report, year ended 30 September 1993.

Wildlife Act 1975 — Notice of closure of areas to hunting, 19 March 1994.

* * * * *

PROCLAMATIONS — Proclamations of His Excellency the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Clerk pursuant to an Order of the Council on 27 October 1992:

Cemeteries (Amendment) Act 1980 — Section 2 — 1 March 1994 (*Gazette* No. G8, 24 February 1994).

City of Greater Geelong Act 1993 — Section 24 — 3 December 1993 (*Gazette* No. S92, 2 December 1993).

Crimes (Amendment) Act 1993 — Section 10 — 21 December 1993 (*Gazette* No. S95, 21 December 1993).

Education (Amendment) Act 1993 — Sections 3 and 11 — 9 December 1993 (*Gazette* No. G48, 9 December 1993).

Electricity Industry Act 1993 — Sections 26, 85, 98 and 99 — 14 December 1993 (*Gazette* No. S93, 14 December 1993); remaining provisions — 3 January 1994 (*Gazette* No. S97, 23 December 1993).

Equal Opportunity (Amendment) Act 1993 — Whole Act (except sections 1 and 2) — 1 March 1994 (*Gazette* No. G8, 24 February 1994).

Institute of Educational Administration (Repeal) Act 1993 — Parts 2, 3 and 4 — 30 November 1993 (*Gazette* No. S90, 30 November 1993).

Juries (Amendment) Act 1993 — 1 February 1994 (*Gazette* No. G4, 27 January 1994).

Melbourne Wholesale Fruit and Vegetable Market Trust (Amendment) Act 1993 — Parts 2 and 3 — 21 December 1993 (*Gazette* No. S95, 21 December 1993).

Proclamations — *continued*

Mineral Resources Development (Amendment) Act 1993 — Sections 4, 5, 7, 9, 10, 11(2), 11(3), 12 to 17, 18(b) to 25, 27 to 31, 33, 34, 36, 38 to 41 and 44 — 17 January 1994 (*Gazette* No. G49, 16 December 1993).

Racing (Further Amendment) Act 1993 — Sections 3, 4 and 7 to 10 — 2 December 1993 (*Gazette* No. G47, 2 December 1993); sections 5 and 6 — 1 February 1994 (*Gazette* No. G2, 13 January 1994).

State Taxation (Amendment) Act 1992 — Part 4 and section 12 — 7 December 1993 (*Gazette* No. G49, 16 December 1993).

TT-Line Gaming Act 1993 — Remaining provisions — 26 November 1993 (*Gazette* No. S87, 26 November 1993).

University of Ballarat Act 1993 — Remaining provisions — 1 January 1994 (*Gazette* No G50, 23 December 1993).

- 19 **ECONOMIC DEVELOPMENT (REPEAL) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.

The Honourable T.C. Theophanous moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 20 **EMPLOYMENT AND TRAINING (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.

The Honourable C.J. Hogg moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 21 **AGENT-GENERAL'S BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.

The Honourable C.J. Hogg (for the Honourable D.R. White) moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 22 **ALBURY-WODONGA AGREEMENT (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable P. Power moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 23 **AUDIT BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable C.J. Hogg (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 24 SMALL BUSINESS DEVELOPMENT CORPORATION (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable W.R. Baxter moved, That this Bill be now read a second time.
The Honourable C.J. Hogg (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until the next day of meeting.
- 25 ADMINISTRATION AND PROBATE (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable Haddon Storey) moved, That this Bill be now read a second time.
The Honourable C.J. Hogg (for the Honourable B.T. Pullen) moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until the next day of meeting.
- 26 MINERAL RESOURCES DEVELOPMENT (FURTHER AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.
The Honourable C.J. Hogg (for the Honourable D.R. White) moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until the next day of meeting.
- 27 PETROLEUM (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.
The Honourable C.J. Hogg (for the Honourable D.R. White) moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until the next day of meeting.
- 28 BORROWING AND INVESTMENT POWERS (FURTHER AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.
The Honourable C.J. Hogg (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until the next day of meeting.
- 29 ADJOURNMENT** — The Honourable R.I. Knowles 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 tomorrow.

A.V. BRAY
Clerk of the Legislative Council

No. 59 — Wednesday, 30 March 1994

1 The President took the Chair and read the Prayer.

2 **LAND (FURTHER MISCELLANEOUS MATTERS) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to revoke the reservations of certain Crown lands, to re-reserve some of those lands for other purposes, to authorise the granting of a lease over certain reserved Crown land, to discharge a trust from other land, to amend the 'Land Act 1958' and the 'Melbourne Lands Act 1987', to repeal the 'Railways (Thomson River Bridge) Act 1962' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable M.A. Birrell, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

3 **PAPERS** —

AUDITOR-GENERAL — The following paper was laid upon the Table by the Clerk pursuant to an Order of the Council on 29 October 1992:

Auditor-General — Report on Grants and Subsidies to Non-Government Organisations, March 1994.

* * * * *

PAPERS PURSUANT TO STATUTE — The following Papers, pursuant to the direction of an Act of Parliament, were laid upon the Table by the Clerk:

Statutory Rules under the following Acts of Parliament:

Magistrates' Court Act 1989 — No. 31.

Wildlife Act 1975 — No. 30.

* * * * *

PROCLAMATION — A proclamation of His Excellency the Governor in Council fixing an operative date in respect of the following Act was laid upon the Table by the Clerk pursuant to an Order of the Council on 27 October 1992:

Meat Industry Act 1993 — Section 91 — 24 March 1994 (*Gazette* No. G12, 24 March 1994).

4 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 3 inclusive, be postponed until the next day of meeting.

5 **STATE ELECTRICITY COMMISSION** — The Honourable T.C. Theophanous moved, That this House condemns the Government for its proposed restructure and privatization of the State Electricity Commission of Victoria which will lead to —

- (a) higher electricity prices for most consumers and small businesses;
- (b) higher electricity prices for regional and country Victoria;
- (c) the establishment of five geographically based distribution companies which will effectively be private monopolies so far as 99 per cent of electricity consumers are concerned;
- (d) the loss of Victoria's most important State asset which has provided a significant income stream to the State;
- (e) the undermining of the fire mitigation program while increasing the burden of fire prevention and fire insurance to country Victorians;
- (f) the undermining of energy conservation and demand management programs;
- (g) the eventual abandonment of all community service obligations; and
- (h) the transfer of private information about individual accounts and electricity usage patterns to private companies.

Debate ensued.

General Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders, the debate stood adjourned in the name of the Honourable R.M. Hallam.

6 JOINT SITTING — UNIVERSITY OF BALLARAT COUNCIL AND VICTORIA UNIVERSITY OF TECHNOLOGY COUNCIL — The President announced the receipt of —

- (a) letters from the Minister for Tertiary Education and Training dated 17 February and 3 March 1994 requesting that arrangements be made for a Joint Sitting of the Council and the Assembly to recommend three Members for appointment to the University of Ballarat Council and one Member for appointment to the Victoria University of Technology Council; 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 Tuesday, 19 April 1994 at 6.00 p.m., and desiring the concurrence of the Council.

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

The Honourable R.I. Knowles moved, by leave, That this House meet the Legislative Assembly for the purpose of sitting and voting together to recommend Members for appointment to the University of Ballarat Council and the Victoria University of Technology Council and, as proposed by the Assembly, the place and time of such meeting be the Legislative Assembly Chamber on Tuesday, 19 April 1994 at 6.00 p.m.

Question — put and resolved in the affirmative.

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

7 LOCAL GOVERNMENT (COMPETITIVE TENDERING) BILL — On the motion of the Honourable R.M. Hallam, leave was given to bring in a Bill to amend the *Local Government Act 1989*, 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.

8 BUSINESS POSTPONED — Ordered — That the consideration of Order of the Day, Government Business, No. 1, be postponed until later this day.

9 EMPLOYMENT AND TRAINING (AMENDMENT) BILL — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders —

10 QUESTIONS — Questions without notice were taken pursuant to Standing Order No. 71A.

11 EMPLOYMENT AND TRAINING (AMENDMENT) BILL — Debate continued on the question, That this Bill be now read a second time.

Question — That this 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.

12 LAND (FURTHER MISCELLANEOUS MATTERS) BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable M.A. Birrell) moved, That this Bill be now read a second time.

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

The Honourable C.J. Hogg (for the Honourable B.T. Pullen) moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

13 ADJOURNMENT — The Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until Tuesday, 19 April 1994.

Question — put and resolved in the affirmative.

The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 5.09 p.m., adjourned until Tuesday, 19 April 1994.

A.V. BRAY
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 59

Tuesday, 19 April 1994

Mr. President takes the Chair at 2.30 p.m.

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- *1 LOCAL GOVERNMENT (COMPETITIVE TENDERING) BILL — (*Hon. R.M. Hallam*)
— Second reading.
- 2 ROAD SAFETY (AMENDMENT) BILL — (*from Assembly — Hon. W.R. Baxter*) —
Second reading — *Resumption of debate.* (*Hon. B.E. Davidson*).
- 3 ECONOMIC DEVELOPMENT (REPEAL) BILL — (*from Assembly — Hon. Haddon*
Storey) — Second reading — *Resumption of debate.* (*Hon. T.C. Theophanous*).
- 4 AGENT-GENERAL'S BILL — (*from Assembly — Hon. Haddon Storey*) — Second
reading — *Resumption of debate.* (*Hon. D.R. White*).
- 5 ALBURY-WODONGA AGREEMENT (AMENDMENT) BILL — (*from Assembly —*
Hon. R.M. Hallam) — Second reading — *Resumption of debate.* (*Hon. P. Power*).
- 6 AUDIT BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading —
Resumption of debate. (*Hon. T.C. Theophanous*).
- 7 SMALL BUSINESS DEVELOPMENT CORPORATION (AMENDMENT) BILL — (*from*
Assembly — Hon. W.R. Baxter) — Second reading — *Resumption of debate.* (*Hon.*
T.C. Theophanous).
- 8 ADMINISTRATION AND PROBATE (AMENDMENT) BILL — (*from Assembly —*
Hon. Haddon Storey) — Second reading — *Resumption of debate.* (*Hon. B.T.*
Pullen).
- 9 MINERAL RESOURCES DEVELOPMENT (FURTHER AMENDMENT) BILL — (*from*
Assembly — Hon. R.M. Hallam) — Second reading — *Resumption of debate.* (*Hon.*
D.R. White).
- 10 PETROLEUM (AMENDMENT) BILL — (*from Assembly — Hon. R.M. Hallam*) —
Second reading — *Resumption of debate.* (*Hon. D.R. White*).
- 11 BORROWING AND INVESTMENT POWERS (FURTHER AMENDMENT) BILL —
(*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate.*
(*Hon. T.C. Theophanous*).
- *12 LAND (FURTHER MISCELLANEOUS MATTERS) BILL — (*from Assembly — Hon.*
M.A. Birrell) — Second reading — *Resumption of debate.* (*Hon. B.T. Pullen*).

*Indicates new entry

GENERAL BUSINESS

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Government for its hasty introduction of ill considered, poorly drafted and divisive legislation that it intends to pass by ambushing the people of Victoria instead of allowing time for community consultation and scrutiny.
- 2 THE HON. D.M. EVANS — To move, That the Council take note of the report of the Auditor-General on Salinity, March 1993.
- 3 THE HON. D.R. WHITE — To move, That the Sessional Orders relating to the Business of the House, adopted by the Council on 28 October 1992, be amended as follows:
In paragraph (b), after "20A," insert "53,".

ORDERS OF THE DAY

- 1 LOCAL GOVERNMENT BOARD — MINISTER'S ANSWER TO QUESTION WITHOUT NOTICE, 6 NOVEMBER 1992 — To be considered.
- 2 PUBLIC SECTOR SUPERANNUATION — Motion to take note of document prepared by the Hon. I.W. Smith, MP, Minister for Finance, 7 April 1993 — (*Hon. D.R. White*) — *Resumption of debate.* (*Hon. Rosemary Varty*).
- 3 STATE SCHOOL CLEANERS — Motion condemning Government for treatment of cleaners before, and on, 31 December 1992 and consequent extra workload and responsibilities imposed on teachers, students and parents — (*Hon. D.A. Nardella*) — *Resumption of debate.* (*Hon. C.J. Hogg*).
- 4 ROAD FUNDS FUEL LEVY — Motion for Trust Fund money derived from 3 cent levy on fuel to be dedicated to stage one of Western Bypass and the Domain tunnel, and for remaining funds to be applied to certain major State arterial roads and, further, that introduction of the tax not proceed until such a commitment is made — (*Hon. D.R. White*) — *Resumption of debate.* (*Hon. G.B. Ashman*).
- 5 INDUSTRIAL RELATIONS — Motion condemning Government for its gross mishandling of industrial relations and for seeking to prevent Victorian workers obtaining Federal award protection — (*Hon. D.T. Walpole*) — *Resumption of debate.* (*Hon. B.W. Mier*).
- 6 STATE SCHOOL EDUCATION SYSTEM — Motion condemning Government for its sustained attack on the system — (*Hon. C.J. Hogg*) — *Resumption of debate.* (*Hon. D.A. Nardella*).
- 7 PROVINCIAL AND RURAL VICTORIA — Motion condemning Government for its continuing neglect and, in particular, its failure to address issues of regionalism, its treatment of country Victorians as second class citizens and its lack of vision for the future — (*Hon. P. Power*) — *Resumption of debate.* (*Hon. D.R. White*).
- 8 WORKCOVER — Motion condemning Government for - (i) dumping additional workers classified as partially incapacitated; (ii) its blanket reclassification of injured workers as partially incapacitated and its refusal to back-pay additional workers who have again been reclassified as seriously injured; (iii) sending invalid termination or

reduction of benefits notices to injured workers and refusing to compensate such workers; and (iv) its failure to establish Medical Panels which have the confidence of workers, employers and the Courts — (Hon. T.C. Theophanous) — *Resumption of debate.* (Hon. R.M. Hallam).

9 VICROADS AND PUBLIC TRANSPORT CORPORATION INFORMATION TECHNOLOGY FUNCTIONS — Motion to refer proposed outsourcing project to Public Accounts and Estimates Committee for investigation — (Hon. R.S. Ives) — *Resumption of debate.* (Hon. B.E. Davidson).

*10 STATE ELECTRICITY COMMISSION — Motion condemning Government for its proposed restructure and privatization — (Hon. T.C. Theophanous) — *Resumption of debate.* (Hon. R.M. Hallam).

* * * *

At 6.00 p.m. —

* JOINT SITTING IN THE LEGISLATIVE ASSEMBLY CHAMBER — Appointments to the Ballarat University and Victoria University of Technology Councils.

A.V. BRAY
Clerk of the Legislative Council

B.A. CHAMBERLAIN
President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

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COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis, B.W. Mier and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (ex-officio), R.A. Best, L. Kokocinski, D.A. Nardella, B.A.E. Skeggs, and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING — The Honourables the President, B.W. Bishop, G.H. Cox, B.W. Mier, D.A. Nardella, B.A.E. Skeggs and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables A.R. Brideson, B.W. Bishop, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS (JOINT) — The Honourables L. Asher, M.M. Gould and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

Tuesday, 19 April 1994

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 28 October 1992 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday	—	2.30 p.m.
Wednesday	—	10.00 a.m.
Thursday	—	10.00 a.m.

Business to take precedence—

Tuesday	—	Government business.
Wednesday	—	General business (until 2.00 p.m.).
Thursday	—	Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 27 October 1992, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

ADJOURNMENT OF BILLS [Effective until 30 June 1994]

By resolution of the Council on 29 March 1994 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 27 May 1994, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in September 1994: Provided that any Bill transmitted from the Legislative Assembly which is in the hands of the Clerk no later than 10.00 a.m. on 30 May 1994 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 60

Wednesday, 20 April 1994

Mr. President takes the Chair at 10.00 a.m.

GENERAL BUSINESS

[To take precedence until 2.00 p.m.]

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Government for its hasty introduction of ill considered, poorly drafted and divisive legislation that it intends to pass by ambushing the people of Victoria instead of allowing time for community consultation and scrutiny.
- 2 THE HON. D.M. EVANS — To move, That the Council take note of the report of the Auditor-General on Salinity, March 1993.
- 3 THE HON. D.R. WHITE — To move, That the Sessional Orders relating to the Business of the House, adopted by the Council on 28 October 1992, be amended as follows:
In paragraph (b), after "20A," insert "53,".
- *4 THE HON. D.R. WHITE — To move, That this House condemns the Government and the Casino Control Authority for allowing substantial modification of the original successful bid for the Melbourne Casino to be considered, so as to operate unfairly against unsuccessful bidders and undermine the selection process, and calls on the Government and the Authority to either —
 - (a) retain the original design which won the bid in September 1993; or
 - (b) re-open the selection process to the original bidders.

ORDERS OF THE DAY

- 1 LOCAL GOVERNMENT BOARD — MINISTER'S ANSWER TO QUESTION WITHOUT NOTICE, 6 NOVEMBER 1992 — To be considered.
- 2 PUBLIC SECTOR SUPERANNUATION — Motion to take note of document prepared by the Hon. I.W. Smith, MP, Minister for Finance, 7 April 1993 — (*Hon. D.R. White*) — *Resumption of debate.* (*Hon. Rosemary Varty*).
- 3 STATE SCHOOL CLEANERS — Motion condemning Government for treatment of cleaners before, and on, 31 December 1992 and consequent extra workload and

*Indicates new entry

responsibilities imposed on teachers, students and parents — (Hon. D.A. Nardella) — *Resumption of debate.* (Hon. C.J. Hogg).

- 4 **ROAD FUNDS FUEL LEVY** — Motion for Trust Fund money derived from 3 cent levy on fuel to be dedicated to stage one of Western Bypass and the Domain tunnel, and for remaining funds to be applied to certain major State arterial roads and, further, that introduction of the tax not proceed until such a commitment is made — (Hon. D.R. White) — *Resumption of debate.* (Hon. G.B. Ashman).
- 5 **INDUSTRIAL RELATIONS** — Motion condemning Government for its gross mishandling of industrial relations and for seeking to prevent Victorian workers obtaining Federal award protection — (Hon. D.T. Walpole) — *Resumption of debate.* (Hon. B.W. Mier).
- 6 **STATE SCHOOL EDUCATION SYSTEM** — Motion condemning Government for its sustained attack on the system — (Hon. C.J. Hogg) — *Resumption of debate.* (Hon. D.A. Nardella).
- 7 **PROVINCIAL AND RURAL VICTORIA** — Motion condemning Government for its continuing neglect and, in particular, its failure to address issues of regionalism, its treatment of country Victorians as second class citizens and its lack of vision for the future — (Hon. P. Power) — *Resumption of debate.* (Hon. D.R. White).
- 8 **WORKCOVER** — Motion condemning Government for - (i) dumping additional workers classified as partially incapacitated; (ii) its blanket reclassification of injured workers as partially incapacitated and its refusal to back-pay additional workers who have again been reclassified as seriously injured; (iii) sending invalid termination or reduction of benefits notices to injured workers and refusing to compensate such workers; and (iv) its failure to establish Medical Panels which have the confidence of workers, employers and the Courts — (Hon. T.C. Theophanous) — *Resumption of debate.* (Hon. R.M. Hallam).
- 9 **VICROADS AND PUBLIC TRANSPORT CORPORATION INFORMATION TECHNOLOGY FUNCTIONS** — Motion to refer proposed outsourcing project to Public Accounts and Estimates Committee for investigation — (Hon. R.S. Ives) — *Resumption of debate.* (Hon. B.E. Davidson).
- 10 **STATE ELECTRICITY COMMISSION** — Motion condemning Government for its proposed restructure and privatization — (Hon. T.C. Theophanous) — *Resumption of debate.* (Hon. R.M. Hallam).

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- 1 **WHEAT MARKETING (AMENDMENT) BILL** — (from Assembly — Hon. W.R. Baxter) — Second reading.
- 2 **MINERAL RESOURCES DEVELOPMENT (FURTHER AMENDMENT) BILL** — (from Assembly — Hon. R.M. Hallam) — Second reading — *Resumption of debate.* (Hon. P. Power).
- 3 **ROAD SAFETY (AMENDMENT) BILL** — (from Assembly — Hon. W.R. Baxter) — Second reading — *Resumption of debate.* (Hon. B.E. Davidson).
- 4 **ECONOMIC DEVELOPMENT (REPEAL) BILL** — (from Assembly — Hon. Haddon Storey) — Second reading — *Resumption of debate.* (Hon. T.C. Theophanous).

Wednesday, 20 April 1994

- 5 **AGENT-GENERAL'S BILL** — (from Assembly — Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. D.R. White).
- 6 **SMALL BUSINESS DEVELOPMENT CORPORATION (AMENDMENT) BILL** — (from Assembly — Hon. W.R. Baxter) — Second reading — Resumption of debate. (Hon. T.C. Theophanous).
- 7 **PETROLEUM (AMENDMENT) BILL** — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. D.R. White).
- 8 **LAND (FURTHER MISCELLANEOUS MATTERS) BILL** — (from Assembly — Hon. M.A. Birrell) — Second reading — Resumption of debate. (Hon. B.T. Pullen).
- 9 **LOCAL GOVERNMENT (COMPETITIVE TENDERING) BILL** — (Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. P. Power).
- ^o*10 **FINANCIAL MANAGEMENT BILL** — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. T.C. Theophanous).
- ^o*11 **FINANCIAL MANAGEMENT (CONSEQUENTIAL AMENDMENTS) BILL** — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. T.C. Theophanous).
- *12 **STATE INSURANCE OFFICE (AMENDMENT) BILL** — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. T.C. Theophanous).
- *13 **FOOD (AMENDMENT) BILL** — (from Assembly — Hon. R.I. Knowles) — Second reading — Resumption of debate. (Hon. C.J. Hogg).
- *14 **DRUGS, POISONS AND CONTROLLED SUBSTANCES (AMENDMENT) BILL** — (from Assembly — Hon. R.I. Knowles) — Second reading — Resumption of debate. (Hon. C.J. Hogg).

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

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COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis, B.W. Mier and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (ex-officio), R.A. Best, L. Kokocinski, D.A. Nardella, B.A.E. Skeggs, and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING — The Honourables the President, B.W. Bishop, G.H. Cox, B.W. Mier, D.A. Nardella, B.A.E. Skeggs and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables A.R. Brideson, B.W. Bishop, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS (JOINT) — The Honourables L. Asher, M.M. Gould and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

Wednesday, 20 April 1994

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 28 October 1992 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday	—	2.30 p.m.
Wednesday	—	10.00 a.m.
Thursday	—	10.00 a.m.

Business to take precedence—

Tuesday	—	Government business.
Wednesday	—	General business (until 2.00 p.m.).
Thursday	—	Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 27 October 1992, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

ADJOURNMENT OF BILLS [Effective until 30 June 1994]

By resolution of the Council on 29 March 1994 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 27 May 1994, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in September 1994: Provided that any Bill transmitted from the Legislative Assembly which is in the hands of the Clerk no later than 10.00 a.m. on 30 May 1994 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 60 and 61

No. 60 — Tuesday, 19 April 1994

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACT** — The Honourable M.A. Birrell presented a Message from His Excellency the Governor informing the Council that he had, on 12 April 1994, given the Royal Assent to the undermentioned Act presented to him by the Clerk of the Parliaments:
Employment and Training (Amendment) Act.
- 3 **FINANCIAL MANAGEMENT BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act relating to financial management, to repeal the 'Public Account Act 1958' and the 'Annual Reporting Act 1983', to make consequential amendments to other Acts and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **FINANCIAL MANAGEMENT (CONSEQUENTIAL AMENDMENTS) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to make amendments to certain Acts consequential on the enactment of the 'Financial Management Act 1994' and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 5 **STATE INSURANCE OFFICE (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'State Insurance Office Act 1984' and the 'State Insurance Office (Sale) Act 1991' and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 6 **FOOD (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Food Act 1984' and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honourable R.I. Knowles, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 7 **DRUGS, POISONS AND CONTROLLED SUBSTANCES (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Drugs, Poisons and Controlled Substances Act 1981' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

8 **QUESTIONS** — Questions without notice were taken and answers were given to certain questions on notice pursuant to Standing Order No. 71A.

9 **PAPERS** —

WORKCOVER — The Honourable R.M. Hallam moved, by leave, That there be laid before this House a copy of the WorkCover Authority Actuarial Report on WorkCover as at 31 December 1993, given to Mr. President pursuant to section 38 of the *Accident Compensation Act 1985*.

Question — put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable R.M. Hallam and ordered to lie on the Table.

* * * * *

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — The Honourable B.A.E. Skeggs presented Alert Digest No. 4 of 1994 from the Scrutiny of Acts and Regulations Committee, together with an Appendix.

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:

Chiropractors Registration Board — Report, 1993 (two papers).

Educational Administration Institute — Report, 1992-93.

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

Bacchus Marsh Planning Scheme — Amendment L35 Part 1.

Berwick Planning Scheme — Amendment L68.

Box Hill Planning Scheme — Amendments L22 and L26.

Broadmeadows Planning Scheme — Amendments L48 and L55.

Buln Buln Planning Scheme — Amendment L27.

Camberwell Planning Scheme — Amendment L37.

Chelsea Planning Scheme — Amendment L9.

Cobram Planning Scheme — Amendments L16 and L17.

Croydon Planning Scheme — Amendment L62.

Dandenong Planning Scheme — Amendment L27.

Deakin Planning Scheme — Amendment L26.

Diamond Valley Planning Scheme — Amendments L36 and L51 to L53.

Eaglehawk Planning Scheme — Amendment L16.

Eltham Planning Scheme — Amendment L31 Part 2.

Fitzroy Planning Scheme — Amendment L33.

Frankston Planning Scheme — Amendment L56.

Greater Geelong Planning Scheme — Amendments R45 and R69.

Hastings Planning Scheme — Amendment L108.

Hawthorn Planning Scheme — Amendment L23.

Keilor Planning Scheme — Amendments L67 and L68.

Knox Planning Scheme — Amendments L67, L68 and L72.

Kyabram Planning Scheme — Amendment L14.

Malvern Planning Scheme — Amendments L23 and L24.

Melbourne Planning Scheme — Amendments L109 and L149.

Moe Planning Scheme — Amendment L29.

Moorabbin Planning Scheme — Amendment L31.

Planning and Environment Act 1987 — *continued*

- Nunawading Planning Scheme — Amendments L68, L72 and L75.
- Oakleigh Planning Scheme — Amendment L35.
- Prahran Planning Scheme — Amendment L44.
- Romsey Planning Scheme — Amendment L30.
- St Kilda Planning Scheme — Amendment L22.
- South Melbourne Planning Scheme — Amendments L75 and L76.
- Springvale Planning Scheme — Amendment L72.
- Sunshine Planning Scheme — Amendment L71.
- Traralgon (Shire) Planning Scheme — Amendment L44.
- Victoria — State Section Planning Schemes — Amendment SR2.
- Waverley Planning Scheme — Amendments L49 and L50.
- Werribee Planning Scheme — Amendments L56, L68 and L70.
- Whittlesea Planning Scheme — Amendment L93.
- Wodonga Planning Scheme — Amendments L55, L58 and L62.
- Yarrawonga Planning Scheme — Amendments L20 and L21 Part 1.

Statutory Rules under the following Acts of Parliament:

- Agricultural Chemicals Act 1958 — No. 46.
- Animal Preparations Act 1987 — No. 45.
- Boilers and Pressure Vessels Act 1970 — Nos. 34 and 35.
- Dangerous Goods Act 1985 — Nos. 36 to 38.
- Intellectually Disabled Persons' Services Act 1986 — No. 32.
- Lifts and Cranes Act 1967 — Nos. 39 and 40.
- Liquor Control Act 1987 — No. 49.
- Local Government Act 1989 — Nos. 47 and 48.
- Meat Industry Act 1993 — No. 44.
- Mineral Resources Development Act 1990 — No. 33.
- Scaffolding Act 1971 — Nos. 41 to 43.

* * * * *

PROCLAMATIONS — Proclamations of His Excellency the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Clerk pursuant to an Order of the Council on 27 October 1992:

- Agricultural and Veterinary Chemicals Act 1992 — Section 19 (6) — 10 March 1994 (*Gazette* No. S13, 25 March 1994).
- Building Act 1993 — Clauses 11(2) and (3) of Schedule 4 — 14 April 1994 (*Gazette* No. G15, 14 April 1994).
- Chattel Securities (Amendment) Act 1993 — Remaining provisions — 11 April 1994 (*Gazette* No. G11, 17 March 1994).
- Land (Miscellaneous Matters) Act 1993 — Section 5 — 31 March 1994 (*Gazette* No. G13, 31 March 1994).
- Local Government (General Amendment) Act 1993 — Section 7 — 31 March 1994 (*Gazette* No. G13, 31 March 1994).

- 10 **LOCAL GOVERNMENT (COMPETITIVE TENDERING) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable P. Power moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 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 ALBURY-WODONGA AGREEMENT (AMENDMENT) BILL — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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 AUDIT BILL — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

Question — put.

The Council divided.

AYES, 27

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 B.W. Bishop
 R.H. Bowden (*Teller*)
 A.R. Brideson
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood
 J.V.C. Guest (*Teller*)
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

NOES, 12

The Hon. B.E. Davidson
 M.M. Gould (*Teller*)
 C.J. Hogg
 R.S. Ives
 L. Kokocinski
 B.W. Mier
 D.A. Nardella
 P. Power (*Teller*)
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole
 D.R. White

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 BUSINESS POSTPONED — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 7 and 8, be postponed until later this day.

- 15 **MINERAL RESOURCES DEVELOPMENT (FURTHER AMENDMENT) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

The Honourable P. Power moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 16 **JOINT SITTING** — The President announced that the time had arrived for this House to meet the Assembly in the Assembly Chamber to recommend Members for appointment to the University of Ballarat Council and the Victoria University of Technology Council.

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

The President reported that at the Joint Sitting, —

The Honourable Richard Strachan de Fegely, M.L.C.,
The Honourable William Desmond McGrath, M.P., and
Mr. Bruce Allan Mildenhall, M.P.,

were duly chosen to be recommended for appointment to the University of Ballarat Council, and

The Honourable Licia Kokocinski, M.L.C.,

was duly chosen to be recommended for appointment to the Victoria University of Technology Council in place of the Honourable J.E. Kirner, M.P.

- 17 **ADMINISTRATION AND PROBATE (AMENDMENT) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

The Honourable B.T. Pullen 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 certain provisions relating to distribution if an intestate leaves a de facto partner have been referred to the Law Reform Committee for inquiry, consideration and report in conjunction with their current inquiry into wills which is due to be reported upon by the last day of the 1994 autumn sittings."

Debate ensued.

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

The Council divided.

AYES, 27

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson (*Teller*)
W.R. Baxter
R.A. Best
B.W. Bishop
R.H. Bowden
A.R. Brideson (*Teller*)
G.H. Cox
G.R. Craige
P.R. Davis
R.S. de Fegely

NOES, 12

The Hon. B.E. Davidson
M.M. Gould
C.J. Hogg
R.S. Ives
L. Kokocinski (*Teller*)
J. McLean (*Teller*)
B.W. Mier
D.A. Nardella
P. Power
B.T. Pullen
T.C. Theophanous
D.T. Walpole

D.M. Evans
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

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

Question — That this 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 Honourable D.M. Evans having reported that the Committee had agreed to the Bill with an amendment, the House ordered the Report to be taken into consideration this day, whereupon 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 an amendment, and desiring their concurrence therein.

- 18 **WHEAT MARKETING (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to increase the functions of the Australian Wheat Board and enable the Board to engage in intra-state trade in barley in Victoria, to amend the 'Wheat Marketing Act 1989' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles (for the Honourable W.R. Baxter), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

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

- 20 **BORROWING AND INVESTMENT POWERS (FURTHER AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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.

- 21 **FOOD (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.

The Honourable C.J. Hogg moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

22 **DRUGS, POISONS AND CONTROLLED SUBSTANCES (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.

The Honourable C.J. Hogg moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

23 **FINANCIAL MANAGEMENT BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable C.J. Hogg (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

24 **FINANCIAL MANAGEMENT (CONSEQUENTIAL AMENDMENTS) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable C.J. Hogg (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

25 **COGNATE BILLS** — The Honourable R.M. Hallam moved, by leave, That this House authorizes and requires the Honourable the President to permit the second reading debate on the Financial Management Bill and the Financial Management (Consequential Amendments) Bill to be taken concurrently.

Question — put and resolved in the affirmative.

26 **STATE INSURANCE OFFICE (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable P. Power (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

27 **ADJOURNMENT** — The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 9.54 p.m., adjourned until tomorrow.

A.V. BRAY
Clerk of the Legislative Council

No. 61 — Wednesday, 20 April 1994

- 1 The President took the Chair and read the Prayer.
- 2 **LEGAL AID COMMISSION (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "An Act to amend the 'Legal Aid Commission Act 1978' and the 'Legal Profession Practice Act 1958'" and desiring the concurrence of the Council therein.
On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 3 **PAPER — SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ANNUAL REPORT** — The Honourable B.A.E. Skeggs presented the first annual report from the Scrutiny of Acts and Regulations Committee, together with Appendices, Extracts from the Proceedings of the Committee and a Minority Report.
Ordered to lie on the Table and to be printed.
- 4 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 3 inclusive, be postponed until later this day.
- 5 **MELBOURNE CASINO** — The Honourable D.R. White moved, That this House condemns the Government and the Casino Control Authority for allowing substantial modification of the original successful bid for the Melbourne Casino to be considered, so as to operate unfairly against unsuccessful bidders and undermine the selection process, and calls on the Government and the Authority to either —
 - (a) retain the original design which won the bid in September 1993; or
 - (b) re-open the selection process to the original bidders.
 Debate ensued.
General Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders, the debate stood adjourned in the name of the Honourable D.A. Nardella.
- 6 **WHEAT MARKETING (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable W.R. Baxter moved, That this Bill be now read a second time.
The Honourable P. Power moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until the next day of meeting.
- 7 **LEGAL AID COMMISSION (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.
The Honourable B.T. Pullen moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until the next day of meeting.
- 8 **BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 2 to 5 inclusive, be postponed until later this day.
- 9 **SMALL BUSINESS DEVELOPMENT CORPORATION (AMENDMENT) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —
Debate resumed.
Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders —
- 10 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order No. 71A.

- 11 **SMALL BUSINESS DEVELOPMENT CORPORATION (AMENDMENT) BILL** — Debate continued on the question, That this Bill be now read a second time.
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 **PETROLEUM (AMENDMENT) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time — Debate resumed.
Question — put.
The Council divided.

AYES, 23

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson
W.R. Baxter
R.A. Best
M.A. Birrell
B.W. Bishop
R.H. Bowden
A.R. Brideson
G.R. Craige
P.R. Davis
R.S. de Fegely
W. Forwood
W.A.N. Hartigan
R.I. Knowles
B.A.E. Skeggs
K.M. Smith
Graeme Stoney
Haddon Storey
C.A. Strong
Rosemary Varty
Dr. R.J.H. Wells (*Teller*)
Sue deC. Wilding (*Teller*)

NOES, 11

The Hon. M.M. Gould
D.E. Henshaw
C.J. Hogg
R.S. Ives
L. Kokocinski
J. McLean
B.W. Mier
D.A. Nardella
B.T. Pullen
D.T. Walpole (*Teller*)
D.R. White (*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.

- 13 **ECONOMIC DEVELOPMENT (REPEAL) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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 **MINERAL RESOURCES DEVELOPMENT (FURTHER AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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 LAND (FURTHER MISCELLANEOUS MATTERS) BILL — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

The Honourable B.T. Pullen 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 redrafted to delete the provisions permitting the granting of a shellgrit extraction lease at Lake Victoria and substitute provisions allowing for alternative ways of sourcing such material in lieu of excavation of parts of declared permanent wildlife reserves."

Debate ensued.

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

The Council divided.

AYES, 25

NOES, 10

The Hon. L. Asher
 G.B. Ashman
 W.R. Baxter
 R.A. Best
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs (*Teller*)
 K.M. Smith
 Graeme Stoney (*Teller*)
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

The Hon. M.M. Gould
 C.J. Hogg
 R.S. Ives
 L. Kokocinski
 J. McLean
 B.W. Mier
 P. Power
 B.T. Pullen (*Teller*)
 T.C. Theophanous
 D.T. Walpole (*Teller*)

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

Question — That this Bill be now read a second time — 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, 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.

16 **CHILDREN AND YOUNG PERSONS (MISCELLANEOUS AMENDMENTS) BILL** —The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Children and Young Persons Act 1989', the 'Community Services Act 1970' and the 'Children and Young Persons (Amendment) Act 1992' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time forthwith.

Accordingly, the Honourable R.I. Knowles moved, That this Bill be now read a second time.

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

The Honourable C.J. Hogg moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

17 **ADJOURNMENT** — The Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until Tuesday next.

Question — put and resolved in the affirmative.

The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 9.58 p.m., adjourned until Tuesday next.

A.V. BRAY
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 61

Tuesday, 26 April 1994

Mr. President takes the Chair at 2.30 p.m.

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- 1 ROAD SAFETY (AMENDMENT) BILL — *(from Assembly — Hon. W.R. Baxter) — Second reading — Resumption of debate. (Hon. B.E. Davidson).*
- 2 AGENT-GENERAL'S BILL — *(from Assembly — Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. D.R. White).*
- ⁰³ FINANCIAL MANAGEMENT BILL — *(from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. T.C. Theophanous).*
- ⁰⁴ FINANCIAL MANAGEMENT (CONSEQUENTIAL AMENDMENTS) BILL — *(from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. T.C. Theophanous).*
- 5 LOCAL GOVERNMENT (COMPETITIVE TENDERING) BILL — *(Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. P. Power).*
- 6 FOOD (AMENDMENT) BILL — *(from Assembly — Hon. R.I. Knowles) — Second reading — Resumption of debate. (Hon. C.J. Hogg).*
- 7 DRUGS, POISONS AND CONTROLLED SUBSTANCES (AMENDMENT) BILL — *(from Assembly — Hon. R.I. Knowles) — Second reading — Resumption of debate. (Hon. C.J. Hogg).*
- *8 CHILDREN AND YOUNG PERSONS (MISCELLANEOUS AMENDMENTS) BILL — *(from Assembly — Hon. R.I. Knowles) — Second reading — Resumption of debate. (Hon. C.J. Hogg).*
- 9 STATE INSURANCE OFFICE (AMENDMENT) BILL — *(from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. T.C. Theophanous).*
- *10 LEGAL AID COMMISSION (AMENDMENT) BILL — *(from Assembly — Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. B.T. Pullen).*

⁰Cognate Bills — *Second reading to be debated concurrently pursuant to Order of the Council on 19 April 1994.*

*Indicates new entry.

- 11 **WHEAT MARKETING (AMENDMENT) BILL** — (*from Assembly* — Hon. W.R. Baxter) — Second reading — *Resumption of debate.* (Hon. P. Power).

GENERAL BUSINESS

NOTICES OF MOTION

- 1 **THE HON. D.R. WHITE** — To move, That this House condemns the Government for its hasty introduction of ill considered, poorly drafted and divisive legislation that it intends to pass by ambushing the people of Victoria instead of allowing time for community consultation and scrutiny.
- 2 **THE HON. D.M. EVANS** — To move, That the Council take note of the report of the Auditor-General on Salinity, March 1993.
- 3 **THE HON. D.R. WHITE** — To move, That the Sessional Orders relating to the Business of the House, adopted by the Council on 28 October 1992, be amended as follows:
In paragraph (b), after "20A," insert "53,".

ORDERS OF THE DAY

- 1 **LOCAL GOVERNMENT BOARD — MINISTER'S ANSWER TO QUESTION WITHOUT NOTICE, 6 NOVEMBER 1992** — To be considered.
- 2 **PUBLIC SECTOR SUPERANNUATION** — Motion to take note of document prepared by the Hon. I.W. Smith, MP, Minister for Finance, 7 April 1993 — (*Hon. D.R. White*) — *Resumption of debate.* (*Hon. Rosemary Varty*).
- 3 **STATE SCHOOL CLEANERS** — Motion condemning Government for treatment of cleaners before, and on, 31 December 1992 and consequent extra workload and responsibilities imposed on teachers, students and parents — (*Hon. D.A. Nardella*) — *Resumption of debate.* (*Hon. C.J. Hogg*).
- 4 **ROAD FUNDS FUEL LEVY** — Motion for Trust Fund money derived from 3 cent levy on fuel to be dedicated to stage one of Western Bypass and the Domain tunnel, and for remaining funds to be applied to certain major State arterial roads and, further, that introduction of the tax not proceed until such a commitment is made — (*Hon. D.R. White*) — *Resumption of debate.* (*Hon. G.B. Ashman*).
- 5 **INDUSTRIAL RELATIONS** — Motion condemning Government for its gross mishandling of industrial relations and for seeking to prevent Victorian workers obtaining Federal award protection — (*Hon. D.T. Walpole*) — *Resumption of debate.* (*Hon. B.W. Mier*).
- 6 **STATE SCHOOL EDUCATION SYSTEM** — Motion condemning Government for its sustained attack on the system — (*Hon. C.J. Hogg*) — *Resumption of debate.* (*Hon. D.A. Nardella*).
- 7 **PROVINCIAL AND RURAL VICTORIA** — Motion condemning Government for its continuing neglect and, in particular, its failure to address issues of regionalism, its treatment of country Victorians as second class citizens and its lack of vision for the future — (*Hon. P. Power*) — *Resumption of debate.* (*Hon. D.R. White*).

Tuesday, 26 April 1994

- 8 **WORKCOVER** — Motion condemning Government for - (i) dumping additional workers classified as partially incapacitated; (ii) its blanket reclassification of injured workers as partially incapacitated and its refusal to back-pay additional workers who have again been reclassified as seriously injured; (iii) sending invalid termination or reduction of benefits notices to injured workers and refusing to compensate such workers; and (iv) its failure to establish Medical Panels which have the confidence of workers, employers and the Courts — (Hon. T.C. Theophanous) — *Resumption of debate.* (Hon. R.M. Hallam).
- 9 **VICROADS AND PUBLIC TRANSPORT CORPORATION INFORMATION TECHNOLOGY FUNCTIONS** — Motion to refer proposed outsourcing project to Public Accounts and Estimates Committee for investigation — (Hon. R.S. Ives) — *Resumption of debate.* (Hon. B.E. Davidson).
- 10 **STATE ELECTRICITY COMMISSION** — Motion condemning Government for its proposed restructure and privatization — (Hon. T.C. Theophanous) — *Resumption of debate.* (Hon. R.M. Hallam).
- *11 **MELBOURNE CASINO** — Motion condemning Government and Casino Control Authority for allowing substantial modification of original bid to be considered and calling for retention of original design or re-opening of selection process — (Hon. D.R. White) — *Resumption of debate.* (Hon. D.A. Nardella).

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

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COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis, B.W. Mier and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (ex-officio), R.A. Best, L. Kokocinski, D.A. Nardella, B.A.E. Skeggs, and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING — The Honourables the President, B.W. Bishop, G.H. Cox, B.W. Mier, D.A. Nardella, B.A.E. Skeggs and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables A.R. Brideson, B.W. Bishop, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS (JOINT) — The Honourables L. Asher, M.M. Gould and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

Tuesday, 26 April 1994

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 28 October 1992 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday	—	2.30 p.m.
Wednesday	—	10.00 a.m.
Thursday	—	10.00 a.m.

Business to take precedence—

Tuesday	—	Government business.
Wednesday	—	General business (until 2.00 p.m.).
Thursday	—	Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 27 October 1992, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

ADJOURNMENT OF BILLS [Effective until 30 June 1994]

By resolution of the Council on 29 March 1994 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 27 May 1994, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in September 1994: Provided that any Bill transmitted from the Legislative Assembly which is in the hands of the Clerk no later than 10.00 a.m. on 30 May 1994 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 62

Wednesday, 27 April 1994

Mr. President takes the Chair at 10.00 a.m.

GENERAL BUSINESS

[To take precedence until 2.00 p.m.]

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Government for its hasty introduction of ill considered, poorly drafted and divisive legislation that it intends to pass by ambushing the people of Victoria instead of allowing time for community consultation and scrutiny.
- 2 THE HON. D.M. EVANS — To move, That the Council take note of the report of the Auditor-General on Salinity, March 1993.
- 3 THE HON. D.R. WHITE — To move, That the Sessional Orders relating to the Business of the House, adopted by the Council on 28 October 1992, be amended as follows:

In paragraph (b), after "20A," insert "53,".

- *4 THE HON. P. POWER — To move, That this House condemns the Government for its unsatisfactory management of local government change, particularly —
 - (a) removing the voice of democratically elected representatives;
 - (b) destroying the independence of local government;
 - (c) threatening the nature and quality of services and programs and the jobs of those who deliver them; and
 - (d) placing in jeopardy the integrity of planning and development processes and decisions;

and for alienating the local government industry and the general community through a program of change based on forced amalgamations, destruction of democracy, administration by commissioners, and failure to give a commitment to conducting early elections in all new municipalities.

ORDERS OF THE DAY

- 1 LOCAL GOVERNMENT BOARD — MINISTER'S ANSWER TO QUESTION WITHOUT NOTICE, 6 NOVEMBER 1992 — To be considered.
-

*Indicates new entry.

- 2 **PUBLIC SECTOR SUPERANNUATION** — Motion to take note of document prepared by the Hon. I.W. Smith, MP, Minister for Finance, 7 April 1993 — (Hon. D.R. White) — *Resumption of debate.* (Hon. Rosemary Varty).
- 3 **STATE SCHOOL CLEANERS** — Motion condemning Government for treatment of cleaners before, and on, 31 December 1992 and consequent extra workload and responsibilities imposed on teachers, students and parents — (Hon. D.A. Nardella) — *Resumption of debate.* (Hon. C.J. Hogg).
- 4 **ROAD FUNDS FUEL LEVY** — Motion for Trust Fund money derived from 3 cent levy on fuel to be dedicated to stage one of Western Bypass and the Domain tunnel, and for remaining funds to be applied to certain major State arterial roads and, further, that introduction of the tax not proceed until such a commitment is made — (Hon. D.R. White) — *Resumption of debate.* (Hon. G.B. Ashman).
- 5 **INDUSTRIAL RELATIONS** — Motion condemning Government for its gross mishandling of industrial relations and for seeking to prevent Victorian workers obtaining Federal award protection — (Hon. D.T. Walpole) — *Resumption of debate.* (Hon. B.W. Mier).
- 6 **STATE SCHOOL EDUCATION SYSTEM** — Motion condemning Government for its sustained attack on the system — (Hon. C.J. Hogg) — *Resumption of debate.* (Hon. D.A. Nardella).
- 7 **PROVINCIAL AND RURAL VICTORIA** — Motion condemning Government for its continuing neglect and, in particular, its failure to address issues of regionalism, its treatment of country Victorians as second class citizens and its lack of vision for the future — (Hon. P. Power) — *Resumption of debate.* (Hon. D.R. White).
- 8 **WORKCOVER** — Motion condemning Government for - (i) dumping additional workers classified as partially incapacitated; (ii) its blanket reclassification of injured workers as partially incapacitated and its refusal to back-pay additional workers who have again been reclassified as seriously injured; (iii) sending invalid termination or reduction of benefits notices to injured workers and refusing to compensate such workers; and (iv) its failure to establish Medical Panels which have the confidence of workers, employers and the Courts — (Hon. T.C. Theophanous) — *Resumption of debate.* (Hon. R.M. Hallam).
- 9 **VICROADS AND PUBLIC TRANSPORT CORPORATION INFORMATION TECHNOLOGY FUNCTIONS** — Motion to refer proposed outsourcing project to Public Accounts and Estimates Committee for investigation — (Hon. R.S. Ives) — *Resumption of debate.* (Hon. B.E. Davidson).
- 10 **STATE ELECTRICITY COMMISSION** — Motion condemning Government for its proposed restructure and privatization — (Hon. T.C. Theophanous) — *Resumption of debate.* (Hon. R.M. Hallam).
- 11 **MELBOURNE CASINO** — Motion condemning Government and Casino Control Authority for allowing substantial modification of original bid to be considered and calling for retention of original design or re-opening of selection process — (Hon. D.R. White) — *Resumption of debate.* (Hon. D.A. Nardella).

Wednesday, 27 April 1994

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- *1 MEDICAL PRACTICE BILL — (from Assembly — Hon. R.I. Knowles) — Second reading.
- 2 CHILDREN AND YOUNG PERSONS (MISCELLANEOUS AMENDMENTS) BILL — (from Assembly — Hon. R.I. Knowles) — Second reading — Resumption of debate. (Hon. C.J. Hogg).
- 3 ROAD SAFETY (AMENDMENT) BILL — (from Assembly — Hon. W.R. Baxter) — Second reading — Resumption of debate. (Hon. B.E. Davidson).
- 4 STATE INSURANCE OFFICE (AMENDMENT) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. T.C. Theophanous).
- 5 LEGAL AID COMMISSION (AMENDMENT) BILL — (from Assembly — Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. B.T. Pullen).
- 6 LOCAL GOVERNMENT (COMPETITIVE TENDERING) BILL — (Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. P. Power).
- *7 FRIENDLY SOCIETIES (BENEFIT FUNDS) BILL — (from Assembly — Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. B.T. Pullen).
- *8 SENTENCING (VICTIM IMPACT STATEMENT) BILL — (from Assembly — Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. B.T. Pullen).
- *9 ENVIRONMENT PROTECTION (GENERAL AMENDMENT) BILL — (from Assembly — Hon. M.A. Birrell) — Second reading — Resumption of debate. (Hon. B.T. Pullen).
- *10 EQUIPMENT (PUBLIC SAFETY) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. D.R. White).
- *11 STATE BANK OF SOUTH AUSTRALIA (TRANSFER OF UNDERTAKING) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. T.C. Theophanous).

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

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COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis, B.W. Mier and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (ex-officio), R.A. Best, L. Kokocinski, D.A. Nardella, B.A.E. Skeggs, and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

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PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

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PUBLIC BODIES REVIEW (JOINT) — The Honourables A.R. Brideson, B.W. Bishop, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS (JOINT) — The Honourables L. Asher, M.M. Gould and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

Wednesday, 27 April 1994

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 28 October 1992 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday	—	2.30 p.m.
Wednesday	—	10.00 a.m.
Thursday	—	10.00 a.m.

Business to take precedence—

Tuesday	—	Government business.
Wednesday	—	General business (until 2.00 p.m.).
Thursday	—	Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 27 October 1992, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

ADJOURNMENT OF BILLS [Effective until 30 June 1994]

By resolution of the Council on 29 March 1994 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 27 May 1994, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in September 1994: Provided that any Bill transmitted from the Legislative Assembly which is in the hands of the Clerk no later than 10.00 a.m. on 30 May 1994 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS

Nos. 62 and 63

No. 62 — Tuesday, 26 April 1994

- 1 The President took the Chair and read the Prayer.
- 2 **FRIENDLY SOCIETIES (BENEFIT FUNDS) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Friendly Societies Act 1986' and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 3 **SENTENCING (VICTIM IMPACT STATEMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Sentencing Act 1991' and the 'Children and Young Persons Act 1989' and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **ENVIRONMENT PROTECTION (GENERAL AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Environment Protection Act 1970', to consequentially amend the 'Parliamentary Committees Act 1968' and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honourable M.A. Birrell, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 5 **EQUIPMENT (PUBLIC SAFETY) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to provide for public safety in relation to prescribed equipment and equipment sites, to amend the 'Occupational Health and Safety Act 1985' and Schedule 4 to the 'Magistrates' Court Act 1989'*" and desiring the concurrence of the Council therein.
On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 6 **MEDICAL PRACTICE BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to make provision for the registration of medical practitioners, the investigation into the professional conduct or fitness to practise of registered medical practitioners, to regulate the advertising of medical services, to establish the Medical Practitioners Board of Victoria and the Medical Practitioners Board Fund of Victoria, to repeal the 'Medical Practitioners Act 1970', to make various amendments to other Acts and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 7 **STATE BANK OF SOUTH AUSTRALIA (TRANSFER OF UNDERTAKING) BILL —**
The President announced the receipt of a Message from the Assembly transmitting a Bill for *"An Act to provide for the transfer of part of the undertaking of the State Bank of South Australia to a company formed to carry on the business of banking under the law of the Commonwealth and for other purposes"* and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 8 **QUESTIONS —** Questions without notice were taken pursuant to Standing Order No. 71A.

- 9 **PAPERS —**

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — The Honourable B.A.E. Skeggs presented Alert Digest No. 5 of 1994 from the Scrutiny of Acts and Regulations Committee, together with an Appendix.

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:

National Parks Act 1975 — Minister's notice of consent to exploration and mining works by Mr. C.R. Douglas in Chiltern Park.

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

Bairnsdale (Shire) Planning Scheme — Amendment L40.

Brunswick Planning Scheme — Amendment L5.

Bungaree Planning Scheme — Amendment L24.

Coburg Planning Scheme — Amendment L37.

Cranbourne Planning Scheme — Amendment L93.

Echuca Planning Scheme — Amendment L26.

Flinders Planning Scheme — Amendment L115.

Healesville Planning Scheme — Amendment L41.

Melbourne Planning Scheme — Amendment L153.

Mildura (City) Planning Scheme — Amendments L41 and L45.

Moorabbin Planning Scheme — Amendment L30.

Mornington Planning Scheme — Amendment L45.

Nathalia Planning Scheme — Amendment L4.

Romsey Planning Scheme — Amendment L31.

Sunshine Planning Scheme — Amendments L34 and L67.

Warrnambool (City) Planning Scheme — Amendments L35, L36, L51 and L54.

Statutory Rules under the following Acts of Parliament:

Drugs, Poisons and Controlled Substances Act 1981 — No. 51.

Financial Institutions Duty Act 1982 — No. 53.

Intellectually Disabled Persons' Services Act 1986 — No. 50.

Latrobe Regional Commission Act 1983 — No. 52.

Tobacco Act 1987 — No. 54.

PROCLAMATION — A Proclamation of His Excellency the Governor in Council fixing an operative date in respect of the following Act was laid upon the Table by the Clerk pursuant to an Order of the Council on 27 October 1992:

Occupational Health and Safety (Miscellaneous Amendments) Act 1993 — Sections 5 and 6 — 28 February 1994 (*Gazette* No. S6, 4 March 1994).

10 **BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 1, be postponed until later this day.

11 **AGENT-GENERAL'S BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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 **FINANCIAL MANAGEMENT BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time [the Financial Management (Consequential Amendments) Bill having been authorized to be debated concurrently pursuant to an Order of the Council on 19 April 1994] and, after further debate, the question being put 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 **FINANCIAL MANAGEMENT (CONSEQUENTIAL AMENDMENTS) BILL** — The concurrent second reading debate having concluded —

Question — That this 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 Honourable D.M. Evans having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon 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 therein.

14 **BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 5 to 10 inclusive, be postponed until later this day.

15 **WHEAT MARKETING (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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 **FOOD (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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 DRUGS, POISONS AND CONTROLLED SUBSTANCES (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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 EQUIPMENT (PUBLIC SAFETY) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable R.M. Hallam) moved, That this Bill be now read a second time.
The Honourable C.J. Hogg (for the Honourable D.R. White) moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until the next day of meeting.
- 19 FRIENDLY SOCIETIES (BENEFIT FUNDS) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable Haddon Storey) moved, That this Bill be now read a second time.
The Honourable C.J. Hogg (for the Honourable B.T. Pullen) moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until the next day of meeting.
- 20 STATE BANK OF SOUTH AUSTRALIA (TRANSFER OF UNDERTAKING) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable R.M. Hallam) moved, That this Bill be now read a second time.
The Honourable C.J. Hogg (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until the next day of meeting.
- 21 BUSINESS OF THE HOUSE** — The Honourable R.I. Knowles moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 10.00 p.m. during the sitting of the Council this day.
Question — put and resolved in the affirmative.
- 22 SENTENCING (VICTIM IMPACT STATEMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable Haddon Storey) moved, That this Bill be now read a second time.
The Honourable C.J. Hogg (for the Honourable B.T. Pullen) moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until the next day of meeting.
- 23 ENVIRONMENT PROTECTION (GENERAL AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable M.A. Birrell moved, That this Bill be now read a second time.
The Honourable B.T. Pullen moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until the next day of meeting.

24 **ADJOURNMENT** — The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 10.56 p.m., adjourned until tomorrow.

A.V. BRAY
Clerk of the Legislative Council

No. 63 — Wednesday, 27 April 1994

1 The President took the Chair and read the Prayer.

2 **PAPERS** —

AUTUMN ECONOMIC STATEMENT — The Honourable R.M. Hallam moved, by leave, That there be laid before this House a copy of the Autumn Economic Statement, April 1994, presented by the Honourable Alan Stockdale, MP, Treasurer of Victoria, to the Legislative Assembly on 26 April 1994, and the Treasurer's Speech thereon.

Question — put and resolved in the affirmative.

The said Papers were thereupon presented by the Honourable R.M. Hallam and ordered to lie on the Table.

The Honourable R.M. Hallam 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.

* * * * *

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

Adult Education Council — Report, 1993.

3 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 3 inclusive, be postponed until later this day.

4 **LOCAL GOVERNMENT CHANGE** — The Honourable P. Power moved, That this House condemns the Government for its unsatisfactory management of local government change, particularly —

- (a) removing the voice of democratically elected representatives;
- (b) destroying the independence of local government;
- (c) threatening the nature and quality of services and programs and the jobs of those who deliver them; and
- (d) placing in jeopardy the integrity of planning and development processes and decisions;

and for alienating the local government industry and the general community through a program of change based on forced amalgamations, destruction of democracy, administration by commissioners, and failure to give a commitment to conducting early elections in all new municipalities.

Debate ensued.

General Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders, the debate stood adjourned in the name of the Honourable D.T. Walpole.

- 5 **ASSENT TO ACTS** — The Honourable M.A. Birrell presented a Message from His Excellency the Deputy 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 Act*
Albury-Wodonga Agreement (Amendment) Act
Borrowing and Investment Powers (Further Amendment) Act
Economic Development (Repeal) Act
Land (Further Miscellaneous Matters) Act
Mineral Resources Development (Further Amendment) Act
Petroleum (Amendment) Act
Small Business Development Corporation (Amendment) Act.
- 6 **BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 1, be postponed until later this day.
- 7 **CHILDREN AND YOUNG PERSONS (MISCELLANEOUS AMENDMENTS) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —
- Debate resumed.
Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders —
- 8 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order No. 71A.
- 9 **CHILDREN AND YOUNG PERSONS (MISCELLANEOUS AMENDMENTS) 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 with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council 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 **BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 3, be postponed until later this day.
- 11 **STATE INSURANCE OFFICE (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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 **ACCIDENT COMPENSATION (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "An Act to amend the 'Accident Compensation Act 1985', the 'Accident Compensation (WorkCover Insurance) Act 1993', the 'Workers Compensation Act 1958', the 'Transport Accident Act 1986', the 'Corrections Act 1986' and certain other Acts and for other purposes" and desiring the concurrence of the Council therein.
 On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 13 **ROAD SAFETY (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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.

House in Committee.

The President resumed the Chair; and the Honourable D.M. Evans having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon 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 therein.

- 14 **MEDICAL PRACTICE BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.

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

The Honourable C.J. Hogg moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 15 **LEGAL AID COMMISSION (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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 **LOCAL GOVERNMENT (COMPETITIVE TENDERING) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

Question — put.

The Council divided.

AYES, 24

The Hon. L. Asher (*Teller*)
 G.B. Ashman (*Teller*)
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 W. Forwood
 P.R. Hall

NOES, 9

The Hon. B.E. Davidson
 C.J. Hogg
 R.S. Ives (*Teller*)
 L. Kokocinski
 D.A. Nardella
 P. Power
 B.T. Pullen
 T.C. Thephanous
 D.T. Walpole (*Teller*)

R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Dr. R.J.H. Wells
 Sue deC. Wilding

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 Honourable D.M. Evans having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, 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 therein.

- 17 **TRANSPORT (FURTHER AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Transport Act 1983', the 'Road Safety Act 1986' and the 'Transport (Amendment) Act 1993' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles (for the Honourable W.R. Baxter), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 18 **WITNESS PROTECTION (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Witness Protection Act 1991' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles (for the Honourable W.R. Baxter), the Bill transmitted by the foregoing Message 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 Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until Tuesday next.

Question — put and resolved in the affirmative.

The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 10.59 p.m., adjourned until Tuesday next.

A.V. BRAY
 Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 63

Tuesday, 3 May 1994

Mr. President takes the Chair at 2.30 p.m.

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- *1 ACCIDENT COMPENSATION (AMENDMENT) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading.
- *2 TRANSPORT (FURTHER AMENDMENT) BILL — (*from Assembly — Hon. W.R. Baxter*) — Second reading.
- *3 WITNESS PROTECTION (AMENDMENT) BILL — (*from Assembly — Hon. W.R. Baxter*) — Second reading.
- 4 FRIENDLY SOCIETIES (BENEFIT FUNDS) BILL — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).
- 5 STATE BANK OF SOUTH AUSTRALIA (TRANSFER OF UNDERTAKING) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate.* (Hon. T.C. Theophanous).
- 6 SENTENCING (VICTIM IMPACT STATEMENT) BILL — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).
- 7 ENVIRONMENT PROTECTION (GENERAL AMENDMENT) BILL — (*from Assembly — Hon. M.A. Birrell*) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).
- 8 EQUIPMENT (PUBLIC SAFETY) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate.* (Hon. D.R. White).
- 9 MEDICAL PRACTICE BILL — (*from Assembly — Hon. R.I. Knowles*) — Second reading — *Resumption of debate.* (Hon. C.J. Hogg).
- *10 AUTUMN ECONOMIC STATEMENT AND TREASURER'S SPEECH, APRIL 1994 — To be considered.

*Indicates new entry.

GENERAL BUSINESS

NOTICES OF MOTION

- 1 **THE HON. D.R. WHITE** — To move, That this House condemns the Government for its hasty introduction of ill considered, poorly drafted and divisive legislation that it intends to pass by ambushing the people of Victoria instead of allowing time for community consultation and scrutiny.
- 2 **THE HON. D.M. EVANS** — To move, That the Council take note of the report of the Auditor-General on Salinity, March 1993.
- 3 **THE HON. D.R. WHITE** — To move, That the Sessional Orders relating to the Business of the House, adopted by the Council on 28 October 1992, be amended as follows:

In paragraph (b), after "20A," insert "53,".

ORDERS OF THE DAY

- 1 **LOCAL GOVERNMENT BOARD — MINISTER'S ANSWER TO QUESTION WITHOUT NOTICE, 6 NOVEMBER 1992** — To be considered.
- 2 **PUBLIC SECTOR SUPERANNUATION** — Motion to take note of document prepared by the Hon. I.W. Smith, MP, Minister for Finance, 7 April 1993 — (*Hon. D.R. White*) — *Resumption of debate.* (*Hon. Rosemary Varty*).
- 3 **STATE SCHOOL CLEANERS** — Motion condemning Government for treatment of cleaners before, and on, 31 December 1992 and consequent extra workload and responsibilities imposed on teachers, students and parents — (*Hon. D.A. Nardella*) — *Resumption of debate.* (*Hon. C.J. Hogg*).
- 4 **ROAD FUNDS FUEL LEVY** — Motion for Trust Fund money derived from 3 cent levy on fuel to be dedicated to stage one of Western Bypass and the Domain tunnel, and for remaining funds to be applied to certain major State arterial roads and, further, that introduction of the tax not proceed until such a commitment is made — (*Hon. D.R. White*) — *Resumption of debate.* (*Hon. G.B. Ashman*).
- 5 **INDUSTRIAL RELATIONS** — Motion condemning Government for its gross mishandling of industrial relations and for seeking to prevent Victorian workers obtaining Federal award protection — (*Hon. D.T. Walpole*) — *Resumption of debate.* (*Hon. B.W. Mier*).
- 6 **STATE SCHOOL EDUCATION SYSTEM** — Motion condemning Government for its sustained attack on the system — (*Hon. C.J. Hogg*) — *Resumption of debate.* (*Hon. D.A. Nardella*).
- 7 **PROVINCIAL AND RURAL VICTORIA** — Motion condemning Government for its continuing neglect and, in particular, its failure to address issues of regionalism, its treatment of country Victorians as second class citizens and its lack of vision for the future — (*Hon. P. Power*) — *Resumption of debate.* (*Hon. D.R. White*).
- 8 **WORKCOVER** — Motion condemning Government for - (i) dumping additional workers classified as partially incapacitated; (ii) its blanket reclassification of injured workers as partially incapacitated and its refusal to back-pay additional workers who have again been reclassified as seriously injured; (iii) sending invalid termination or

Tuesday, 3 May 1994

reduction of benefits notices to injured workers and refusing to compensate such workers; and (iv) its failure to establish Medical Panels which have the confidence of workers, employers and the Courts — (Hon. T.C. Theophanous) — *Resumption of debate.* (Hon. R.M. Hallam).

- 9 **VICROADS AND PUBLIC TRANSPORT CORPORATION INFORMATION TECHNOLOGY FUNCTIONS** — Motion to refer proposed outsourcing project to Public Accounts and Estimates Committee for investigation — (Hon. R.S. Ives) — *Resumption of debate.* (Hon. B.E. Davidson).
- 10 **STATE ELECTRICITY COMMISSION** — Motion condemning Government for its proposed restructure and privatization — (Hon. T.C. Theophanous) — *Resumption of debate.* (Hon. R.M. Hallam).
- 11 **MELBOURNE CASINO** — Motion condemning Government and Casino Control Authority for allowing substantial modification of original bid to be considered and calling for retention of original design or re-opening of selection process — (Hon. D.R. White) — *Resumption of debate.* (Hon. D.A. Nardella).
- *12 **LOCAL GOVERNMENT CHANGE** — Motion condemning Government for its unsatisfactory management of local government change and for alienating the local government industry — (Hon. P. Power) — *Resumption of debate.* (Hon. D.T. Walpole).

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

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COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis, B.W. Mier and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (ex-officio), R.A. Best, L. Kokocinski, D.A. Nardella, B.A.E. Skeggs, and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING — The Honourables the President, B.W. Bishop, G.H. Cox, B.W. Mier, D.A. Nardella, B.A.E. Skeggs and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables A.R. Brideson, B.W. Bishop, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS (JOINT) — The Honourables L. Asher, M.M. Gould and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

Tuesday, 3 May 1994

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 28 October 1992 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday	—	2.30 p.m.
Wednesday	—	10.00 a.m.
Thursday	—	10.00 a.m.

Business to take precedence—

Tuesday	—	Government business.
Wednesday	—	General business (until 2.00 p.m.).
Thursday	—	Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 27 October 1992, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

ADJOURNMENT OF BILLS [Effective until 30 June 1994]

By resolution of the Council on 29 March 1994 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 27 May 1994, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in September 1994: Provided that any Bill transmitted from the Legislative Assembly which is in the hands of the Clerk no later than 10.00 a.m. on 30 May 1994 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 64

Wednesday, 4 May 1994

Mr. President takes the Chair at 10.00 a.m.

GENERAL BUSINESS

[To take precedence until 2.00 p.m.]

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Government for its hasty introduction of ill considered, poorly drafted and divisive legislation that it intends to pass by ambushing the people of Victoria instead of allowing time for community consultation and scrutiny.
- 2 THE HON. D.M. EVANS — To move, That the Council take note of the report of the Auditor-General on Salinity, March 1993.
- 3 THE HON. D.R. WHITE — To move, That the Sessional Orders relating to the Business of the House, adopted by the Council on 28 October 1992, be amended as follows:

In paragraph (b), after "20A," insert "53,".
- *4 THE HON. D.R. WHITE — To move, That this House condemns the Premier for his failure to —
 - (a) abide by the rules set down by the Chairman of the Casino Control Authority in relation to the selection process;
 - (b) remove Mr. Ron Walker as Chairman of Melbourne Major Events Company Limited, because of a conflict of interest, after the selection of Crown Casino as the winning bidder for the Melbourne casino; and
 - (c) remove Mr. Ron Walker as Chairman of Melbourne Major Events Company Limited and Melbourne (Grand Prix) Promotions Pty Ltd, because of conflict of interest, after Victoria won the Grand Prix bid.

ORDERS OF THE DAY

- 1 LOCAL GOVERNMENT BOARD — MINISTER'S ANSWER TO QUESTION WITHOUT NOTICE, 6 NOVEMBER 1992 — To be considered.

- 2 **PUBLIC SECTOR SUPERANNUATION** — Motion to take note of document prepared by the Hon. I.W. Smith, MP, Minister for Finance, 7 April 1993 — (Hon. D.R. White) — *Resumption of debate.* (Hon. Rosemary Varty).
- 3 **STATE SCHOOL CLEANERS** — Motion condemning Government for treatment of cleaners before, and on, 31 December 1992 and consequent extra workload and responsibilities imposed on teachers, students and parents — (Hon. D.A. Nardella) — *Resumption of debate.* (Hon. C.J. Hogg).
- 4 **ROAD FUNDS FUEL LEVY** — Motion for Trust Fund money derived from 3 cent levy on fuel to be dedicated to stage one of Western Bypass and the Domain tunnel, and for remaining funds to be applied to certain major State arterial roads and, further, that introduction of the tax not proceed until such a commitment is made — (Hon. D.R. White) — *Resumption of debate.* (Hon. G.B. Ashman).
- 5 **INDUSTRIAL RELATIONS** — Motion condemning Government for its gross mishandling of industrial relations and for seeking to prevent Victorian workers obtaining Federal award protection — (Hon. D.T. Walpole) — *Resumption of debate.* (Hon. B.W. Mier).
- 6 **STATE SCHOOL EDUCATION SYSTEM** — Motion condemning Government for its sustained attack on the system — (Hon. C.J. Hogg) — *Resumption of debate.* (Hon. D.A. Nardella).
- 7 **PROVINCIAL AND RURAL VICTORIA** — Motion condemning Government for its continuing neglect and, in particular, its failure to address issues of regionalism, its treatment of country Victorians as second class citizens and its lack of vision for the future — (Hon. P. Power) — *Resumption of debate.* (Hon. D.R. White).
- 8 **WORKCOVER** — Motion condemning Government for - (i) dumping additional workers classified as partially incapacitated; (ii) its blanket reclassification of injured workers as partially incapacitated and its refusal to back-pay additional workers who have again been reclassified as seriously injured; (iii) sending invalid termination or reduction of benefits notices to injured workers and refusing to compensate such workers; and (iv) its failure to establish Medical Panels which have the confidence of workers, employers and the Courts — (Hon. T.C. Theophanous) — *Resumption of debate.* (Hon. R.M. Hallam).
- 9 **VICROADS AND PUBLIC TRANSPORT CORPORATION INFORMATION TECHNOLOGY FUNCTIONS** — Motion to refer proposed outsourcing project to Public Accounts and Estimates Committee for investigation — (Hon. R.S. Ives) — *Resumption of debate.* (Hon. B.E. Davidson).
- 10 **STATE ELECTRICITY COMMISSION** — Motion condemning Government for its proposed restructure and privatization — (Hon. T.C. Theophanous) — *Resumption of debate.* (Hon. R.M. Hallam).
- 11 **MELBOURNE CASINO** — Motion condemning Government and Casino Control Authority for allowing substantial modification of original bid to be considered and calling for retention of original design or re-opening of selection process — (Hon. D.R. White) — *Resumption of debate.* (Hon. D.A. Nardella).
- 12 **LOCAL GOVERNMENT CHANGE** — Motion condemning Government for its unsatisfactory management of local government change and for alienating the local government industry — (Hon. P. Power) — *Resumption of debate.* (Hon. D.T. Walpole).

*13 PRODUCTIVITY IN THE VICTORIAN BUILDING AND CONSTRUCTION INDUSTRY — ECONOMIC DEVELOPMENT COMMITTEE'S REPORT — To be considered.

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- 1 ENVIRONMENT PROTECTION (GENERAL AMENDMENT) BILL — (from Assembly — Hon. M.A. Birrell) — Second reading — Resumption of debate. (Hon. B.T. Pullen).
- 2 MEDICAL PRACTICE BILL — (from Assembly — Hon. R.I. Knowles) — Second reading — Resumption of debate. (Hon. C.J. Hogg).
- 3 WITNESS PROTECTION (AMENDMENT) BILL — (from Assembly — Hon. W.R. Baxter) — Second reading — Resumption of debate. (Hon. B.T. Pullen).
- *4 NATIONAL CRIME AUTHORITY (STATE PROVISIONS) (AMENDMENT) BILL — (from Assembly — Hon. W.R. Baxter) — Second reading — Resumption of debate. (Hon. B.T. Pullen).
- *5 ALCOHOLICS AND DRUG-DEPENDENT PERSONS (AMENDMENT) BILL — (from Assembly — Hon. R.I. Knowles) — Second reading — Resumption of debate. (Hon. C.J. Hogg).
- 6 TRANSPORT (FURTHER AMENDMENT) BILL — (from Assembly — Hon. W.R. Baxter) — Second reading — Resumption of debate. (Hon. P. Power).
- 7 ACCIDENT COMPENSATION (AMENDMENT) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. T.C. Theophanous).
- 8 AUTUMN ECONOMIC STATEMENT AND TREASURER'S SPEECH, APRIL 1994 — To be considered.

A.V. BRAY
Clerk of the Legislative Council

B.A. CHAMBERLAIN
President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

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COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis, B.W. Mier and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (ex-officio), R.A. Best, L. Kokocinski, D.A. Nardella, B.A.E. Skeggs, and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING — The Honourables the President, B.W. Bishop, G.H. Cox, B.W. Mier, D.A. Nardella, B.A.E. Skeggs and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables A.R. Brideson, B.W. Bishop, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS (JOINT) — The Honourables L. Asher, M.M. Gould and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

Wednesday, 4 May 1994

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 28 October 1992 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday	—	2.30 p.m.
Wednesday	—	10.00 a.m.
Thursday	—	10.00 a.m.

Business to take precedence—

Tuesday	—	Government business.
Wednesday	—	General business (until 2.00 p.m.).
Thursday	—	Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 27 October 1992, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

ADJOURNMENT OF BILLS [Effective until 30 June 1994]

By resolution of the Council on 29 March 1994 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 27 May 1994, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in September 1994: Provided that any Bill transmitted from the Legislative Assembly which is in the hands of the Clerk no later than 10.00 a.m. on 30 May 1994 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS

Nos. 64 and 65

No. 64 — Tuesday, 3 May 1994

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The Honourable M.A. Birrell presented a Message from His Excellency 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:
 - Administration and Probate (Amendment) Act*
 - Agent-General's Act*
 - Drugs, Poisons and Controlled Substances (Amendment) Act*
 - Food (Amendment) Act*
 - Legal Aid Commission (Amendment) Act*
 - State Insurance Office (Amendment) Act*
 - Wheat Marketing (Amendment) Act.*
- 3 **NATIONAL CRIME AUTHORITY (STATE PROVISIONS) (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'National Crime Authority (State Provisions) Act 1984'*" and desiring the concurrence of the Council therein.

On the motion of the Honourable W.R. Baxter, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **ALCOHOLICS AND DRUG-DEPENDENT PERSONS (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Alcoholics and Drug-dependent Persons Act 1968' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 5 **MESSAGES FROM THE 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:
 - Administration and Probate (Amendment) Bill
 - Road Safety (Amendment) Bill.
- 6 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order No. 71A.
- 7 **PETITION — VOLUNTARY STUDENT UNIONISM** — The Honourable A.R. Brideson presented a Petition bearing 2,987 signatures from certain citizens of Victoria praying that legislation be introduced and passed at the earliest opportunity to enshrine freedom of association and ensure full voluntary student unionism.

Ordered to lie on the Table.

8 PAPERS —

ECONOMIC DEVELOPMENT COMMITTEE — VICTORIAN BUILDING AND CONSTRUCTION INDUSTRY — The Honourable G.B. Ashman presented a Report from the Economic Development Committee upon Productivity in the Victorian Building and Construction Industry, together with Appendices, Extracts from the Proceedings of the Committee, a Minority Report and Minutes of Evidence.

Ordered to lie on the Table and the Report, Appendices, Extracts from the Proceedings of the Committee and Minority Report to be printed.

The Honourable G.B. Ashman moved, That the Report be taken into consideration on the next day of meeting.

Question — put and resolved in the affirmative.

* * * * *

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — The Honourable B.A.E. Skeggs presented Alert Digest No. 6 of 1994 from the Scrutiny of Acts and Regulations Committee, together with an Appendix.

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:

Casino (Management Agreement) Act 1993 — Authorised changes to Drawings relating to the Temporary Casino Complex pursuant to section 16(2) of the Act (eight papers).

Exhibition Trust — Report, 1993.

Land Protection Council — Report, 1992-93.

Pharmacy Board — Report, 1993.

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

Eltham Planning Scheme — Amendment L36 Part 1.

Knox Planning Scheme — Amendment L47.

Prahran Planning Scheme — Amendment L46.

Rochester Planning Scheme — Amendment L9.

Rodney Planning Scheme — Amendments L62 and L66.

St. Kilda Planning Scheme — Amendment L31.

Wimmera Planning Scheme — Amendment L12 Part 1.

Royal District Nursing Service — Report, 1992-93 (two papers).

9 **ACCIDENT COMPENSATION (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable T.C. Theophanous moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

10 **TRANSPORT (FURTHER AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable W.R. Baxter moved, That this Bill be now read a second time.

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

The Honourable P. Power moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 11 **WITNESS PROTECTION (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable W.R. Baxter moved, That this Bill be now read a second time.
The Honourable B.T. Pullen moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until the next day of meeting.
- 12 **NATIONAL CRIME AUTHORITY (STATE PROVISIONS) (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable W.R. Baxter moved, That this Bill be now read a second time.
The Honourable B.T. Pullen moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until the next day of meeting.
- 13 **ALCOHOLICS AND DRUG-DEPENDENT PERSONS (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.
The Honourable B.T. Pullen (for the Honourable C.J. Hogg) moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until the next day of meeting.
- 14 **FRIENDLY SOCIETIES (BENEFIT FUNDS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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 **STATE BANK OF SOUTH AUSTRALIA (TRANSFER OF UNDERTAKING) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time —
The Honourable B.T. Pullen moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until later this day.
- 16 **SENTENCING (VICTIM IMPACT STATEMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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 Honourable D.M. Evans 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 **STATE BANK OF SOUTH AUSTRALIA (TRANSFER OF UNDERTAKING) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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 **BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 7, be postponed until later this day.

19 **EQUIPMENT (PUBLIC SAFETY) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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 **ADJOURNMENT** — The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 8.39 p.m., adjourned until tomorrow.

A.V. BRAY
Clerk of the Legislative Council

No. 65 — Wednesday, 4 May 1994

1 The President took the Chair and read the Prayer.

2 **PAPERS** —

ENVIRONMENT AND NATURAL RESOURCES COMMITTEE — EDUCTOR DREDGING — The Honourable B.T. Pullen presented a Report from the Environment and Natural Resources Committee upon Eductor Dredging in Victoria, together with Appendices, Extracts from the Proceedings of the Committee, a Minority Report and Minutes of Evidence.

Ordered to lie on the Table and the Report, Appendices, Extracts from the Proceedings of the Committee and Minority Report to be printed.

3 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 3 inclusive, be postponed until later this day.

4 **MELBOURNE CASINO AND GRAND PRIX** — The Honourable D.R. White moved, That this House condemns the Premier for his failure to —

(a) abide by the rules set down by the Chairman of the Casino Control Authority in relation to the selection process;

(b) remove Mr. Ron Walker as Chairman of Melbourne Major Events Company Limited, because of a conflict of interest, after the selection of Crown Casino as the winning bidder for the Melbourne casino; and

(c) remove Mr. Ron Walker as Chairman of Melbourne Major Events Company Limited and Melbourne (Grand Prix) Promotions Pty Ltd, because of conflict of interest, after Victoria won the Grand Prix bid.

Debate ensued.

Question — put.

The Council divided.

AYES, 12

The Hon. B.E. Davidson
D.E. Henshaw (*Teller*)
C.J. Hogg
R.S. Ives
L. Kokocinski (*Teller*)
B.W. Mier

NOES, 26

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson
W.R. Baxter
R.A. Best
B.W. Bishop

D.A. Nardella
 P. Power
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole
 D.R. White

R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige (*Teller*)
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood (*Teller*)
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

And so it passed in the negative.

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

6 **VICTORIAN BUILDING AND CONSTRUCTION INDUSTRY — PRODUCTIVITY** — The Order of the Day having been read for the consideration of the Economic Development Committee's Report —

The Honourable G.B. Ashman moved, That the Council take note of the report of the Economic Development Committee upon Productivity in the Victorian Building and Construction Industry.

Debate ensued.

Question — put and resolved in the affirmative.

7 **BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 1, be postponed until later this day.

8 **MEDICAL PRACTICE BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time — Debate resumed.

Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders —

9 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order No. 71A.

10 **MEDICAL PRACTICE 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 with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council 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 **ENVIRONMENT PROTECTION (GENERAL AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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 Honourable D.M. Evans 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 ADJOURNMENT — The Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until Tuesday, 17 May 1994.

Question — put and resolved in the affirmative.

The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 6.39 p.m., adjourned until Tuesday, 17 May 1994.

A.V. BRAY
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 65

Tuesday, 17 May 1994

Mr. President takes the Chair at 2.30 p.m.

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- 1 ACCIDENT COMPENSATION (AMENDMENT) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate.* (*Hon. T.C. Theophanous*).
- 2 WITNESS PROTECTION (AMENDMENT) BILL — (*from Assembly — Hon. W.R. Baxter*) — Second reading — *Resumption of debate.* (*Hon. B.T. Pullen*).
- 3 NATIONAL CRIME AUTHORITY (STATE PROVISIONS) (AMENDMENT) BILL — (*from Assembly — Hon. W.R. Baxter*) — Second reading — *Resumption of debate.* (*Hon. B.T. Pullen*).
- 4 ALCOHOLICS AND DRUG-DEPENDENT PERSONS (AMENDMENT) BILL — (*from Assembly — Hon. R.I. Knowles*) — Second reading — *Resumption of debate.* (*Hon. C.J. Hogg*).
- 5 TRANSPORT (FURTHER AMENDMENT) BILL — (*from Assembly — Hon. W.R. Baxter*) — Second reading — *Resumption of debate.* (*Hon. P. Power*).
- 6 AUTUMN ECONOMIC STATEMENT AND TREASURER'S SPEECH, APRIL 1994 — To be considered.

GENERAL BUSINESS

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Government for its hasty introduction of ill considered, poorly drafted and divisive legislation that it intends to pass by ambushing the people of Victoria instead of allowing time for community consultation and scrutiny.
- 2 THE HON. D.M. EVANS — To move, That the Council take note of the report of the Auditor-General on Salinity, March 1993.
- 3 THE HON. D.R. WHITE — To move, That the Sessional Orders relating to the Business of the House, adopted by the Council on 28 October 1992, be amended as follows:

In paragraph (b), after "20A," insert "53,".

ORDERS OF THE DAY

- 1 **LOCAL GOVERNMENT BOARD — MINISTER'S ANSWER TO QUESTION WITHOUT NOTICE, 6 NOVEMBER 1992** — To be considered.
- 2 **PUBLIC SECTOR SUPERANNUATION** — Motion to take note of document prepared by the Hon. I.W. Smith, MP, Minister for Finance, 7 April 1993 — (Hon. D.R. White) — *Resumption of debate.* (Hon. Rosemary Varty).
- 3 **STATE SCHOOL CLEANERS** — Motion condemning Government for treatment of cleaners before, and on, 31 December 1992 and consequent extra workload and responsibilities imposed on teachers, students and parents — (Hon. D.A. Nardella) — *Resumption of debate.* (Hon. C.J. Hogg).
- 4 **ROAD FUNDS FUEL LEVY** — Motion for Trust Fund money derived from 3 cent levy on fuel to be dedicated to stage one of Western Bypass and the Domain tunnel, and for remaining funds to be applied to certain major State arterial roads and, further, that introduction of the tax not proceed until such a commitment is made — (Hon. D.R. White) — *Resumption of debate.* (Hon. G.B. Ashman).
- 5 **INDUSTRIAL RELATIONS** — Motion condemning Government for its gross mishandling of industrial relations and for seeking to prevent Victorian workers obtaining Federal award protection — (Hon. D.T. Walpole) — *Resumption of debate.* (Hon. B.W. Mier).
- 6 **STATE SCHOOL EDUCATION SYSTEM** — Motion condemning Government for its sustained attack on the system — (Hon. C.J. Hogg) — *Resumption of debate.* (Hon. D.A. Nardella).
- 7 **PROVINCIAL AND RURAL VICTORIA** — Motion condemning Government for its continuing neglect and, in particular, its failure to address issues of regionalism, its treatment of country Victorians as second class citizens and its lack of vision for the future — (Hon. P. Power) — *Resumption of debate.* (Hon. D.R. White).
- 8 **WORKCOVER** — Motion condemning Government for - (i) dumping additional workers classified as partially incapacitated; (ii) its blanket reclassification of injured workers as partially incapacitated and its refusal to back-pay additional workers who have again been reclassified as seriously injured; (iii) sending invalid termination or reduction of benefits notices to injured workers and refusing to compensate such workers; and (iv) its failure to establish Medical Panels which have the confidence of workers, employers and the Courts — (Hon. T.C. Theophanous) — *Resumption of debate.* (Hon. R.M. Hallam).
- 9 **VICROADS AND PUBLIC TRANSPORT CORPORATION INFORMATION TECHNOLOGY FUNCTIONS** — Motion to refer proposed outsourcing project to Public Accounts and Estimates Committee for investigation — (Hon. R.S. Ives) — *Resumption of debate.* (Hon. B.E. Davidson).
- 10 **STATE ELECTRICITY COMMISSION** — Motion condemning Government for its proposed restructure and privatization — (Hon. T.C. Theophanous) — *Resumption of debate.* (Hon. R.M. Hallam).
- 11 **MELBOURNE CASINO** — Motion condemning Government and Casino Control Authority for allowing substantial modification of original bid to be considered and calling for retention of original design or re-opening of selection process — (Hon. D.R. White) — *Resumption of debate.* (Hon. D.A. Nardella).

Tuesday, 17 May 1994

- 12 LOCAL GOVERNMENT CHANGE — Motion condemning Government for its unsatisfactory management of local government change and for alienating the local government industry — (*Hon. P. Power*) — *Resumption of debate.* (*Hon. D.T. Walpole*).

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

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COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis, B.W. Mier and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (*ex-officio*), R.A. Best, L. Kokocinski, D.A. Nardella, B.A.E. Skeggs, and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING — The Honourables the President, B.W. Bishop, G.H. Cox, B.W. Mier, D.A. Nardella, B.A.E. Skeggs and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables A.R. Brideson, B.W. Bishop, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS (JOINT) — The Honourables L. Asher, M.M. Gould and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

Tuesday, 17 May 1994

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 28 October 1992 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday	—	2.30 p.m.
Wednesday	—	10.00 a.m.
Thursday	—	10.00 a.m.

Business to take precedence—

Tuesday	—	Government business.
Wednesday	—	General business (until 2.00 p.m.).
Thursday	—	Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 27 October 1992, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

ADJOURNMENT OF BILLS [Effective until 30 June 1994]

By resolution of the Council on 29 March 1994 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 27 May 1994, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in September 1994: Provided that any Bill transmitted from the Legislative Assembly which is in the hands of the Clerk no later than 10.00 a.m. on 30 May 1994 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 66

Wednesday, 18 May 1994

Mr. President takes the Chair at 10.00 a.m.

GENERAL BUSINESS

[To take precedence until 2.00 p.m.]

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Government for its hasty introduction of ill considered, poorly drafted and divisive legislation that it intends to pass by ambushing the people of Victoria instead of allowing time for community consultation and scrutiny.
- 2 THE HON. D.M. EVANS — To move, That the Council take note of the report of the Auditor-General on Salinity, March 1993.
- 3 THE HON. D.R. WHITE — To move, That the Sessional Orders relating to the Business of the House, adopted by the Council on 28 October 1992, be amended as follows:

In paragraph (b), after "20A," insert "53,".

- *4 THE HON. B.T. PULLEN — To move, That this House condemns the Government for its failure, in relation to staging the Melbourne Grand Prix, to —
 - (a) consult with the community;
 - (b) disclose all financial and economic implications;
 - (c) control the activities of the Chairman of Melbourne Major Events Company Limited, Mr. Ron Walker; and
 - (d) consider safer, more environmentally suitable sites than Albert Park and its surrounding parklands,

and calls upon the Government to hold a public inquiry into all aspects of the proposal, including the examination of alternative sites.

ORDERS OF THE DAY

- 1 LOCAL GOVERNMENT BOARD — MINISTER'S ANSWER TO QUESTION WITHOUT NOTICE, 6 NOVEMBER 1992 — To be considered.

- 2 **PUBLIC SECTOR SUPERANNUATION** — Motion to take note of document prepared by the Hon. I.W. Smith, MP, Minister for Finance, 7 April 1993 — (Hon. D.R. White) — *Resumption of debate.* (Hon. Rosemary Varty).
- 3 **STATE SCHOOL CLEANERS** — Motion condemning Government for treatment of cleaners before, and on, 31 December 1992 and consequent extra workload and responsibilities imposed on teachers, students and parents — (Hon. D.A. Nardella) — *Resumption of debate.* (Hon. C.J. Hogg).
- 4 **ROAD FUNDS FUEL LEVY** — Motion for Trust Fund money derived from 3 cent levy on fuel to be dedicated to stage one of Western Bypass and the Domain tunnel, and for remaining funds to be applied to certain major State arterial roads and, further, that introduction of the tax not proceed until such a commitment is made — (Hon. D.R. White) — *Resumption of debate.* (Hon. G.B. Ashman).
- 5 **INDUSTRIAL RELATIONS** — Motion condemning Government for its gross mishandling of industrial relations and for seeking to prevent Victorian workers obtaining Federal award protection — (Hon. D.T. Walpole) — *Resumption of debate.* (Hon. B.W. Mier).
- 6 **STATE SCHOOL EDUCATION SYSTEM** — Motion condemning Government for its sustained attack on the system — (Hon. C.J. Hogg) — *Resumption of debate.* (Hon. D.A. Nardella).
- 7 **PROVINCIAL AND RURAL VICTORIA** — Motion condemning Government for its continuing neglect and, in particular, its failure to address issues of regionalism, its treatment of country Victorians as second class citizens and its lack of vision for the future — (Hon. P. Power) — *Resumption of debate.* (Hon. D.R. White).
- 8 **WORKCOVER** — Motion condemning Government for - (i) dumping additional workers classified as partially incapacitated; (ii) its blanket reclassification of injured workers as partially incapacitated and its refusal to back-pay additional workers who have again been reclassified as seriously injured; (iii) sending invalid termination or reduction of benefits notices to injured workers and refusing to compensate such workers; and (iv) its failure to establish Medical Panels which have the confidence of workers, employers and the Courts — (Hon. T.C. Theophanous) — *Resumption of debate.* (Hon. R.M. Hallam).
- 9 **VICROADS AND PUBLIC TRANSPORT CORPORATION INFORMATION TECHNOLOGY FUNCTIONS** — Motion to refer proposed outsourcing project to Public Accounts and Estimates Committee for investigation — (Hon. R.S. Ives) — *Resumption of debate.* (Hon. B.E. Davidson).
- 10 **STATE ELECTRICITY COMMISSION** — Motion condemning Government for its proposed restructure and privatization — (Hon. T.C. Theophanous) — *Resumption of debate.* (Hon. R.M. Hallam).
- 11 **MELBOURNE CASINO** — Motion condemning Government and Casino Control Authority for allowing substantial modification of original bid to be considered and calling for retention of original design or re-opening of selection process — (Hon. D.R. White) — *Resumption of debate.* (Hon. D.A. Nardella).
- 12 **LOCAL GOVERNMENT CHANGE** — Motion condemning Government for its unsatisfactory management of local government change and for alienating the local government industry — (Hon. P. Power) — *Resumption of debate.* (Hon. D.T. Walpole).

Wednesday, 18 May 1994

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- 1 ACCIDENT COMPENSATION (AMENDMENT) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. T.C. Theophanous).
- 2 TRANSPORT (FURTHER AMENDMENT) BILL — (from Assembly — Hon. W.R. Baxter) — Second reading — Resumption of debate. (Hon. P. Power).
- 3 AUTUMN ECONOMIC STATEMENT AND TREASURER'S SPEECH, APRIL 1994 — Motion to take note of statement and speech — (Hon. R.M. Hallam) — Resumption of debate. (Hon. Dr. R.J.H. Wells).
- *4 CONTROL OF WEAPONS (AMENDMENT) BILL — (from Assembly — Hon. W.R. Baxter) — Second reading — Resumption of debate. (Hon. B.T. Pullen).
- *5 LAND CONSERVATION (AMENDMENT) BILL — (from Assembly — Hon. R.I. Knowles) — Second reading — Resumption of debate. (Hon. B.T. Pullen).
- *6 SUBDIVISION (FURTHER AMENDMENT) BILL — (from Assembly — Hon. R.I. Knowles) — Second reading — Resumption of debate. (Hon. B.T. Pullen).
- *7 FINANCIAL AGREEMENT BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. T.C. Theophanous).
- *8 TOBACCO LEAF INDUSTRY (DEREGULATION) BILL — (from Assembly — Hon. W.R. Baxter) — Second reading — Resumption of debate. (Hon. P. Power).

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

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COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis, B.W. Mier and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (ex-officio), R.A. Best, L. Kokocinski, D.A. Nardella, B.A.E. Skeggs, and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING — The Honourables the President, B.W. Bishop, G.H. Cox, B.W. Mier, D.A. Nardella, B.A.E. Skeggs and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables A.R. Brideson, B.W. Bishop, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS (JOINT) — The Honourables L. Asher, M.M. Gould and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

Wednesday, 18 May 1994

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 28 October 1992 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday	—	2.30 p.m.
Wednesday	—	10.00 a.m.
Thursday	—	10.00 a.m.

Business to take precedence—

Tuesday	—	Government business.
Wednesday	—	General business (until 2.00 p.m.).
Thursday	—	Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 27 October 1992, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

ADJOURNMENT OF BILLS [Effective until 30 June 1994]

By resolution of the Council on 29 March 1994 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 27 May 1994, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in September 1994: Provided that any Bill transmitted from the Legislative Assembly which is in the hands of the Clerk no later than 10.00 a.m. on 30 May 1994 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 67

Thursday, 19 May 1994

Mr. President takes the Chair at 10.00 a.m.

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- *1 ARTS INSTITUTIONS (AMENDMENT) BILL — (*from Assembly — Hon. Haddon Storey*) — Second reading.
- *2 MAGISTRATES' COURT (AMENDMENT) BILL — (*from Assembly — Hon. Haddon Storey*) — Second reading.
- *3 TREASURY CORPORATION OF VICTORIA (AMENDMENT) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading.
- *4 STAMPS (SECURITIES CLEARING HOUSE) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading.
- 5 TRANSPORT (FURTHER AMENDMENT) BILL — (*from Assembly — Hon. W.R. Baxter*) — To be further considered in Committee.
- 6 AUTUMN ECONOMIC STATEMENT AND TREASURER'S SPEECH, APRIL 1994 — Motion to take note of statement and speech — (*Hon. R.M. Hallam*) — *Resumption of debate.* (*Hon. Dr. R.J.H. Wells*).
- 7 CONTROL OF WEAPONS (AMENDMENT) BILL — (*from Assembly — Hon. W.R. Baxter*) — Second reading — *Resumption of debate.* (*Hon. B.T. Pullen*).
- 8 LAND CONSERVATION (AMENDMENT) BILL — (*from Assembly — Hon. R.I. Knowles*) — Second reading — *Resumption of debate.* (*Hon. B.T. Pullen*).
- 9 SUBDIVISION (FURTHER AMENDMENT) BILL — (*from Assembly — Hon. R.I. Knowles*) — Second reading — *Resumption of debate.* (*Hon. B.T. Pullen*).
- 10 FINANCIAL AGREEMENT BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate.* (*Hon. T.C. Theophanous*).
- 11 TOBACCO LEAF INDUSTRY (DEREGULATION) BILL — (*from Assembly — Hon. W.R. Baxter*) — Second reading — *Resumption of debate.* (*Hon. P. Power*).

*Indicates new entry.

GENERAL BUSINESS

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Government for its hasty introduction of ill considered, poorly drafted and divisive legislation that it intends to pass by ambushing the people of Victoria instead of allowing time for community consultation and scrutiny.
- 2 THE HON. D.R. WHITE — To move, That the Sessional Orders relating to the Business of the House, adopted by the Council on 28 October 1992, be amended as follows:

In paragraph (b), after "20A," insert "53,".

ORDERS OF THE DAY

- 1 LOCAL GOVERNMENT BOARD — MINISTER'S ANSWER TO QUESTION WITHOUT NOTICE, 6 NOVEMBER 1992 — To be considered.
- 2 PUBLIC SECTOR SUPERANNUATION — Motion to take note of document prepared by the Hon. I.W. Smith, MP, Minister for Finance, 7 April 1993 — (Hon. D.R. White) — *Resumption of debate.* (Hon. Rosemary Varty).
- 3 STATE SCHOOL CLEANERS — Motion condemning Government for treatment of cleaners before, and on, 31 December 1992 and consequent extra workload and responsibilities imposed on teachers, students and parents — (Hon. D.A. Nardella) — *Resumption of debate.* (Hon. C.J. Hogg).
- 4 ROAD FUNDS FUEL LEVY — Motion for Trust Fund money derived from 3 cent levy on fuel to be dedicated to stage one of Western Bypass and the Domain tunnel, and for remaining funds to be applied to certain major State arterial roads and, further, that introduction of the tax not proceed until such a commitment is made — (Hon. D.R. White) — *Resumption of debate.* (Hon. G.B. Ashman).
- 5 INDUSTRIAL RELATIONS — Motion condemning Government for its gross mishandling of industrial relations and for seeking to prevent Victorian workers obtaining Federal award protection — (Hon. D.T. Walpole) — *Resumption of debate.* (Hon. B.W. Mier).
- 6 STATE SCHOOL EDUCATION SYSTEM — Motion condemning Government for its sustained attack on the system — (Hon. C.J. Hogg) — *Resumption of debate.* (Hon. D.A. Nardella).
- 7 PROVINCIAL AND RURAL VICTORIA — Motion condemning Government for its continuing neglect and, in particular, its failure to address issues of regionalism, its treatment of country Victorians as second class citizens and its lack of vision for the future — (Hon. P. Power) — *Resumption of debate.* (Hon. D.R. White).
- 8 WORKCOVER — Motion condemning Government for - (i) dumping additional workers classified as partially incapacitated; (ii) its blanket reclassification of injured workers as partially incapacitated and its refusal to back-pay additional workers who have again been reclassified as seriously injured; (iii) sending invalid termination or reduction of benefits notices to injured workers and refusing to compensate such workers; and (iv) its failure to establish Medical Panels which have the confidence of

Thursday, 19 May 1994

- workers, employers and the Courts — (Hon. T.C. Theophanous) — *Resumption of debate.* (Hon. R.M. Hallam).
- 9 **VICROADS AND PUBLIC TRANSPORT CORPORATION INFORMATION TECHNOLOGY FUNCTIONS** — Motion to refer proposed outsourcing project to Public Accounts and Estimates Committee for investigation — (Hon. R.S. Ives) — *Resumption of debate.* (Hon. B.E. Davidson).
- 10 **STATE ELECTRICITY COMMISSION** — Motion condemning Government for its proposed restructure and privatization — (Hon. T.C. Theophanous) — *Resumption of debate.* (Hon. R.M. Hallam).
- 11 **MELBOURNE CASINO** — Motion condemning Government and Casino Control Authority for allowing substantial modification of original bid to be considered and calling for retention of original design or re-opening of selection process — (Hon. D.R. White) — *Resumption of debate.* (Hon. D.A. Nardella).
- 12 **LOCAL GOVERNMENT CHANGE** — Motion condemning Government for its unsatisfactory management of local government change and for alienating the local government industry — (Hon. P. Power) — *Resumption of debate.* (Hon. D.T. Walpole).
- *13 **SALINITY** — Motion to take note of report of Auditor-General on salinity, March 1993 — (Hon. D.M. Evans) — *Resumption of debate.* (Hon. B.W. Bishop).

A.V. BRAY
Clerk of the Legislative Council

B.A. CHAMBERLAIN
President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

* * * *

COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis, B.W. Mier and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (ex-officio), R.A. Best, L. Kokocinski, D.A. Nardella, B.A.E. Skeggs, and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

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PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables A.R. Brideson, B.W. Bishop, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS (JOINT) — The Honourables L. Asher, M.M. Gould and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

Thursday, 19 May 1994

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

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* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 27 October 1992, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

ADJOURNMENT OF BILLS [Effective until 30 June 1994]

By resolution of the Council on 29 March 1994 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 27 May 1994, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in September 1994: Provided that any Bill transmitted from the Legislative Assembly which is in the hands of the Clerk no later than 10.00 a.m. on 30 May 1994 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS

Nos. 66, 67 and 68

No. 66 — Tuesday, 17 May 1994

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The Honourable M.A. Birrell presented Messages from His Excellency 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 10 May 1994 —
 - Road Safety (Amendment) Act*
 - Financial Management Act*
 - Children and Young Persons (Miscellaneous Amendments) Act.*
 - On 17 May 1994 —
 - Environment Protection (General Amendment) Act*
 - Equipment (Public Safety) Act*
 - Friendly Societies (Benefit Funds) Act*
 - Medical Practice Act*
 - Sentencing (Victim Impact Statement) Act*
 - State Bank of South Australia (Transfer of Undertaking) Act.*
- 3 **CONTROL OF WEAPONS (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Control of Weapons Act 1990' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable W.R. Baxter, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **LAND CONSERVATION (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Land Conservation Act 1970'*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 5 **SUBDIVISION (FURTHER AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to further amend the 'Subdivision Act 1988' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 6 **FINANCIAL AGREEMENT BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to approve an agreement between the Commonwealth, States and Territories and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 7 **TOBACCO LEAF INDUSTRY (DEREGULATION) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to deregulate the tobacco industry, to repeal the 'Tobacco Leaf Industry Stabilisation Act 1966' and the 'Marketing of Primary Products Act 1958', to transfer the property, rights and liabilities of the Tobacco Leaf Marketing Board to the Victorian Tobacco Co-operative Limited, to make various other provisions with respect to the tobacco growing industry, and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable W.R. Baxter, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 8 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order No. 71A.

- 9 **PAPERS** —

WORKCOVER AUTHORITY — The Honourable R.M. Hallam moved, by leave, That there be laid before this House a copy of the Report and financial statements of the WorkCover Authority for the quarter ending 31 March 1994, given to Mr. President pursuant to section 38 of the *Accident Compensation Act 1985*.

Question — put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable R.M. Hallam and ordered to lie on the Table.

* * * * *

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — ANNUAL REPORT — The Honourable P.R. Hall presented a Report from the Public Accounts and Estimates Committee upon the Committee's activities during 1993.

Ordered to lie on the Table and to be printed.

* * * * *

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — The Honourable B.A.E. Skeggs presented Alert Digest No. 7 of 1994 from the Scrutiny of Acts and Regulations Committee, together with an Appendix and Extracts 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:

Annual Reporting Act 1983 — Minister's advice of extensions of time granted to submit annual reports and exemptions approved as to the content of annual reports and financial statements of various public bodies for the years 1992 and 1992-93 and the reasons therefor.

Beechworth Hospital — Report, 1992-93 (four papers).

Gordon Technical College — Report, 1993.

Holmesglen College of TAFE — Report, 1993.

Loddon Campaspe College of TAFE — Report, 1993.

Marine Sciences Institute — Reports, 1990 and 1991 (two papers).

Northern Metropolitan College of TAFE — Report, 1993.

Ombudsman — Report on Relinquishing Office of Ombudsman, 28 February 1994.

Parliamentary Committees Act 1968 —

Minister's response to recommendations in Crime Prevention Committee's report upon Personal Safety on the Public Transport System: Developing a Safer Taxi Industry.

Minister's response to recommendations in Scrutiny of Acts and Regulations Committee's report upon the *Subordinate Legislation Act 1962*.

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

Altona Planning Scheme — Amendment L38.

Bendigo Planning Scheme — Amendment L43.

Essendon Planning Scheme — Amendment L51.

Flinders Planning Scheme — Amendment L121.

Greater Geelong Planning Scheme — Amendment R49.

Huntly Planning Scheme — Amendment L41.

Knox Planning Scheme — Amendment L62 Part 2.

Melbourne Planning Scheme — Amendment L155.

Port Melbourne Planning Scheme — Amendment L13.

Prahran Planning Scheme — Amendment L43.

St. Kilda Planning Scheme — Amendment L27.

Shepparton (City) Planning Scheme — Amendment L46.

South Melbourne Planning Scheme — Amendment L73.

Traralgon (City) Planning Scheme — Amendments L43 and L48.

Whittlesea Planning Scheme — Amendments L97 and L98.

Wodonga Planning Scheme — Amendment L60.

Prince Henry's Institute of Medical Research — Report, 1993.

Statutory Rules under the following Acts of Parliament:

Casino Control Act 1991 — No. 60.

Club Keno Act 1993 — Tattersall Consultations Act 1958 — No. 57.

Legal Profession Practice Act 1958 — No. 56.

National Parks Act 1975 — No. 59.

Racing Act 1958 — Nos. 55 and 62.

Wildlife Act 1975 — No. 58.

The School of Mines and Industries Ballarat Limited — Report, 1993.

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PROCLAMATION — A Proclamation of His Excellency the Governor in Council fixing an operative date in respect of the following Act was laid upon the Table by the Clerk pursuant to an Order of the Council on 27 October 1992:

Environment Protection (Industrial Waste) Act 1985 — Sub-section 8(3) — 16 May 1994 (*Gazette* No. G19, 12 May 1994).

10 **BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 1, be postponed until later this day.

11 **WITNESS PROTECTION (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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 NATIONAL CRIME AUTHORITY (STATE PROVISIONS) (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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 ALCOHOLICS AND DRUG-DEPENDENT PERSONS (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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 SUBDIVISION (FURTHER AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.
The Honourable C.J. Hogg (for the Honourable B.T. Pullen) moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until the next day of meeting.
- 15 LAND CONSERVATION (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.
The Honourable C.J. Hogg (for the Honourable B.T. Pullen) moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until the next day of meeting.
- 16 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 5, be postponed until later this day.
- 17 AUTUMN ECONOMIC STATEMENT** — The Order of the Day having been read for the consideration of the Autumn Economic Statement and Treasurer's Speech thereon —
The Honourable R.M. Hallam moved, That the Council take note of the Autumn Economic Statement, April 1994 presented to the Legislative Assembly by the Honourable Alan Stockdale, M.P., Treasurer of Victoria, on 26 April 1994, and the Treasurer's Speech thereon.
Debate ensued.
The Honourable Dr. R.J.H. Wells moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until the next day of meeting.
- 18 BUSINESS OF THE HOUSE** — The Honourable W.R. Baxter moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 10.00 p.m. during the sitting of the Council this day.
Question — put and resolved in the affirmative.
- 19 CONTROL OF WEAPONS (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable W.R. Baxter moved, That this Bill be now read a second time.
The Honourable C.J. Hogg (for the Honourable B.T. Pullen) moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 20 **FINANCIAL AGREEMENT BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable C.J. Hogg (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 21 **TOBACCO LEAF INDUSTRY (DEREGULATION) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable W.R. Baxter moved, That this Bill be now read a second time.

The Honourable P. Power moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 22 **ADJOURNMENT** — The Honourable W.R. Baxter 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.

A.V. BRAY

Clerk of the Legislative Council

No. 67 — Wednesday, 18 May 1994

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

- 2 **PETITION — SEXUAL DISCRIMINATION** — The Honourable J.V.C. Guest presented a Petition bearing 84 signatures from certain citizens of Victoria requesting that the *Equal Opportunity Act 1984* be amended to prohibit discrimination on the grounds of a person's sexuality.

Ordered to lie on the Table.

- 3 **PAPERS** —

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — PUBLIC HOSPITALS CONTRACTED DOCTORS — The Honourable P.R. Hall presented a Report from the Public Accounts and Estimates Committee upon Victorian public hospitals — Arrangements with contracted doctors, together with Appendices and Minutes of Evidence.

Ordered to lie on the Table and the Report and Appendices 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:

Broadmeadows College of TAFE — Report, 1993.

Dandenong College of TAFE — Report, 1993 (two papers).

East Gippsland Community College of TAFE — Report, 1993.

Goulburn Valley Community College — Report, 1993.

Moorabbin College of TAFE — Report, 1993.

Outer Eastern College of TAFE — Report, 1993.

South West College of TAFE — Report, 1993.

Western Metropolitan College of TAFE — Report, 1993 [incorporating the report of the Flagstaff College of TAFE for the period 1 January 1993 to 30 June 1993].

Wimmera Community College of TAFE — Report, 1993.

Wodonga College of TAFE — Report, 1993.

4 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 3 inclusive, be postponed until later this day.

5 **MELBOURNE GRAND PRIX** — The Honourable B.T. Pullen moved, That this House condemns the Government for its failure, in relation to staging the Melbourne Grand Prix, to —

- (a) consult with the community;
- (b) disclose all financial and economic implications;
- (c) control the activities of the Chairman of Melbourne Major Events Company Limited, Mr. Ron Walker; and
- (d) consider safer, more environmentally suitable sites than Albert Park and its surrounding parklands,

and calls upon the Government to hold a public inquiry into all aspects of the proposal, including the examination of alternative sites.

Debate ensued.

Question — put.

The Council divided.

AYES, 12

The Hon. B.E. Davidson
M.M. Gould (*Teller*)
D.E. Henshaw
C.J. Hogg
R.S. Ives
L. Kokocinski
J. McLean
B.W. Mier
D.A. Nardella (*Teller*)
B.T. Pullen
T.C. Theophanous
D.R. White

NOES, 27

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson (*Teller*)
R.A. Best
M.A. Birrell
B.W. Bishop
R.H. Bowden
A.R. Brideson
G.H. Cox
G.R. Craige
P.R. Davis
R.S. de Fegely
D.M. Evans
W. Forwood
J.V.C. Guest
P.R. Hall
R.M. Hallam
W.A.N. Hartigan (*Teller*)
R.I. Knowles
B.A.E. Skeggs
K.M. Smith
Graeme Stoney
Haddon Storey
C.A. Strong
Rosemary Varty
Dr. R.J.H. Wells
Sue deC. Wilding

And so it passed in the negative.

- 6 **BUSINESS OF THE HOUSE** — The Honourable R.I. Knowles moved, That so much of the Sessional Orders be suspended as would prevent General Business taking precedence over other business until 2.30 p.m. during the sitting of the Council this day.

Question — put and resolved in the affirmative.

- 7 **SALINITY** — The Honourable D.M. Evans moved, That the Council take note of the report of the Auditor-General on Salinity, March 1993.

Debate ensued.

General Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders, the debate stood adjourned in the name of the Honourable B.W. Bishop.

- 8 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order No. 71A.

- 9 **ACCIDENT COMPENSATION (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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.

House in Committee.

The President resumed the Chair; and the Honourable D.M. Evans having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon 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 therein.

- 10 **TREASURY CORPORATION OF VICTORIA (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Treasury Corporation of Victoria Act 1992' and the 'Victorian Debt Retirement Fund Act 1990' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 11 **STAMPS (SECURITIES CLEARING HOUSE) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Stamps Act 1958' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 12 **TRANSPORT (FURTHER AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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.

House in Committee.

The President resumed the Chair; and the Honourable D.M. Evans 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.

- 13 **ARTS INSTITUTIONS (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'National Gallery of Victoria Act 1966', the 'Victorian Arts Centre Act 1979', the 'Geelong Performing Arts Centre Trust Act 1980', the 'Film Victoria Act 1981', the 'Museums Act 1983', the 'State Film Centre of Victoria Council Act 1983', the 'Libraries Act 1988', the 'Ministry for the Arts Act 1972' and the 'Public Records Act 1973' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles (for the Honourable Haddon Storey), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 14 **MAGISTRATES' COURT (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Magistrates' Court Act 1989' and certain other Acts and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles (for the Honourable Haddon Storey), the Bill transmitted by the foregoing Message 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 R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 12.00 midnight, adjourned until tomorrow.

A.V. BRAY

Clerk of the Legislative Council

No. 68 — Thursday, 19 May 1994

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

- 2 **PAPERS** —

SENIOR EMPLOYMENT CONTRACTS IN VICTORIAN MUNICIPALITIES — The Honourable R.M. Hallam moved, by leave, That there be laid before this House a copy of the Report of an Investigation into Senior Staff Employment Contracts and Appointments in Victorian Municipalities, May 1994.

Question — put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable R.M. Hallam and ordered to lie on the Table and to be printed.

The Honourable R.M. Hallam made a Ministerial Statement in connection with the tabling of the report.

The Honourable P. Power moved, That the Report and related Ministerial Statement be taken into consideration on the next day of meeting.

Question — put and resolved in the affirmative.

* * * * *

OBSTETRIC AND PAEDIATRIC MORTALITY AND MORBIDITY — The Honourable R.I. Knowles moved, by leave, That there be laid before this House a copy of the Report of the Consultative Council on Obstetric and Paediatric Mortality and Morbidity for the year 1992.

Question — put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable R.I. Knowles and ordered to lie on the Table.

* * * * *

LAW REFORM COMMITTEE — WILLS — The Honourable J.V.C. Guest presented a Report from the Law Reform Committee upon Reforming the Law of Wills, together with Appendices, Submissions and Minutes of Evidence.

Ordered to lie on the Table and the Report and Appendices to be printed.

- 3 **ARTS INSTITUTIONS (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.

The Honourable C.J. Hogg moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 4 **BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 2 to 5 inclusive, be postponed until later this day.

- 5 **AUTUMN ECONOMIC STATEMENT** — The Order of the Day having been read for the resumption of the debate on the question, That the Council take note of the Autumn Economic Statement and Treasurer's Speech thereon, 26 April 1994 (*for motion see page 366 ante*) —

Debate resumed.

Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders —

- 6 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order No. 71A.

- 7 **AUTUMN ECONOMIC STATEMENT** — Debate continued on the question, That the Council take note of the Autumn Economic Statement and Treasurer's Speech thereon, 26 April 1994.

The Honourable D.T. Walpole moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

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

- 8 **SWAN HILL PIONEER SETTLEMENT AUTHORITY (REPEAL) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to transfer the management of the Swan Hill Pioneer Settlement to the Swan Hill City Council, and to repeal the 'Swan Hill Pioneer Settlement Act 1974', the 'Coal Creek Historical Park Act 1975' and the 'Gippsland Folk Museum Act 1976' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles (for the Honourable Haddon Storey), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 9 **STATE TRUSTEES (STATE OWNED COMPANY) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act relating to the conversion of the State Trust Corporation of Victoria to a State Owned Company, to repeal the 'State Trust Corporation of Victoria Act 1987', to amend the 'Guardianship and Administration Board Act 1986', the 'Administration and Probate Act 1958' and certain other Acts and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles (for the Honourable R.M. Hallam), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 10 **TRANSPORT (FURTHER 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 Honourable G.H. Cox having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon 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 therein.
- 11 **TREASURY CORPORATION OF VICTORIA (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable R.M. Hallam) moved, That this Bill be now read a second time.
The Honourable R.I. Knowles made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.
The Honourable C.J. Hogg (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until the next day of meeting.
- 12 **MAGISTRATES' COURT (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable W.R. Baxter (for the Honourable Haddon Storey) moved, That this Bill be now read a second time.
The Honourable C.J. Hogg (for the Honourable B.T. Pullen) moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until the next day of meeting.
- 13 **SWAN HILL PIONEER SETTLEMENT AUTHORITY (REPEAL) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable W.R. Baxter (for the Honourable Haddon Storey) moved, That this Bill be now read a second time.
The Honourable W.R. Baxter made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.
The Honourable C.J. Hogg (for the Honourable P. Power) moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until the next day of meeting.
- 14 **STAMPS (SECURITIES CLEARING HOUSE) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable W.R. Baxter (for the Honourable R.M. Hallam) moved, That this Bill be now read a second time.
The Honourable C.J. Hogg (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until the next day of meeting.
- 15 **AUTUMN ECONOMIC STATEMENT** — The Order of the Day having been read for the resumption of the debate on the question, That the Council take note of the Autumn Economic Statement, April 1994 presented to the Legislative Assembly by the Honourable Alan Stockdale, M.P., Treasurer of Victoria, on 26 April 1994, and the Treasurer's Speech thereon —

Debate resumed.

Question — put and resolved in the affirmative.

- 16 **CASINO CONTROL (MISCELLANEOUS AMENDMENTS) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Casino Control Act 1991' and the 'Liquor Control Act 1987' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 17 **WATER (FURTHER AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Water Act 1989' and certain other Acts and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable M.A. Birrell, the Bill transmitted by the foregoing Message 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 M.A. Birrell moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 11.48 p.m., adjourned until Tuesday next.

A.V. BRAY
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 68

Tuesday, 24 May 1994

Mr. President takes the Chair at 2.30 p.m.

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- *1 WATER (FURTHER AMENDMENT) BILL — (*from Assembly — Hon. M.A. Birrell*)
— Second reading.
- *2 CASINO CONTROL (MISCELLANEOUS AMENDMENTS) BILL — (*from Assembly — Hon. Haddon Storey*) — Second reading.
- *3 STATE TRUSTEES (STATE OWNED COMPANY) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading.
- 4 CONTROL OF WEAPONS (AMENDMENT) BILL — (*from Assembly — Hon. W.R. Baxter*) — Second reading — *Resumption of debate.* (*Hon. B.T. Pullen*).
- 5 LAND CONSERVATION (AMENDMENT) BILL — (*from Assembly — Hon. R.I. Knowles*) — Second reading — *Resumption of debate.* (*Hon. B.T. Pullen*).
- 6 SUBDIVISION (FURTHER AMENDMENT) BILL — (*from Assembly — Hon. R.I. Knowles*) — Second reading — *Resumption of debate.* (*Hon. B.T. Pullen*).
- 7 FINANCIAL AGREEMENT BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate.* (*Hon. T.C. Theophanous*).
- 8 ARTS INSTITUTIONS (AMENDMENT) BILL — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (*Hon. C.J. Hogg*).
- 9 MAGISTRATES' COURT (AMENDMENT) BILL — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (*Hon. B.T. Pullen*).
- 10 TREASURY CORPORATION OF VICTORIA (AMENDMENT) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate.* (*Hon. T.C. Theophanous*).
- 11 STAMPS (SECURITIES CLEARING HOUSE) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate.* (*Hon. T.C. Theophanous*).

- *12 SWAN HILL PIONEER SETTLEMENT AUTHORITY (REPEAL) — (from Assembly — Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. P. Power).
- 13 TOBACCO LEAF INDUSTRY (DEREGULATION) BILL — (from Assembly — Hon. W.R. Baxter) — Second reading — Resumption of debate. (Hon. P. Power).

GENERAL BUSINESS

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Government for its hasty introduction of ill considered, poorly drafted and divisive legislation that it intends to pass by ambushing the people of Victoria instead of allowing time for community consultation and scrutiny.
- 2 THE HON. D.R. WHITE — To move, That the Sessional Orders relating to the Business of the House, adopted by the Council on 28 October 1992, be amended as follows:

In paragraph (b), after "20A," insert "53,".

ORDERS OF THE DAY

- 1 LOCAL GOVERNMENT BOARD — MINISTER'S ANSWER TO QUESTION WITHOUT NOTICE, 6 NOVEMBER 1992 — To be considered.
- 2 PUBLIC SECTOR SUPERANNUATION — Motion to take note of document prepared by the Hon. I.W. Smith, MP, Minister for Finance, 7 April 1993 — (Hon. D.R. White) — Resumption of debate. (Hon. Rosemary Varty).
- 3 STATE SCHOOL CLEANERS — Motion condemning Government for treatment of cleaners before, and on, 31 December 1992 and consequent extra workload and responsibilities imposed on teachers, students and parents — (Hon. D.A. Nardella) — Resumption of debate. (Hon. C.J. Hogg).
- 4 ROAD FUNDS FUEL LEVY — Motion for Trust Fund money derived from 3 cent levy on fuel to be dedicated to stage one of Western Bypass and the Domain tunnel, and for remaining funds to be applied to certain major State arterial roads and, further, that introduction of the tax not proceed until such a commitment is made — (Hon. D.R. White) — Resumption of debate. (Hon. G.B. Ashman).
- 5 INDUSTRIAL RELATIONS — Motion condemning Government for its gross mishandling of industrial relations and for seeking to prevent Victorian workers obtaining Federal award protection — (Hon. D.T. Walpole) — Resumption of debate. (Hon. B.W. Mier).
- 6 STATE SCHOOL EDUCATION SYSTEM — Motion condemning Government for its sustained attack on the system — (Hon. C.J. Hogg) — Resumption of debate. (Hon. D.A. Nardella).
- 7 PROVINCIAL AND RURAL VICTORIA — Motion condemning Government for its continuing neglect and, in particular, its failure to address issues of regionalism, its treatment of country Victorians as second class citizens and its lack of vision for the future — (Hon. P. Power) — Resumption of debate. (Hon. D.R. White).

Tuesday, 24 May 1994

- 8 **WORKCOVER** — Motion condemning Government for - (i) dumping additional workers classified as partially incapacitated; (ii) its blanket reclassification of injured workers as partially incapacitated and its refusal to back-pay additional workers who have again been reclassified as seriously injured; (iii) sending invalid termination or reduction of benefits notices to injured workers and refusing to compensate such workers; and (iv) its failure to establish Medical Panels which have the confidence of workers, employers and the Courts — (*Hon. T.C. Theophanous*) — *Resumption of debate.* (*Hon. R.M. Hallam*).
- 9 **VICROADS AND PUBLIC TRANSPORT CORPORATION INFORMATION TECHNOLOGY FUNCTIONS** — Motion to refer proposed outsourcing project to Public Accounts and Estimates Committee for investigation — (*Hon. R.S. Ives*) — *Resumption of debate.* (*Hon. B.E. Davidson*).
- 10 **STATE ELECTRICITY COMMISSION** — Motion condemning Government for its proposed restructure and privatization — (*Hon. T.C. Theophanous*) — *Resumption of debate.* (*Hon. R.M. Hallam*).
- 11 **MELBOURNE CASINO** — Motion condemning Government and Casino Control Authority for allowing substantial modification of original bid to be considered and calling for retention of original design or re-opening of selection process — (*Hon. D.R. White*) — *Resumption of debate.* (*Hon. D.A. Nardella*).
- 12 **LOCAL GOVERNMENT CHANGE** — Motion condemning Government for its unsatisfactory management of local government change and for alienating the local government industry — (*Hon. P. Power*) — *Resumption of debate.* (*Hon. D.T. Walpole*).
- 13 **SALINITY** — Motion to take note of report of Auditor-General on salinity, March 1993 — (*Hon. D.M. Evans*) — *Resumption of debate.* (*Hon. B.W. Bishop*).
- *14 **SENIOR EMPLOYMENT CONTRACTS IN VICTORIAN MUNICIPALITIES — REPORT OF INVESTIGATION, MAY 1994, AND RELATED MINISTERIAL STATEMENT** — To be considered.

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

* * * *

COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis, B.W. Mier and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (ex-officio), R.A. Best, L. Kokocinski, D.A. Nardella, B.A.E. Skeggs, and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING — The Honourables the President, B.W. Bishop, G.H. Cox, B.W. Mier, D.A. Nardella, B.A.E. Skeggs and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables A.R. Brideson, B.W. Bishop, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS (JOINT) — The Honourables L. Asher, M.M. Gould and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

Tuesday, 24 May 1994

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 28 October 1992 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday	—	2.30 p.m.
Wednesday	—	10.00 a.m.
Thursday	—	10.00 a.m.

Business to take precedence—

Tuesday	—	Government business.
Wednesday	—	General business (until 2.00 p.m.).
Thursday	—	Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 27 October 1992, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

ADJOURNMENT OF BILLS [Effective until 30 June 1994]

By resolution of the Council on 29 March 1994 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 27 May 1994, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in September 1994: Provided that any Bill transmitted from the Legislative Assembly which is in the hands of the Clerk no later than 10.00 a.m. on 30 May 1994 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 69

Wednesday, 25 May 1994

Mr. President takes the Chair at 10.00 a.m.

GENERAL BUSINESS

[To take precedence until 2.00 p.m.]

NOTICES OF MOTION

1 **THE HON. D.R. WHITE** — To move, That this House condemns the Government for its hasty introduction of ill considered, poorly drafted and divisive legislation that it intends to pass by ambushing the people of Victoria instead of allowing time for community consultation and scrutiny.

2 **THE HON. D.R. WHITE** — To move, That the Sessional Orders relating to the Business of the House, adopted by the Council on 28 October 1992, be amended as follows:

In paragraph (b), after "20A," insert "53,".

*3 **THE HON. B.T. PULLEN** — To move, That in respect of Mount Stirling, this House —

- (a) rejects the "desirable minimum development", as described in the Statement of the Minister for Natural Resources on 17 March 1994;
- (b) affirms that there should not be infrastructure development to facilitate a cable car link to Mount Buller, downhill skiing, restaurants or accommodation; and
- (c) is of the opinion that it should be managed to provide for sustainable activities compatible with minimum infrastructure development and environmental impact such as — (i) environmental education, including VCE studies; (ii) cross-country skiing; (iii) bushwalking and self-contained camping; (iv) trail riding; and (v) "eco-tourism" activities designed to provide visitors with an experience of alpine bush with minimum environmental impact.

ORDERS OF THE DAY

1 **LOCAL GOVERNMENT BOARD — MINISTER'S ANSWER TO QUESTION WITHOUT NOTICE, 6 NOVEMBER 1992** — To be considered.

2 **PUBLIC SECTOR SUPERANNUATION** — Motion to take note of document prepared by the Hon. I.W. Smith, MP, Minister for Finance, 7 April 1993 — (*Hon. D.R. White*) — *Resumption of debate.* (*Hon. Rosemary Varty*).

- 3 **STATE SCHOOL CLEANERS** — Motion condemning Government for treatment of cleaners before, and on, 31 December 1992 and consequent extra workload and responsibilities imposed on teachers, students and parents — (Hon. D.A. Nardella) — *Resumption of debate.* (Hon. C.J. Hogg).
- 4 **ROAD FUNDS FUEL LEVY** — Motion for Trust Fund money derived from 3 cent levy on fuel to be dedicated to stage one of Western Bypass and the Domain tunnel, and for remaining funds to be applied to certain major State arterial roads and, further, that introduction of the tax not proceed until such a commitment is made — (Hon. D.R. White) — *Resumption of debate.* (Hon. G.B. Ashman).
- 5 **INDUSTRIAL RELATIONS** — Motion condemning Government for its gross mishandling of industrial relations and for seeking to prevent Victorian workers obtaining Federal award protection — (Hon. D.T. Walpole) — *Resumption of debate.* (Hon. B.W. Mier).
- 6 **STATE SCHOOL EDUCATION SYSTEM** — Motion condemning Government for its sustained attack on the system — (Hon. C.J. Hogg) — *Resumption of debate.* (Hon. D.A. Nardella).
- 7 **PROVINCIAL AND RURAL VICTORIA** — Motion condemning Government for its continuing neglect and, in particular, its failure to address issues of regionalism, its treatment of country Victorians as second class citizens and its lack of vision for the future — (Hon. P. Power) — *Resumption of debate.* (Hon. D.R. White).
- 8 **WORKCOVER** — Motion condemning Government for - (i) dumping additional workers classified as partially incapacitated; (ii) its blanket reclassification of injured workers as partially incapacitated and its refusal to back-pay additional workers who have again been reclassified as seriously injured; (iii) sending invalid termination or reduction of benefits notices to injured workers and refusing to compensate such workers; and (iv) its failure to establish Medical Panels which have the confidence of workers, employers and the Courts — (Hon. T.C. Theophanous) — *Resumption of debate.* (Hon. R.M. Hallam).
- 9 **VICROADS AND PUBLIC TRANSPORT CORPORATION INFORMATION TECHNOLOGY FUNCTIONS** — Motion to refer proposed outsourcing project to Public Accounts and Estimates Committee for investigation — (Hon. R.S. Ives) — *Resumption of debate.* (Hon. B.E. Davidson).
- 10 **STATE ELECTRICITY COMMISSION** — Motion condemning Government for its proposed restructure and privatization — (Hon. T.C. Theophanous) — *Resumption of debate.* (Hon. R.M. Hallam).
- 11 **MELBOURNE CASINO** — Motion condemning Government and Casino Control Authority for allowing substantial modification of original bid to be considered and calling for retention of original design or re-opening of selection process — (Hon. D.R. White) — *Resumption of debate.* (Hon. D.A. Nardella).
- 12 **LOCAL GOVERNMENT CHANGE** — Motion condemning Government for its unsatisfactory management of local government change and for alienating the local government industry — (Hon. P. Power) — *Resumption of debate.* (Hon. D.T. Walpole).
- 13 **SALINITY** — Motion to take note of report of Auditor-General on salinity, March 1993 — (Hon. D.M. Evans) — *Resumption of debate.* (Hon. B.W. Bishop).

Wednesday, 25 May 1994

- 14 SENIOR EMPLOYMENT CONTRACTS IN VICTORIAN MUNICIPALITIES — REPORT OF INVESTIGATION, MAY 1994, AND RELATED MINISTERIAL STATEMENT — To be considered.

GOVERNMENT BUSINESS

NOTICE OF MOTION

- *1 THE HON. R.I. KNOWLES — To move, That so much of the Sessional Orders as requires that General business shall take precedence of Government business on Wednesdays until 2.00 p.m. be suspended from Thursday 26 May until the end of June 1994 and that until the end of June 1994, unless otherwise ordered by the House, Government business shall take precedence of General business from 12 noon on Wednesdays.

ORDERS OF THE DAY

- *1 GAMING AND BETTING BILL — (from Assembly — Hon. Haddon Storey) — Second reading.
- 2 SWAN HILL PIONEER SETTLEMENT AUTHORITY (REPEAL) BILL — (from Assembly — Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. P. Power).
- 3 TOBACCO LEAF INDUSTRY (DEREGULATION) BILL — (from Assembly — Hon. W.R. Baxter) — Second reading — Resumption of debate. (Hon. P. Power).
- 4 STAMPS (SECURITIES CLEARING HOUSE) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. T.C. Theophanous).
- 5 CASINO CONTROL (MISCELLANEOUS AMENDMENTS) BILL — (from Assembly — Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. D.R. White).
- 6 FINANCIAL AGREEMENT BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. T.C. Theophanous).
- *7 VICTORIAN INSTITUTE OF MARINE SCIENCES (AMENDMENT) BILL — (from Assembly — Hon. M.A. Birrell) — Second reading — Resumption of debate. (Hon. B.T. Pullen).
- *8 APPROPRIATION (PARLIAMENT) (INTERIM 1994-95) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. T.C. Theophanous).
- *9 APPROPRIATION (INTERIM 1994-95) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. T.C. Theophanous).
- 10 WATER (FURTHER AMENDMENT) BILL — (from Assembly — Hon. M.A. Birrell) — Second reading — Resumption of debate. (Hon. B.T. Pullen).

- 11 STATE TRUSTEES (STATE OWNED COMPANY) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. T.C. Theophanous).

A.V. BRAY
Clerk of the Legislative Council

B.A. CHAMBERLAIN
President

Wednesday, 25 May 1994

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

* * * *

COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis, B.W. Mier and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (ex-officio), R.A. Best, L. Kokocinski, D.A. Nardella, B.A.E. Skeggs, and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING — The Honourables the President, B.W. Bishop, G.H. Cox, B.W. Mier, D.A. Nardella, B.A.E. Skeggs and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables A.R. Brideson, B.W. Bishop, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS (JOINT) — The Honourables L. Asher, M.M. Gould and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 28 October 1992 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday	—	2.30 p.m.
Wednesday	—	10.00 a.m.
Thursday	—	10.00 a.m.

Business to take precedence—

Tuesday	—	Government business.
Wednesday	—	General business (until 2.00 p.m.).
Thursday	—	Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 27 October 1992, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

ADJOURNMENT OF BILLS [Effective until 30 June 1994]

By resolution of the Council on 29 March 1994 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 27 May 1994, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in September 1994: Provided that any Bill transmitted from the Legislative Assembly which is in the hands of the Clerk no later than 10.00 a.m. on 30 May 1994 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 70

Thursday, 26 May 1994

Mr. President takes the Chair at 10.00 a.m.

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- 1 **GAMING AND BETTING BILL** — *(from Assembly — Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. D.R. White).*
- 2 **WATER (FURTHER AMENDMENT) BILL** — *(from Assembly — Hon. M.A. Birrell) — Second reading — Resumption of debate. (Hon. B.T. Pullen).*
- 3 **STATE TRUSTEES (STATE OWNED COMPANY) BILL** — *(from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. T.C. Theophanous).*
- 4 **APPROPRIATION (PARLIAMENT) (INTERIM 1994-95) BILL** — *(from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. T.C. Theophanous).*
- 5 **APPROPRIATION (INTERIM 1994-95) BILL** — *(from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. T.C. Theophanous).*
- *6 **PUBLIC PROSECUTIONS BILL** — *(from Assembly — Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. B.T. Pullen).*

GENERAL BUSINESS

NOTICES OF MOTION

- 1 **THE HON. D.R. WHITE** — To move, That this House condemns the Government for its hasty introduction of ill considered, poorly drafted and divisive legislation that it intends to pass by ambushing the people of Victoria instead of allowing time for community consultation and scrutiny.
- 2 **THE HON. D.R. WHITE** — To move, That the Sessional Orders relating to the Business of the House, adopted by the Council on 28 October 1992, be amended as follows:

In paragraph (b), after "20A," insert "53,".

ORDERS OF THE DAY

- 1 **LOCAL GOVERNMENT BOARD — MINISTER'S ANSWER TO QUESTION WITHOUT NOTICE, 6 NOVEMBER 1992** — To be considered.
- 2 **PUBLIC SECTOR SUPERANNUATION** — Motion to take note of document prepared by the Hon. I.W. Smith, MP, Minister for Finance, 7 April 1993 — *(Hon. D.R. White)* — *Resumption of debate. (Hon. Rosemary Varty).*
- 3 **STATE SCHOOL CLEANERS** — Motion condemning Government for treatment of cleaners before, and on, 31 December 1992 and consequent extra workload and responsibilities imposed on teachers, students and parents — *(Hon. D.A. Nardella)* — *Resumption of debate. (Hon. C.J. Hogg).*
- 4 **ROAD FUNDS FUEL LEVY** — Motion for Trust Fund money derived from 3 cent levy on fuel to be dedicated to stage one of Western Bypass and the Domain tunnel, and for remaining funds to be applied to certain major State arterial roads and, further, that introduction of the tax not proceed until such a commitment is made — *(Hon. D.R. White)* — *Resumption of debate. (Hon. G.B. Ashman).*
- 5 **INDUSTRIAL RELATIONS** — Motion condemning Government for its mishandling of industrial relations and for seeking to prevent Victorian workers obtaining Federal award protection — *(Hon. D.T. Walpole)* — *Resumption of debate. (Hon. B.W. Mier).*
- 6 **STATE SCHOOL EDUCATION SYSTEM** — Motion condemning Government for its sustained attack on the system — *(Hon. C.J. Hogg)* — *Resumption of debate. (Hon. D.A. Nardella).*
- 7 **PROVINCIAL AND RURAL VICTORIA** — Motion condemning Government for its continuing neglect and, in particular, its failure to address issues of regionalism, its treatment of country Victorians as second class citizens and its lack of vision for the future — *(Hon. P. Power)* — *Resumption of debate. (Hon. D.R. White).*
- 8 **WORKCOVER** — Motion condemning Government for - (i) dumping additional workers classified as partially incapacitated; (ii) its blanket reclassification of injured workers as partially incapacitated and its refusal to back-pay additional workers who have again been reclassified as seriously injured; (iii) sending invalid termination or reduction of benefits notices to injured workers and refusing to compensate such workers; and (iv) its failure to establish Medical Panels which have the confidence of workers, employers and the Courts — *(Hon. T.C. Theophanous)* — *Resumption of debate. (Hon. R.M. Hallam).*
- 9 **VICROADS AND PUBLIC TRANSPORT CORPORATION INFORMATION TECHNOLOGY FUNCTIONS** — Motion to refer proposed outsourcing project to Public Accounts and Estimates Committee for investigation — *(Hon. R.S. Ives)* — *Resumption of debate. (Hon. B.E. Davidson).*
- 10 **STATE ELECTRICITY COMMISSION** — Motion condemning Government for its proposed restructure and privatization — *(Hon. T.C. Theophanous)* — *Resumption of debate. (Hon. R.M. Hallam).*
- 11 **MELBOURNE CASINO** — Motion condemning Government and Casino Control Authority for allowing substantial modification of original bid to be considered and calling for retention of original design or re-opening of selection process — *(Hon. D.R. White)* — *Resumption of debate. (Hon. D.A. Nardella).*

Thursday, 26 May 1994

- 12 LOCAL GOVERNMENT CHANGE — Motion condemning Government for its unsatisfactory management of local government change and for alienating the local government industry — (Hon. P. Power) — Resumption of debate. (Hon. L. Kokocinski).
- 13 SALINITY — Motion to take note of report of Auditor-General on salinity, March 1993 — (Hon. D.M. Evans) — Resumption of debate. (Hon. B.W. Bishop).
- 14 SENIOR EMPLOYMENT CONTRACTS IN VICTORIAN MUNICIPALITIES — REPORT OF INVESTIGATION, MAY 1994, AND RELATED MINISTERIAL STATEMENT — To be considered.

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

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CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

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Thursday, 26 May 1994

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

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‡ Effective until 30 June 1994.

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 71

Friday, 27 May 1994

Mr. President takes the Chair at 10.00 a.m.

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- 1 PUBLIC PROSECUTIONS BILL — *(from Assembly — Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. B.T. Pullen).*
- *2 VOCATIONAL EDUCATION AND TRAINING (AMENDMENT) BILL — *(from Assembly — Hon. Haddon Storey) — Second reading.*
- *3 MELBOURNE EXHIBITION CENTRE BILL — *(from Assembly — Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. D.R. White).*
- 4 APPROPRIATION (INTERIM 1994-95) BILL — *(from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. D.R. White).*

GENERAL BUSINESS

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- 1 THE HON. D.R. WHITE — To move, That this House condemns the Government for its hasty introduction of ill considered, poorly drafted and divisive legislation that it intends to pass by ambushing the people of Victoria instead of allowing time for community consultation and scrutiny.
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Friday, 27 May 1994

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A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

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* * * *

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COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

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ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS (JOINT) — The Honourables L. Asher, M.M. Gould and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

Friday, 27 May 1994

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* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 27 October 1992, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

ADJOURNMENT OF BILLS [Effective until 30 June 1994]

By resolution of the Council on 29 March 1994 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 27 May 1994, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in September 1994: Provided that any Bill transmitted from the Legislative Assembly which is in the hands of the Clerk no later than 10.00 a.m. on 30 May 1994 may be taken through all stages.

‡ Effective until 30 June 1994.

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS

Nos. 69, 70, 71 and 72

No. 69 — Tuesday, 24 May 1994

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The Honourable M.A. Birrell presented a Message from His Excellency 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:
 - Alcoholics and Drug-dependent Persons (Amendment) Act*
 - National Crime Authority (State Provisions) (Amendment) Act*
 - Witness Protection (Amendment) Act.*
- 3 **VICTORIAN INSTITUTE OF MARINE SCIENCES (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Victorian Institute of Marine Sciences Act 1974' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable M.A. Birrell, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **APPROPRIATION (INTERIM 1994-95) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to make interim appropriation of moneys out of the Consolidated Fund for recurrent services and for certain works and purposes for the period July to October 1994*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 5 **GAMING AND BETTING BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to make provision for the undertaking of certain wagering, betting and gaming businesses under licence, to amend the 'Racing Act 1958', the 'Gaming Machine Control Act 1991', the 'Club Keno Act 1993', the 'Casino Control Act 1991' and certain other Acts and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 6 **APPROPRIATION (PARLIAMENT) (INTERIM 1994-95) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to make interim appropriation of moneys out of the Consolidated Fund for recurrent services and for certain works and purposes for the Parliament for the period July to October 1994*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 7 **FINANCIAL MANAGEMENT (CONSEQUENTIAL AMENDMENTS) 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.
- 8 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order No. 71A.
- 9 **PAPERS** —

AUDITOR-GENERAL — The following paper was laid upon the Table by the Clerk pursuant to an Order of the Council on 29 October 1992:

Auditor-General — Report on Ministerial Portfolios, May 1994.

* * * * *

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

Dried Fruits Board — Report, 1993.

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

- Alberton Planning Scheme — Amendments L31 and L33.
- Bairnsdale (Shire) Planning Scheme — Amendment L39.
- Benalla (City) Planning Scheme — Amendment L30.
- Fitzroy Planning Scheme — Amendment L13.
- Flinders Planning Scheme — Amendment L128.
- Greater Geelong Planning Scheme — Amendment L53.
- Hastings Planning Scheme — Amendment L103.
- Korumburra Planning Scheme — Amendment L47.
- Lillydale Planning Scheme — Amendment L133.
- Malvern Planning Scheme — Amendment L25.
- Moorabbin Planning Scheme — Amendment L35.
- Preston Planning Scheme — Amendment L48.
- Rosedale Planning Scheme — Amendment L38.
- Sandringham Planning Scheme — Amendments L9 and L13.
- South Melbourne Planning Scheme — Amendments L50 and L65.
- Springvale Planning Scheme — Amendment L64.
- Sunshine Planning Scheme — Amendment L62.
- Tambo Planning Scheme — Amendment L62.
- Traralgon (Shire) Planning Scheme — Amendment L36.
- Victoria — State Section Planning Schemes — Amendment S33.
- Wangaratta (Shire) Planning Scheme — Amendment L14.
- Werribee Planning Scheme — Amendments L62 and L71.
- Whittlesea Planning Scheme — Amendment L89.
- Wodonga Planning Scheme — Amendment L64.

Statutory Rules under the following Acts of Parliament:

Criminal Injuries Compensation Act 1983 — No. 64.

Health Act 1958 — No. 61, together with copies of the following documents which, by section 32 of the *Interpretation of Legislation Act 1984*, are also required to be laid upon the Table:

Radiation Protection — Annual Limits on intake of Radionuclides by Workers Based on the 1990 Recommendations, Annals of the International Commission on Radiological Protection, ICRP Publication 61, Volume 21, No. 4.

Code of Practice for the Safe Transport of Radioactive Substances, 1990, Department of the Arts, Sport, the Environment, Tourism and Territories.

Sealed radioactive sources — Classification — International Standard, ISO 2919, 1980.

Sealed radioactive sources — Leak test methods — International Standard Technical Report, ISO 4826, 1979.

Supreme Court Act 1986 — No. 63.

* * * * *

PROCLAMATION — A Proclamation of His Excellency the Governor in Council fixing an operative date in respect of the following Act was laid upon the Table by the Clerk pursuant to an Order of the Council on 27 October 1992:

Health and Community Services (General Amendment) Act 1993 — Sections 7 to 12 — 8 May 1994 (*Gazette* No. G20, 19 May 1994).

- 10 WATER (FURTHER AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable M.A. Birrell moved, That this Bill be now read a second time.
- The Honourable C.J. Hogg (for the Honourable B.T. Pullen) moved, That the debate be now adjourned.
- Question — That the debate be now adjourned — put and resolved in the affirmative.
- Ordered — That the debate be adjourned until the next day of meeting.
- 11 VICTORIAN INSTITUTE OF MARINE SCIENCES (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable M.A. Birrell moved, That this Bill be now read a second time.
- The Honourable C.J. Hogg (for the Honourable B.T. Pullen) moved, That the debate be now adjourned.
- Question — That the debate be now adjourned — put and resolved in the affirmative.
- Ordered — That the debate be adjourned until the next day of meeting.
- 12 CASINO CONTROL (MISCELLANEOUS AMENDMENTS) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam (for the Honourable Haddon Storey) moved, That this Bill be now read a second time.
- The Honourable C.J. Hogg (for the Honourable D.R. White) moved, That the debate be now adjourned.
- Question — That the debate be now adjourned — put and resolved in the affirmative.
- Ordered — That the debate be adjourned until the next day of meeting.
- 13 STATE TRUSTEES (STATE OWNED COMPANY) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.
- The Honourable R.M. Hallam made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.
- The Honourable B.T. Pullen (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.
- Question — That the debate be now adjourned — put and resolved in the affirmative.
- Ordered — That the debate be adjourned until the next day of meeting.
- 14 APPROPRIATION (INTERIM 1994-95) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.
- The Honourable B.T. Pullen (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.
- Question — That the debate be now adjourned — put and resolved in the affirmative.
- Ordered — That the debate be adjourned until the next day of meeting.

15 APPROPRIATION (PARLIAMENT) (INTERIM 1994-95) BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable B.T. Pullen (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

16 CONTROL OF WEAPONS (AMENDMENT) BILL — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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 LAND CONSERVATION (AMENDMENT) BILL — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

The Honourable B.T. Pullen moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this House declines to read this Bill a second time until appropriate action is taken by the Government to maintain the clear and perceived independence of the Land Conservation Council by adding it to Schedule 1 of the *Public Sector Management Act 1992*."

Debate ensued.

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

The Council divided.

AYES, 29

NOES, 14

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson
W.R. Baxter
R.A. Best
M.A. Birrell
B.W. Bishop
R.H. Bowden
A.R. Brideson
G.P. Connard
G.H. Cox
G.R. Craige
P.R. Davis
R.S. de Fegely
D.M. Evans
W. Forwood
J.V.C. Guest
P.R. Hall
R.M. Hallam
W.A.N. Hartigan
R.I. Knowles
B.A.E. Skeggs (Teller)
K.M. Smith (Teller)
Graeme Stoney
Haddon Storey
C.A. Strong

The Hon. B.E. Davidson
M.M. Gould
D.E. Henshaw
C.J. Hogg
R.S. Ives
L. Kokocinski
J. McLean
B.W. Mier
D.A. Nardella
P. Power (Teller)
B.T. Pullen (Teller)
T.C. Theophanous
D.T. Walpole
D.R. White

Rosemary Varty
Dr. R.J.H. Wells
Sue deC. Wilding

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

Question — That this 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 **SUBDIVISION (FURTHER AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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.

- 19 **BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 7 to 9 inclusive, be postponed until later this day.

- 20 **TREASURY CORPORATION OF VICTORIA (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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, 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 **ARTS INSTITUTIONS (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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.

- 22 **MAGISTRATES' COURT (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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.

- 23 **JOINT COMMITTEE RECORDS** — The Deputy President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the following Resolution:

That —

- (a) this House authorizes the transfer to the Public Record Office of all Joint Parliamentary Committee records in excess of 4 years old which have not been tabled in the Parliament, subject to the condition that they remain the property of the Parliament;
- (b) subject to paragraph (d), access to such documents be granted only on the joint authority of the Presiding Officers or their nominated delegates;

- (c) reproduction or publication of the whole or any part of the documents be permitted for educational, historical or research purposes subject to the approval of the Presiding Officers and on such terms and conditions as they may determine; and
- (d) access to material presented to any Committee on a confidential basis not be permitted —
 - (i) in respect of *in camera* evidence and personal records less than 75 years old; or
 - (ii) in respect of all other material less than 30 years old —

and desiring the concurrence of the Council therein.

Ordered — That the Message be now taken into consideration.

The Honourable R.I. Knowles 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 accordingly.

24 ADJOURNMENT — The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 10.02 p.m., adjourned until tomorrow.

A.V. BRAY

Clerk of the Legislative Council

No. 70 — Wednesday, 25 May 1994

- 1 The President took the Chair and read the Prayer.
- 2 **PUBLIC PROSECUTIONS BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to provide for the appointment of a Director of Public Prosecutions, a Chief Crown Prosecutor, Crown Prosecutors and a Solicitor for Public Prosecutions, to require that certain decisions be made by the Director of Public Prosecutions only after obtaining the advice of a Committee, to make fresh provision with respect to the manner of dealing with certain contempts of court, to establish an Office of Public Prosecutions and a Committee for Public Prosecutions, to repeal the 'Director of Public Prosecutions Act 1982', to amend the 'Constitution Act 1975', the 'County Court Act 1958' and the 'Crimes (Criminal Trials) Act 1993' and make consequential amendments to certain other Acts and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 3 **PAPERS** —
ENVIRONMENT AND NATURAL RESOURCES COMMITTEE — EXTRACTIVE INDUSTRIES — The Honourable Dr. R.J.H. Wells presented a Report from the Environment and Natural Resources Committee upon Planning Issues for Extractive Industries, together with Appendices and Minutes of Evidence.
Ordered to lie on the Table and the Report and Appendices 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:

Melbourne College of Printing and Graphic Arts — Report, 1993.

Parliamentary Committees Act 1968 — Minister's response to recommendations in Scrutiny of Acts and Regulations Committee's final report upon the Review of the Victorian *Equal Opportunity Act 1984*.

Water Act 1989 — Minister for Natural Resources' reasons of 24 May 1994 for decision to constitute the Gippsland Rural Water Authority, Goulburn-Murray Rural Water Authority, Southern Rural Water Authority, Sunraysia Rural Water Authority and Wimmera-Mallee Rural Water Authority to take over various responsibilities under the Act in place of the Rural Water Corporation.

4 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 and 2, be postponed until later this day.

5 **MOUNT STIRLING** — The Honourable B.T. Pullen moved, That in respect of Mount Stirling, this House —

- (a) rejects the "desirable minimum development", as described in the Statement of the Minister for Natural Resources on 17 March 1994;
- (b) affirms that there should not be infrastructure development to facilitate a cable car link to Mount Buller, downhill skiing, restaurants or accommodation; and
- (c) is of the opinion that it should be managed to provide for sustainable activities compatible with minimum infrastructure development and environmental impact such as — (i) environmental education, including VCE studies; (ii) cross-country skiing; (iii) bushwalking and self-contained camping; (iv) trail riding; and (v) "eco-tourism" activities designed to provide visitors with an experience of alpine bush with minimum environmental impact.

The Honourable M.A. Birrell moved, as an amendment, That all the words and expressions after "House" be omitted with the view of inserting in place thereof "supports a full and independent Environment Effects Statement, involving extensive public consultation, being prepared prior to any decisions being made on its future."

Debate ensued.

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

The Council divided.

AYES, 13

The Hon. B.E. Davidson (*Teller*)
 M.M. Gould
 D.E. Henshaw (*Teller*)
 C.J. Hogg
 R.S. Ives
 L. Kokocinski
 J. McLean
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen
 T.C. Theophanous
 D.R. White

NOES, 27

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely

W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney (*Teller*)
 Haddon Storey
 C.A. Strong (*Teller*)
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

And so it passed in the negative.

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

Question — That in respect of Mount Stirling, this House supports a full and independent Environment Effects Statement, involving extensive public consultation, being prepared prior to any decisions being made on its future — put and resolved in the affirmative.

- 6 **BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, General Business, Nos. 1 to 11 inclusive, be postponed until later this day.
- 7 **LOCAL GOVERNMENT CHANGE** — The Order of the Day having been read for the resumption of the debate on the motion condemning the Government for its unsatisfactory management of local government change and for alienating the local government industry (*for motion see page 353 ante*) —

Debate resumed.

The Honourable L. Kokocinski moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

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

- 8 **BUSINESS POSTPONED** — Ordered — That the consideration of the Notice of Motion, Government Business, and Order of the Day, Government Business, No. 1, be postponed until later this day.
- 9 **SWAN HILL PIONEER SETTLEMENT AUTHORITY (REPEAL) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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, 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 **TOBACCO LEAF INDUSTRY (DEREGULATION) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders —

- 11 **QUESTIONS** — Questions without notice were taken and answers were given to certain questions on notice pursuant to Standing Order No. 71A.
- 12 **TOBACCO LEAF INDUSTRY (DEREGULATION) 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, 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 **PUBLIC PROSECUTIONS BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.
 The Honourable Haddon Storey made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.
 The Honourable B.T. Pullen moved, That the debate be now adjourned.
 Question — That the debate be now adjourned — put and resolved in the affirmative.
 Ordered — That the debate be adjourned until the next day of meeting.
- 14 **GAMING AND BETTING BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.
 The Honourable Haddon Storey made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.
 The Honourable C.J. Hogg (for the Honourable D.R. White) moved, That the debate be now adjourned.
 Question — That the debate be now adjourned — put and resolved in the affirmative.
 Ordered — That the debate be adjourned until the next day of meeting.
- 15 **STAMPS (SECURITIES CLEARING HOUSE) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —
 Debate resumed.
 The Honourable T.C. Theophanous moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this House declines to read this Bill a second time until arrangements are in place for the payment of full compensation to municipalities for stamp duty now required to be paid under the Bill by them on any application to register, or notice of acquisition relating to, municipal motor vehicles or commercial trailers, thereby ensuring that there is no loss of services provided by local government and no rate increases as a result of this Bill."
 Debate ensued.
 Question — That the words proposed to be omitted stand part of the question — put.
 The Council divided.

AYES, 27

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop

NOES, 13

The Hon. M.M. Gould (*Teller*)
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives (*Teller*)
 L. Kokocinski
 J. McLean
 B.W. Mier

R.H. Bowden	D.A. Nardella
A.R. Brideson	P. Power
G.P. Connard	B.T. Pullen
G.H. Cox	T.C. Theophanous
G.R. Craige	D.T. Walpole
P.R. Davis	D.R. White
R.S. de Fegely	
W. Forwood	
P.R. Hall	
R.M. Hallam	
W.A.N. Hartigan	
R.I. Knowles	
B.A.E. Skeggs	
K.M. Smith	
Graeme Stoney	
Haddon Storey	
C.A. Strong	
Rosemary Varty	
Dr. R.J.H. Wells (<i>Teller</i>)	
Sue deC. Wilding (<i>Teller</i>)	

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

Question — That this 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 CASINO CONTROL (MISCELLANEOUS AMENDMENTS) BILL — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

The Honourable D.R. White moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this House declines to read this Bill a second time until there has been laid upon the Table of the House —

- (a) all bids of the unsuccessful tenderers in relation to the Melbourne Casino; and
- (b) the specific conditions under which the bidders for the Melbourne Casino agreed to minor amendments being made to the successful bid."

Debate ensued.

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

AYES, 26	NOES, 12
The Hon. L. Asher (<i>Teller</i>)	The Hon. M.M. Gould
G.B. Ashman	D.E. Henshaw
B.N. Atkinson	C.J. Hogg
R.A. Best (<i>Teller</i>)	R.S. Ives
M.A. Birrell	L. Kokocinski (<i>Teller</i>)
R.H. Bowden	J. McLean (<i>Teller</i>)
A.R. Brideson	B.W. Mier
G.P. Connard	D.A. Nardella
G.H. Cox	B.T. Pullen
G.R. Craige	T.C. Theophanous
P.R. Davis	D.T. Walpole
R.S. de Fegely	D.R. White

W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

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

Question — That this 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.

17 FINANCIAL AGREEMENT BILL — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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 VICTORIAN INSTITUTE OF MARINE SCIENCES (AMENDMENT) BILL — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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.

19 BUSINESS OF THE HOUSE — The Honourable R.I. Knowles moved, That so much of the Sessional Orders as requires that General business shall take precedence of Government business on Wednesdays until 2.00 p.m. be suspended from Thursday 26 May until the end of June 1994 and that until the end of June 1994, unless otherwise ordered by the House, Government business shall take precedence of General business from 12 noon on Wednesdays.

Question — put and resolved in the affirmative.

20 ADJOURNMENT — The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

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

A.V. BRAY
Clerk of the Legislative Council

No. 71 — Thursday, 26 May 1994

- 1 The President took the Chair and read the Prayer.
- 2 **VOCATIONAL EDUCATION AND TRAINING (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Vocational Education and Training Act 1990', the 'Adult, Community and Further Education Act 1991' and the 'Employee Relations Act 1992' and to make consequential amendments to other Acts and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 3 **MELBOURNE EXHIBITION CENTRE BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to establish a Melbourne Exhibition Centre Trust to administer a Melbourne Exhibition Centre and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

4 **PAPERS** —

SUPREME COURT JUDGES — The Honourable Haddon Storey presented, by command of His Excellency the Governor, the Report of the Supreme Court Judges for the year 1993.

Ordered to lie on the Table.

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COUNTY COURT JUDGES — The Honourable Haddon Storey presented, by command of His Excellency the Governor, the Report of the County Court Judges for the year 1992-93.

Ordered to lie on the Table.

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MAGISTRATES' COURT — The Honourable Haddon Storey presented, by command of His Excellency the Governor, the Report of the Magistrates' Court for the year ended 31 July 1993.

Ordered to lie on the Table.

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INTRODUCTION AGENCIES — The Honourable Haddon Storey moved, by leave, That there be laid before this House a copy of the Report of the Joint Office of Fair Trading and Business Affairs and Consumer Advocacy and Financial Counselling Association Working Party upon Introduction Agencies in Victoria, May 1994.

Question — put and resolved in the affirmative.

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

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PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — 1993-94 BUDGET ESTIMATES — The Honourable P.R. Hall presented an Interim Report from the Public Accounts and Estimates Committee upon the 1993-94 Budget Estimates and a Report on a matter related to the Auditor-General's Report on the 1992-93 Finance Statement, together with Minutes of Evidence.

Ordered to lie on the Table and the Report to be printed.

ECONOMIC DEVELOPMENT COMMITTEE — CODE OF TENDERING — The Honourable P.R. Davis presented a Report from the Economic Development Committee upon a Code of Tendering for the Victorian Building and Construction Industry, together with Appendices.

Ordered to lie on the Table and to be printed.

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AUDITOR-GENERAL — The following paper was laid upon the Table by the Clerk pursuant to an Order of the Council on 29 October 1992:

Auditor-General — Report on Purchasing Practices, May 1994.

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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:

Members of Parliament (Register of Interests) Act 1978 — Summary of Variations notified between 25 November 1993 and 25 May 1994.

- 5 **GAMING AND BETTING BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time — Debate resumed.

Question — put.

The Council divided.

AYES, 25

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson
W.R. Baxter
R.A. Best
B.W. Bishop
R.H. Bowden
A.R. Brideson
G.H. Cox
G.R. Craige
P.R. Davis
R.S. de Fegely
D.M. Evans
W. Forwood (*Teller*)
J.V.C. Guest
P.R. Hall
R.M. Hallam
W.A.N. Hartigan
R.I. Knowles
B.A.E. Skeggs
K.M. Smith
Graeme Stoney
Haddon Storey
C.A. Strong (*Teller*)
Sue deC. Wilding

NOES, 12

The Hon. B.E. Davidson
M.M. Gould
D.E. Henshaw
C.J. Hogg
R.S. Ives
L. Kokocinski (*Teller*)
B.W. Mier
D.A. Nardella
P. Power
B.T. Pullen
D.T. Walpole (*Teller*)
D.R. White

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, 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.

- 6 **WATER (FURTHER AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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.
- 7 **STATE TRUSTEES (STATE OWNED COMPANY) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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, 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.
- 8 **APPROPRIATION (PARLIAMENT) (INTERIM 1994-95) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —
Debate resumed.
Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders —
- 9 **QUESTIONS** — Questions without notice were taken and answers were given to certain questions on notice pursuant to Standing Order No. 71A.
- 10 **APPROPRIATION (PARLIAMENT) (INTERIM 1994-95) 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, 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 (INTERIM 1994-95) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —
Debate resumed.
The Honourable C.J. Hogg (for the Honourable D.R. White) moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until the next day of meeting.
- 12 **MELBOURNE EXHIBITION CENTRE BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable Haddon Storey) moved, That this Bill be now read a second time.
The Honourable R.I. Knowles made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.
The Honourable D.R. White moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until the next day of meeting.
- 13 **ADJOURNMENT** — The Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until tomorrow at 10.00 a.m.
Question — put and resolved in the affirmative.
The Honourable R.I. Knowles moved, That the House do now adjourn.
Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 5.22 p.m., adjourned until tomorrow at 10.00 a.m.

A.V. BRAY
Clerk of the Legislative Council

No. 72 — Friday, 27 May 1994

- 1 The President took the Chair and read the Prayer.
- 2 **MELBOURNE WATER CORPORATION (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Melbourne Water Corporation Act 1992' and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honourable R.I. Knowles (for the Honourable M.A. Birrell), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 3 **OFFICE OF THE REGULATOR-GENERAL BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to establish the Office of the Regulator-General and to create an economic regulatory framework for regulated industries and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **FINANCIAL INSTITUTIONS (VICTORIA) (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Financial Institutions (Victoria) Act 1992' and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 5 **ECONOMIC DEVELOPMENT COMMITTEE** — The Honourable R.I. Knowles moved, by leave, That the Honourable B.W. Mier be discharged from attendance upon the Economic Development Committee.
Question — put and resolved in the affirmative.
- 6 **ROAD SAFETY COMMITTEE** — The Honourable R.I. Knowles moved, by leave, That, contingent upon the discharge of the Mr. B.A. Mildenhall, M.P. from attendance upon the Road Safety Committee, the Honourable B.W. Mier be appointed to that Committee.
Question — put and resolved in the affirmative.
- 7 **PETITION — UNIVERSAL STUDENT UNIONISM** — The Honourable C.J. Hogg presented a Petition bearing 488 signatures from certain citizens of Victoria praying that the Parliament protect universal student unionism at Victorian University campuses, and particularly that any infringement not be introduced to the principle under legislation purporting to enact any form of voluntary student unionism.
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:
- Deakin University — Report, 1993, together with Statutes approved by the Governor in Council for the year 1993 (11 papers).
 - Infertility — Reports of the Standing Review and Advisory Committee for the years 1988 to 1993 (6 papers).
 - La Trobe University — Report, 1993, together with Statutes approved by the Governor in Council for the year 1993 (39 papers).
 - Melbourne University — Report, 1993 together with Statutes approved by the Governor in Council for the year 1993 (7 papers).
 - Monash University — Report, 1993 together with Statutes approved by the Governor in Council for the year 1993 (36 papers).
 - Royal Melbourne Institute of Technology — Report, 1993.
 - Statutory Rule under the Stock (Seller Liability and Declaration) Act 1993 — No. 66.
 - Swinburne University of Technology — Report, 1993.
 - Victoria University of Technology — Report, 1993.
 - Victorian College of Agriculture and Horticulture Limited — Report, 1993.
- 9 **MELBOURNE WATER CORPORATION (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable M.A. Birrell) moved, That this Bill be now read a second time.
- The Honourable B.T. Pullen moved, That the debate be now adjourned.
- Question — That the debate be now adjourned — put and resolved in the affirmative.
- Ordered — That the debate be adjourned until the next day of meeting.
- 10 **FINANCIAL INSTITUTIONS (VICTORIA) (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.
- The Honourable B.T. Pullen moved, That the debate be now adjourned.
- Question — That the debate be now adjourned — put and resolved in the affirmative.
- Ordered — That the debate be adjourned until the next of meeting.
- 11 **OFFICE OF THE REGULATOR-GENERAL BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.
- The Honourable C.J. Hogg (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.
- Question — That the debate be now adjourned — put and resolved in the affirmative.
- Ordered — That the debate be adjourned until the next day of meeting.
- 12 **BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 1, be postponed until later this day.
- 13 **VOCATIONAL EDUCATION AND TRAINING (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.
- The Honourable Haddon Storey made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this sections.
- Debate ensued.
- The Honourable C.J. Hogg 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 redrafted to reinstate the tripartite nature of the vocational education and training system which has served Victoria so well."
- Debate ensued.

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

AYES, 26

The Hon. L. Asher
G.B. Ashman (*Teller*)
B.N. Atkinson
W.R. Baxter
R.A. Best
M.A. Birrell
B.W. Bishop (*Teller*)
R.H. Bowden
A.R. Brideson
G.H. Cox
G.R. Craige
P.R. Davis
R.S. de Fegely
D.M. Evans
W. Forwood
J.V.C. Guest
P.R. Hall
R.M. Hallam
W.A.N. Hartigan
R.I. Knowles
B.A.E. Skeggs
K.M. Smith
Graeme Stoney
Haddon Storey
Dr. R.J.H. Wells
Sue deC. Wilding

NOES, 11

The Hon. B.E. Davidson (*Teller*)
M.M. Gould (*Teller*)
D.E. Henshaw
C.J. Hogg
R.S. Ives
L. Kokocinski
J. McLean
B.W. Mier
P. Power
B.T. Pullen
T.C. Theophanous

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

Question — That this Bill be now read a second time — 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, 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 **SOUTHGATE PROJECT BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to facilitate the Southgate project and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 15 **VICTORIAN FUNDS MANAGEMENT CORPORATION BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to establish a Victorian Funds Management Corporation, to amend the 'Borrowing and Investment Powers Act 1987' and the 'Transport Accident Act 1986' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 16 **SOUTHGATE PROJECT BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.

And the President having ruled the Bill to be a Private Bill —

The Honourable R.I. Knowles moved, That this Bill be dealt with as a Public Bill except in relation to the payment of fees.

Question — put and resolved in the affirmative.

And the Honourable R.I. Knowles having produced a receipt showing that the sum of \$1000 had been paid into the Treasury for the public uses of the State to meet the expenses of the Bill —

The Honourable B.T. Pullen (for the Honourable D.R. White) moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 17 **VICTORIAN FUNDS MANAGEMENT CORPORATION BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable B.T. Pullen (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 18 **QUESTIONS** — Questions without notice were taken and answers were given to certain questions on notice pursuant to Standing Order No. 71A.

- 19 **PUBLIC PROSECUTIONS BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

Question — put.

The Council divided.

AYES, 26

The Hon. L. Asher
 G.B. Ashman (*Teller*)
 B.N. Atkinson (*Teller*)
 W.R. Baxter
 R.A. Best
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 R.I. Knowles
 B.A.E. Skeggs

NOES, 12

The Hon. B.E. Davidson (*Teller*)
 M.M. Gould
 D.E. Henshaw (*Teller*)
 L. Kokocinski
 J. McLean
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole
 D.R. White

K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Dr. R.J.H. Wells
 Sue deC. Wilding

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, 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 **WESTERNPORT (CRIB POINT TERMINAL) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to facilitate the development and operation of a petroleum terminal at Crib Point, to amend the 'Westernport (Oil Refinery) Act 1963', to repeal the 'Westernport (Oil Refinery) (Further Agreement) Act 1985' and the 'Westernport (Oil Refinery) Land Act 1990', to clarify the status of certain pipeline agreements and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles (for the Honourable W.R. Baxter), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 21 **LAND (REVOCATION OF RESERVATIONS) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to revoke the permanent reservations of certain lands, to authorise the sale of those lands, to amend the 'Melbourne Market and Park Lands Act 1933', the 'Melbourne Lands and Market Sites Act 1991' and the 'Melbourne University (VCAH) Act 1992', to repeal the Melbourne Market and Park Lands Act 1955 and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 22 **MELBOURNE EXHIBITION CENTRE BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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, 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 **WESTERNPORT (CRIB POINT TERMINAL) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable W.R. Baxter) moved, That this Bill be now read a second time.

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

The Honourable T.C. Theophanous (for the Honourable P. Power) moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

24 LAND (REVOCAION OF RESERVATIONS) BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

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

The Honourable T.C. Theophanous moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

25 ADJOURNMENT — The Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until Tuesday next at 10.00 a.m.

Question — put and resolved in the affirmative.

The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 5.17 p.m., adjourned until Tuesday next at 10.00 a.m.

A.V. BRAY
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 72

Tuesday, 31 May 1994

Mr. President takes the Chair at 10.00 a.m.

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- *1 MELBOURNE WATER CORPORATION (AMENDMENT) BILL — (*from Assembly — Hon. M.A. Birrell*) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).
- *2 OFFICE OF THE REGULATOR-GENERAL BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate.* (Hon. T.C. Theophanous).
- 3 APPROPRIATION (INTERIM 1994-95) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate.* (Hon. D.R. White).
- *4 FINANCIAL INSTITUTIONS (VICTORIA) (AMENDMENT) BILL — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).
- *5 SOUTHGATE PROJECT BILL — (*from Assembly — Hon. R.I. Knowles*) — Second reading — *Resumption of debate.* (Hon. D.R. White).
- *6 VICTORIAN FUNDS MANAGEMENT CORPORATION BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate.* (Hon. T.C. Theophanous).
- *7 WESTERNPORT (CRIB POINT TERMINAL) BILL — (*from Assembly — Hon. W.R. Baxter*) — Second reading — *Resumption of debate.* (Hon. P. Power).
- *8 LAND (REVOCATION OF RESERVATIONS) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate.* (Hon. T.C. Theophanous).

GENERAL BUSINESS

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Government for its hasty introduction of ill considered, poorly drafted and divisive legislation that it

*Indicates new entry.

intends to pass by ambushing the people of Victoria instead of allowing time for community consultation and scrutiny.

- 2 **THE HON. D.R. WHITE** — To move, That the Sessional Orders relating to the Business of the House, adopted by the Council on 28 October 1992, be amended as follows:

In paragraph (b), after "20A," insert "53,".

ORDERS OF THE DAY

- 1 **LOCAL GOVERNMENT BOARD — MINISTER'S ANSWER TO QUESTION WITHOUT NOTICE, 6 NOVEMBER 1992** — To be considered.
- 2 **PUBLIC SECTOR SUPERANNUATION** — Motion to take note of document prepared by the Hon. I.W. Smith, MP, Minister for Finance, 7 April 1993 — (*Hon. D.R. White*) — *Resumption of debate.* (*Hon. Rosemary Varty*).
- 3 **STATE SCHOOL CLEANERS** — Motion condemning Government for treatment of cleaners before, and on, 31 December 1992 and consequent extra workload and responsibilities imposed on teachers, students and parents — (*Hon. D.A. Nardella*) — *Resumption of debate.* (*Hon. C.J. Hogg*).
- 4 **ROAD FUNDS FUEL LEVY** — Motion for Trust Fund money derived from 3 cent levy on fuel to be dedicated to stage one of Western Bypass and the Domain tunnel, and for remaining funds to be applied to certain major State arterial roads and, further, that introduction of the tax not proceed until such a commitment is made — (*Hon. D.R. White*) — *Resumption of debate.* (*Hon. G.B. Ashman*).
- 5 **INDUSTRIAL RELATIONS** — Motion condemning Government for its gross mishandling of industrial relations and for seeking to prevent Victorian workers obtaining Federal award protection — (*Hon. D.T. Walpole*) — *Resumption of debate.* (*Hon. B.W. Mier*).
- 6 **STATE SCHOOL EDUCATION SYSTEM** — Motion condemning Government for its sustained attack on the system — (*Hon. C.J. Hogg*) — *Resumption of debate.* (*Hon. D.A. Nardella*).
- 7 **PROVINCIAL AND RURAL VICTORIA** — Motion condemning Government for its continuing neglect and, in particular, its failure to address issues of regionalism, its treatment of country Victorians as second class citizens and its lack of vision for the future — (*Hon. P. Power*) — *Resumption of debate.* (*Hon. D.R. White*).
- 8 **WORKCOVER** — Motion condemning Government for - (i) dumping additional workers classified as partially incapacitated; (ii) its blanket reclassification of injured workers as partially incapacitated and its refusal to back-pay additional workers who have again been reclassified as seriously injured; (iii) sending invalid termination or reduction of benefits notices to injured workers and refusing to compensate such workers; and (iv) its failure to establish Medical Panels which have the confidence of workers, employers and the Courts — (*Hon. T.C. Theophanous*) — *Resumption of debate.* (*Hon. R.M. Hallam*).
- 9 **VICROADS AND PUBLIC TRANSPORT CORPORATION INFORMATION TECHNOLOGY FUNCTIONS** — Motion to refer proposed outsourcing project to Public Accounts and Estimates Committee for investigation — (*Hon. R.S. Ives*) — *Resumption of debate.* (*Hon. B.E. Davidson*).

Tuesday, 31 May 1994

- 10 **STATE ELECTRICITY COMMISSION** — Motion condemning Government for its proposed restructure and privatization — (Hon. T.C. Theophanous) — *Resumption of debate.* (Hon. R.M. Hallam).
- 11 **MELBOURNE CASINO** — Motion condemning Government and Casino Control Authority for allowing substantial modification of original bid to be considered and calling for retention of original design or re-opening of selection process — (Hon. D.R. White) — *Resumption of debate.* (Hon. D.A. Nardella).
- 12 **LOCAL GOVERNMENT CHANGE** — Motion condemning Government for its unsatisfactory management of local government change and for alienating the local government industry — (Hon. P. Power) — *Resumption of debate.* (Hon. L. Kokocinski).
- 13 **SALINITY** — Motion to take note of report of Auditor-General on salinity, March 1993 — (Hon. D.M. Evans) — *Resumption of debate.* (Hon. B.W. Bishop).
- 14 **SENIOR EMPLOYMENT CONTRACTS IN VICTORIAN MUNICIPALITIES — REPORT OF INVESTIGATION, MAY 1994, AND RELATED MINISTERIAL STATEMENT** — To be considered.

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

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COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

***ECONOMIC DEVELOPMENT (JOINT)** — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (ex-officio), R.A. Best, L. Kokocinski, D.A. Nardella, B.A.E. Skeggs, and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING — The Honourables the President, B.W. Bishop, G.H. Cox, B.W. Mier, D.A. Nardella, B.A.E. Skeggs and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables A.R. Brideson, B.W. Bishop, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

***ROAD SAFETY (JOINT)** — The Honourables R.A. Best, B.E. Davidson, B.W. Mier, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS (JOINT) — The Honourables L. Asher, M.M. Gould and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

Tuesday, 31 May 1994

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 28 October 1992 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday	—	2.30 p.m.
Wednesday	—	10.00 a.m.
Thursday	—	10.00 a.m.

Business to take precedence—

Tuesday	—	Government business.
‡Wednesday	—	General business (until 12.00 noon).
Thursday	—	Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 27 October 1992, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

ADJOURNMENT OF BILLS [Effective until 30 June 1994]

By resolution of the Council on 29 March 1994 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 27 May 1994, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in September 1994: Provided that any Bill transmitted from the Legislative Assembly which is in the hands of the Clerk no later than 10.00 a.m. on 30 May 1994 may be taken through all stages.

‡ Effective until 30 June 1994.

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 73

Wednesday, 1 June 1994

Mr. President takes the Chair at 10.00 a.m.

BUSINESS TO TAKE PRECEDENCE

ORDER OF THE DAY

- *1 FEES FOR PRIVATE BILLS AND WITHDRAWAL OF STRANGERS — STANDING ORDERS COMMITTEE'S REPORT — To be considered.

GENERAL BUSINESS

[To take precedence until 12 noon]

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Government for its hasty introduction of ill considered, poorly drafted and divisive legislation that it intends to pass by ambushing the people of Victoria instead of allowing time for community consultation and scrutiny.
- 2 THE HON. D.R. WHITE — To move, That the Sessional Orders relating to the Business of the House, adopted by the Council on 28 October 1992, be amended as follows:

In paragraph (b), after "20A," insert "53,".
- *3 THE HON. T.C. THEOPHANOUS — To move, That this House condemns the Government for —
 - (a) its failure to instruct consultants who have recently been appointed to prepare a report on options for the development of Docklands to also examine the viability of staging the Melbourne Grand Prix in the Docklands site;
 - (b) its failure to present a full cost-benefit analysis with the release of plans for the Grand Prix at Albert Park or to include all construction and public cost information about the staging of the Grand Prix at Albert Park;
 - (c) its continual insistence that the contractual arrangements to stage the Grand Prix at Albert Park cannot be altered despite the recently reported re-negotiation of the site for the Argentinian Grand Prix;

- (d) its misleading of the President of the Formula One Constructors Association by failing to advise him of significant community concern about the Albert Park venue and, further, that Albert Park was not the only inner city site which may be suitable for the Grand Prix; and
- (e) its insistence on the Grand Prix Agreement containing a confidentiality clause which precludes the Victorian public from accessing information on the terms and conditions of the contract.

ORDERS OF THE DAY

- 1 LOCAL GOVERNMENT BOARD — MINISTER'S ANSWER TO QUESTION WITHOUT NOTICE, 6 NOVEMBER 1992 — To be considered.
- 2 PUBLIC SECTOR SUPERANNUATION — Motion to take note of document prepared by the Hon. I.W. Smith, MP, Minister for Finance, 7 April 1993 — (Hon. D.R. White) — *Resumption of debate.* (Hon. Rosemary Varty).
- 3 STATE SCHOOL CLEANERS — Motion condemning Government for treatment of cleaners before, and on, 31 December 1992 and consequent extra workload and responsibilities imposed on teachers, students and parents — (Hon. D.A. Nardella) — *Resumption of debate.* (Hon. C.J. Hogg).
- 4 ROAD FUNDS FUEL LEVY — Motion for Trust Fund money derived from 3 cent levy on fuel to be dedicated to stage one of Western Bypass and the Domain tunnel, and for remaining funds to be applied to certain major State arterial roads and, further, that introduction of the tax not proceed until such a commitment is made — (Hon. D.R. White) — *Resumption of debate.* (Hon. G.B. Ashman).
- 5 INDUSTRIAL RELATIONS — Motion condemning Government for its gross mishandling of industrial relations and for seeking to prevent Victorian workers obtaining Federal award protection — (Hon. D.T. Walpole) — *Resumption of debate.* (Hon. B.W. Mier).
- 6 STATE SCHOOL EDUCATION SYSTEM — Motion condemning Government for its sustained attack on the system — (Hon. C.J. Hogg) — *Resumption of debate.* (Hon. D.A. Nardella).
- 7 PROVINCIAL AND RURAL VICTORIA — Motion condemning Government for its continuing neglect and, in particular, its failure to address issues of regionalism, its treatment of country Victorians as second class citizens and its lack of vision for the future — (Hon. P. Power) — *Resumption of debate.* (Hon. D.R. White).
- 8 WORKCOVER — Motion condemning Government for - (i) dumping additional workers classified as partially incapacitated; (ii) its blanket reclassification of injured workers as partially incapacitated and its refusal to back-pay additional workers who have again been reclassified as seriously injured; (iii) sending invalid termination or reduction of benefits notices to injured workers and refusing to compensate such workers; and (iv) its failure to establish Medical Panels which have the confidence of workers, employers and the Courts — (Hon. T.C. Theophanous) — *Resumption of debate.* (Hon. R.M. Hallam).
- 9 VICROADS AND PUBLIC TRANSPORT CORPORATION INFORMATION TECHNOLOGY FUNCTIONS — Motion to refer proposed outsourcing project to Public Accounts and Estimates Committee for investigation — (Hon. R.S. Ives) — *Resumption of debate.* (Hon. B.E. Davidson).

Wednesday, 1 June 1994

- 10 STATE ELECTRICITY COMMISSION — Motion condemning Government for its proposed restructure and privatization — (Hon. T.C. Theophanous) — Resumption of debate. (Hon. R.M. Hallam).
- 11 MELBOURNE CASINO — Motion condemning Government and Casino Control Authority for allowing substantial modification of original bid to be considered and calling for retention of original design or re-opening of selection process — (Hon. D.R. White) — Resumption of debate. (Hon. D.A. Nardella).
- 12 LOCAL GOVERNMENT CHANGE — Motion condemning Government for its unsatisfactory management of local government change and for alienating the local government industry — (Hon. P. Power) — Resumption of debate. (Hon. L. Kokocinski).
- 13 SALINITY — Motion to take note of report of Auditor-General on salinity, March 1993 — (Hon. D.M. Evans) — Resumption of debate. (Hon. B.W. Bishop).

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- *1 TERTIARY EDUCATION (AMENDMENT) BILL — (from Assembly — Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. C.J. Hogg).
- 2 WESTERNPORT (CRIB POINT TERMINAL) BILL — (from Assembly — Hon. W.R. Baxter) — Second reading — Resumption of debate. (Hon. P. Power).
- 3 LAND (REVOCATION OF RESERVATIONS) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. T.C. Theophanous).
- *4 SUPERANNUATION ACTS (AMENDMENT) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. T.C. Theophanous).
- *5 CATCHMENT AND LAND PROTECTION BILL — (from Assembly — Hon. M.A. Birrell) — Second reading — Resumption of debate. (Hon. B.T. Pullen).
- *6 ELECTRICITY INDUSTRY (AMENDMENT) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. T.C. Theophanous).

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

* * * *

COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (ex-officio), R.A. Best, L. Kokocinski, D.A. Nardella, B.A.E. Skeggs, and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

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PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables A.R. Brideson, B.W. Bishop, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, B.W. Mier, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS (JOINT) — The Honourables L. Asher, M.M. Gould and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

Wednesday, 1 June 1994

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

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Meetings—

Tuesday	—	2.30 p.m.
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Tuesday	—	Government business.
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No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

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* * * *

ADJOURNMENT OF BILLS [Effective until 30 June 1994]

By resolution of the Council on 29 March 1994 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 27 May 1994, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in September 1994: Provided that any Bill transmitted from the Legislative Assembly which is in the hands of the Clerk no later than 10.00 a.m. on 30 May 1994 may be taken through all stages.

‡ Effective until 30 June 1994.

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS

Nos. 73 and 74

No. 73 — Tuesday, 31 May 1994

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The Honourable M.A. Birrell presented a Message from His Excellency 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:
 - Arts Institutions (Amendment) Act*
 - Control of Weapons (Amendment) Act*
 - Financial Management (Consequential Amendments) Act*
 - Land Conservation (Amendment) Act*
 - Magistrates' Court (Amendment) Act*
 - Subdivision (Further Amendment) Act*
 - Treasury Corporation of Victoria (Amendment) Act*
 - Casino Control (Miscellaneous Amendments) Act.*
- 3 **SUPERANNUATION ACTS (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Parliamentary Salaries and Superannuation Act 1968', the 'Hospitals Superannuation Act 1988', the 'State Superannuation Act 1988', the 'Transport Superannuation Act 1988', the 'Emergency Services Superannuation Act 1986', and the 'Public Sector Superannuation (Administration) Act 1993' and for other purposes*" and desiring the concurrence of the Council therein.
 On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **CATCHMENT AND LAND PROTECTION BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to establish a system of integrated management and protection for catchments, to establish a framework for controlling noxious weeds and pest animals, to repeal the 'Soil Conservation and Land Utilization Act 1958' and the 'Vermin and Noxious Weeds Act 1958', to amend various other Acts and for other purposes*" and desiring the concurrence of the Council therein.
 On the motion of the Honourable M.A. Birrell, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 5 **TERTIARY EDUCATION (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Tertiary Education Act 1993' and for other purposes*" and desiring the concurrence of the Council therein.
 On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 6 **ELECTRICITY INDUSTRY (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act relating to the further restructuring of the electricity supply industry, to amend the 'Electricity Industry Act 1993', the 'State Electricity Commission Act 1958' and the 'Electric Light and Power Act 1958', to make consequential amendments to other Acts and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 7 **MESSAGES FROM THE ASSEMBLY** — The President announced the receipt of Messages from the Assembly —

Acquainting the Council that they have agreed to the Local Government (Competitive Tendering) Bill without amendment.

Acquainting the Council that they have agreed to the amendments made by the Council in the following Bills:

Accident Compensation (Amendment) Bill

Transport (Further Amendment) Bill.

- 8 **PETITION — SEXUAL DISCRIMINATION** — The Honourable L. Asher presented a Petition bearing 60 signatures from certain citizens of Victoria requesting that the *Equal Opportunity Act 1984* be amended to prohibit discrimination on the grounds of a person's sexuality.

Ordered to lie on the Table.

- 9 **PAPERS** —

STANDING ORDERS COMMITTEE — PRIVATE BILL FEES AND STRANGERS — On behalf of the President (Chairman), the Honourable R.S. de Fegely presented a Report from the Standing Orders Committee upon Fees for Private Bills and Withdrawal of Strangers.

Ordered to lie on the Table and to be printed.

The Honourable R.S. de Fegely moved, That the Report be taken into consideration on the next day of meeting.

Question — put and resolved in the affirmative.

* * * * *

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — STATE'S BUDGET AND FINANCIAL MANAGEMENT FRAMEWORK — The Honourable P.R. Hall presented an Interim Report from the Public Accounts and Estimates Committee upon the State's Budget and Financial Management Framework, together with an Appendix and Minutes of Evidence.

Ordered to lie on the Table and the Report and Appendix 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:

John Batman College of TAFE —

Minister for Tertiary Education and Training's report of failure of College to submit 1993 report to him within the prescribed period and the reasons therefor.

Report, 1993.

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

Ballaarat (City) Planning Scheme — Amendment L42.

Ballan Planning Scheme — Amendment L12 Part 3.

Lillydale Planning Scheme — Amendment L136.

Planning and Environment Act 1987 — *continued*

Strathfieldsaye Planning Scheme — Amendment L15 Part 1.

Wonthaggi Planning Scheme — Amendment L18.

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PROCLAMATIONS — Proclamations of His Excellency the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Clerk pursuant to an Order of the Council on 27 October 1992:

Sentencing (Victim Impact Statement) Act 1994 — Sections 4 to 9 — 31 May 1994
(*Gazette* No. G21, 26 May 1994).

Stock (Seller Liability and Declarations) Act 1993 — Sections 3 to 38 — 26 May 1994
(*Gazette* No. G21, 26 May 1994).

10 **SUPERANNUATION ACTS (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable T.C. Theophanous moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

11 **TERTIARY EDUCATION (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.

The Honourable C.J. Hogg moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

12 **CATCHMENT AND LAND PROTECTION BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable M.A. Birrell moved, That this Bill be now read a second time.

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

The Honourable B.T. Pullen moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

13 **MELBOURNE WATER CORPORATION (AMENDMENT) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

The Honourable B.T. Pullen 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 question of the splitting up of Melbourne Water be referred to a Joint Parliamentary Committee to be considered in terms of:

- (a) the implications for economic effectiveness and efficiency of delivery of water, drainage and sewerage services to the people of Victoria in the longer term;
- (b) the environmental and public health implications; and
- (c) implications of commercialisation and privatisation and treating water as a commodity rather than a finite resource."

Debate ensued.

Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders —

14 **QUESTIONS** — Questions without notice were taken and answers were given to certain questions on notice pursuant to Standing Order No. 71A.

- 15 MELBOURNE WATER CORPORATION (AMENDMENT) BILL — Debate continued on the question, That this Bill be now read a second time and on the reasoned amendment (*for text see item 13 ante*).

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

AYES, 26

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson
W.R. Baxter
M.A. Birrell
B.W. Bishop
R.H. Bowden
A.R. Brideson
G.P. Connard
G.H. Cox
P.R. Davis
R.S. de Fegely
D.M. Evans
W. Forwood
J.V.C. Guest
P.R. Hall
R.M. Hallam
W.A.N. Hartigan
R.I. Knowles
B.A.E. Skeggs
K.M. Smith
Graeme Stoney
Haddon Storey
C.A. Strong
Dr. R.J.H. Wells (*Teller*)
Sue deC. Wilding (*Teller*)

NOES, 12

The Hon. B.E. Davidson (*Teller*)
M.M. Gould
D.E. Henshaw
C.J. Hogg
R.S. Ives
L. Kokocinski
J. McLean
B.W. Mier
B.T. Pullen
T.C. Theophanous
D.T. Walpole
D.R. White (*Teller*)

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

Question — That this 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 BUSINESS POSTPONED — Ordered — That the consideration of Order of the Day, Government Business, No. 2, be postponed until later this day.

- 17 APPROPRIATION (INTERIM 1994-95) BILL — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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 Honourable G.H. Cox 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 OFFICE OF THE REGULATOR-GENERAL BILL — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

Question — put.

The Council divided.

AYES, 27

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson (*Teller*)
 G.P. Connard
 G.H. Cox
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan (*Teller*)
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Dr. R.J.H. Wells
 Sue deC. Wilding

NOES, 12

The Hon. B.E. Davidson
 M.M. Gould (*Teller*)
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 L. Kokocinski
 J. McLean (*Teller*)
 B.W. Mier
 D.A. Nardella
 B.T. Pullen
 T.C. Theophanous
 D.R. White

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, 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.

19 ELECTRICITY INDUSTRY (AMENDMENT) BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable B.T. Pullen (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 20 **FINANCIAL INSTITUTIONS (VICTORIA) (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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.
- 21 **SOUTHGATE PROJECT BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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.
- 22 **VICTORIAN FUNDS MANAGEMENT CORPORATION BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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.
- 23 **ADJOURNMENT** — The Honourable R.I. Knowles moved, That the House do now adjourn.
 Debate ensued.
 Question — put and resolved in the affirmative.
- And then the Council, at 10.07 p.m., adjourned until tomorrow.

A.V. BRAY
Clerk of the Legislative Council

No. 74 — Wednesday, 1 June 1994

1 The President took the Chair and read the Prayer.

2 **PAPERS** —

BLF CUSTODIAN — The Honourable Haddon Storey moved, by leave, That there be laid before this House a copy of Report No. 27 dated 31 May 1994, given to Mr. President pursuant to section 7A of the *BLF (De-recognition) Act 1985* by the Custodian appointed under section 7(1) of that Act.

Question — put and resolved in the affirmative.

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

* * * * *

LAW REFORM COMMITTEE — CORPORATIONS LAW — The Honourable J.V.C. Guest presented the First Report from the Law Reform Committee upon the Law relating to Directors and Managers of Insolvent Corporations: "Curbing the Phoenix Company", together with Appendices, Submissions and Minutes of Evidence.

Ordered to lie on the Table and the Report and Appendices 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:

- Box Hill College of TAFE — Report, 1993.
- Frankston College of TAFE — Report, 1993.
- Melbourne College of Textiles — Report, 1993.
- Wangaratta College of TAFE — Report, 1993.
- William Angliss College — Report, 1993.

3 **BUSINESS POSTPONED** — Ordered — That the consideration of the Order of the Day, Business to take Precedence, and Notices of Motion, General Business, Nos. 1 and 2, be postponed until later this day.

4 **MELBOURNE GRAND PRIX** — The Honourable T.C. Theophanous moved, That this House condemns the Government for —

- (a) its failure to instruct consultants who have recently been appointed to prepare a report on options for the development of Docklands to also examine the viability of staging the Melbourne Grand Prix in the Docklands site;
- (b) its failure to present a full cost-benefit analysis with the release of plans for the Grand Prix at Albert Park or to include all construction and public cost information about the staging of the Grand Prix at Albert Park;
- (c) its continual insistence that the contractual arrangements to stage the Grand Prix at Albert Park cannot be altered despite the recently reported re-negotiation of the site for the Argentinian Grand Prix;
- (d) its misleading of the President of the Formula One Constructors Association by failing to advise him of significant community concern about the Albert Park venue and, further, that Albert Park was not the only inner city site which may be suitable for the Grand Prix; and
- (e) its insistence on the Grand Prix Agreement containing a confidentiality clause which precludes the Victorian public from accessing information on the terms and conditions of the contract.

Debate ensued.

General Business having been interrupted at 12.00 noon pursuant to Sessional Orders, the debate stood adjourned in the name of the Honourable M.A. Birrell.

5 **TERTIARY EDUCATION (AMENDMENT) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders —

6 **QUESTIONS** — Questions without notice were taken and answers were given to certain questions on notice pursuant to Standing Order No. 71A.

7 **TERTIARY EDUCATION (AMENDMENT) BILL** — Debate continued on the question, That this Bill be now read a second time.

Question — put.

The Council divided.

AYES, 24

The Hon. L. Asher
G.B. Ashman (*Teller*)
B.N. Atkinson
W.R. Baxter

NOES, 12

The Hon. B.E. Davidson
M.M. Gould
D.E. Henshaw
C.J. Hogg

R.A. Best	R.S. Ives
M.A. Birrell	L. Kokocinski
B.W. Bishop	J. McLean
R.H. Bowden	B.W. Mier
A.R. Brideson	D.A. Nardella (<i>Teller</i>)
G.P. Connard	P. Power
G.H. Cox	B.T. Pullen (<i>Teller</i>)
R.S. de Fegely	T.C. Theophanous
W. Forwood	
J.V.C. Guest (<i>Teller</i>)	
P.R. Hall	
R.M. Hallam	
W.A.N. Hartigan	
R.I. Knowles	
B.A.E. Skeggs	
K.M. Smith	
Graeme Stoney	
Haddon Storey	
Dr. R.J.H. Wells	
Sue deC. Wilding	

And so it was resolved in the affirmative — Bill read a second time.

The Honourable Haddon Storey moved, by leave, That the Bill be now read a third time.

Question — put.

The Council divided.

AYES, 24	NOES, 12
The Hon. L. Asher	The Hon. B.E. Davidson
G.B. Ashman	M.M. Gould
B.N. Atkinson	D.E. Henshaw
W.R. Baxter	C.J. Hogg
R.A. Best	R.S. Ives
M.A. Birrell	L. Kokocinski (<i>Teller</i>)
B.W. Bishop	J. McLean (<i>Teller</i>)
R.H. Bowden (<i>Teller</i>)	B.W. Mier
A.R. Brideson	D.A. Nardella
G.P. Connard (<i>Teller</i>)	P. Power
G.H. Cox	B.T. Pullen
R.S. de Fegely	T.C. Theophanous
W. Forwood	
J.V.C. Guest	
P.R. Hall	
R.M. Hallam	
W.A.N. Hartigan	
R.I. Knowles	
B.A.E. Skeggs	
K.M. Smith	
Graeme Stoney	
Haddon Storey	
Dr. R.J.H. Wells	
Sue deC. Wilding	

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.

- 8 **WESTERNPORT (CRIB POINT TERMINAL) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

The Honourable P. Power 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 redrafted to include legislative implementation of the Crib Point Terminal Oil Spill Prevention and Response Plan once the plan is completed, accepted and adopted."

Debate ensued.

Question — That the words proposed to be omitted stand part of the question — put and resolved in the affirmative — Amendment negatived.

Question — That this Bill be now read a second time — 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, 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 **LAND (REVOCATION OF RESERVATIONS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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, 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 **SUPERANNUATION ACTS (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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 **BUSINESS OF THE HOUSE** — The Honourable R.I. Knowles moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 10.00 p.m. during the sitting of the Council this day.

Question — put and resolved in the affirmative.

- 12 **CATCHMENT AND LAND PROTECTION BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put 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, 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 **ELECTRICITY INDUSTRY (AMENDMENT) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

The Honourable T.C. Theophanous 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 arrangements are in place to provide for:

- (a) the maintenance of a uniform domestic electricity tariff throughout Victoria;
- (b) the reversal of all increases in electricity supply charges on domestic users imposed since 3 October 1992;
- (c) the introduction of an electricity demand management program;
- (d) the continued funding of research and development into renewable energy sources; and
- (e) the continued funding for the bushfire mitigation program currently undertaken by public electricity authorities."

Debate ensued.

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

AYES, 25

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson
W.R. Baxter
R.A. Best
M.A. Birrell
B.W. Bishop
R.H. Bowden
A.R. Brideson
G.P. Connard
G.H. Cox (*Teller*)
R.S. de Fegely
W. Forwood
J.V.C. Guest (*Teller*)
P.R. Hall
R.M. Hallam
W.A.N. Hartigan
R.I. Knowles
B.A.E. Skeggs
K.M. Smith
Graeme Stoney
Haddon Storey
C.A. Strong
Dr. R.J.H. Wells
Sue deC. Wilding

NOES, 11

The Hon. B.E. Davidson
D.E. Henshaw
C.J. Hogg
R.S. Ives (*Teller*)
L. Kokocinski
J. McLean
B.W. Mier
D.A. Nardella
P. Power (*Teller*)
B.T. Pullen
T.C. Theophanous

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

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

The Council divided.

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

THURSDAY, 2 JUNE 1994

AYES, 25

The Hon. L. Asher (*Teller*)
G.B. Ashman
B.N. Atkinson
W.R. Baxter

NOES, 11

The Hon. B.E. Davidson
D.E. Henshaw
C.J. Hogg
R.S. Ives

R.A. Best	L. Kokocinski (<i>Teller</i>)
M.A. Birrell	J. McLean (<i>Teller</i>)
B.W. Bishop	B.W. Mier
R.H. Bowden	D.A. Nardella
A.R. Bridéson	P. Power
G.P. Connard	B.T. Pullen
G.H. Cox	T.C. Theophanous
R.S. de Fegely	
W. Forwood	
J.V.C. Guest	
P.R. Hall	
R.M. Hallam	
W.A.N. Hartigan	
R.I. Knowles	
B.A.E. Skeggs	
K.M. Smith	
Graeme Stoney	
Haddon Storey	
C.A. Strong	
Dr. R.J.H. Wells	
Sue deC. Wilding (<i>Teller</i>)	

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 **PETITION — CITY OF MELBOURNE NORTHERN BOUNDARY** — By leave, the Honourable B.T. Pullen presented a Petition bearing 249 signatures from certain citizens of Victoria praying that action be taken to change the northern boundary of the City of Melbourne to incorporate Park Street and the Hooper Reserve into Parkville and the City of Melbourne.

Ordered to lie on the Table.

- 15 **PAPER —**

LAW REFORM COMMITTEE — RESTITUTION FOR VICTIMS OF CRIME — The Honourable J.V.C. Guest presented the Final Report from the Law Reform Committee upon Restitution for Victims of Crime, together with Appendices and Submissions.

Ordered to lie on the Table and the Report and Appendices to be printed.

- 16 **ADJOURNMENT** — The Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until a day and hour to be fixed by the President, which time of meeting shall be notified in writing to each Honourable Member.

Question — put and resolved in the affirmative.

The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 12.30 a.m., adjourned until a day and hour to be fixed by the President, which time of meeting shall be notified in writing to each Honourable Member.

A.V. BRAY
Clerk of the Legislative Council

SESSION 1992-94

MESSAGES RECEIVED AFTER THE FINAL
ADJOURNMENT OF BOTH HOUSES AND BEFORE THE
PROROGATION

Messages were received from His Excellency the Governor, and the Deputy Governor that they had, on the dates mentioned hereunder, given the Royal Assent to the undermentioned Acts presented to them by the Clerk of the Parliaments:

On 2 June 1994 -

Gaming and Betting Act

On 7 June 1994 -

Appropriation (Parliament) (Interim 1994-95) Act

Financial Agreement Act

Local Government (Competitive Tendering) Act

Melbourne Exhibition Centre Act

Office of the Regulator-General Act

Public Prosecutions Act

Stamps (Securities Clearing House) Act

State Trustees (State Owned Company) Act

Swan Hill Pioneer Settlement Authority (Repeal) Act

Tobacco Leaf Industry (Deregulation) Act

Victorian Institute of Marine Sciences (Amendment) Act

Water (Further Amendment) Act

On 15 June 1994 -

Accident Compensation (Amendment) Act

Appropriation (Interim 1994-95) Act

Catchment and Land Protection Act

Electricity Industry (Amendment) Act

Financial Institutions (Victoria) (Amendment) Act

Land (Revocation of Reservations) Act

Melbourne Water Corporation (Amendment) Act

Southgate Project Act

Superannuation Acts (Amendment) Act

Tertiary Education (Amendment) Act

Transport (Further Amendment) Act

Victorian Funds Management Corporation Act

Vocational Education and Training (Amendment) Act

Westernport (Crib Point Terminal) Act



Victoria Government Gazette

No. S 54 Thursday 11 August 1994
By Authority L. V. North, Government Printer Melbourne

SPECIAL

PROCLAMATION

Proroguing Parliament and Fixing the Time for
Holding Second Session of the
Fifty-Second Parliament of Victoria

By the Governor of the State of Victoria.

The Parliament of Victoria is adjourned until the day and hour fixed by the President of the Legislative Council and the Speaker of the Legislative Assembly respectively.

I, the Governor of the State of Victoria, prorogue the Parliament until Tuesday, 6 September 1994, and fix Tuesday, 6 September 1994 at 2.30 p.m., as the time for the commencement and holding of the next session of Parliament, for the despatch of business, in the Parliament Houses, situated in Spring Street, Melbourne.

The Honourable the Members of the Legislative Council and the Members of the Legislative Assembly are required to give their attendance at that time and place.

Given under my hand and the seal of
Victoria on 11 August 1994 .

(L.S.) R. E. McGARVIE
Governor
By His Excellency's Command

J. G. KENNETT
Premier

COMMITTEES

COMMUNITY DEVELOPMENT (JOINT)

*(Appointed 10 November 1992 -
See Act No. 7727 s. 4)*

The Hon. B.N. Atkinson
C.J. Hogg
L. Kokocinski

ECONOMIC DEVELOPMENT (JOINT)

*(Appointed 10 November 1992 -
See Act No. 7727 s. 4)*

The Hon. G.B. Ashman
G.P. Connard
P.R. Davis
P. Power
B.W. Mier
*(from 21 April 1993
to 27 May 1994)*

HOUSE (JOINT)

(Appointed 10 November 1992)

The Hon. R.A. Best
L. Kokocinski
W.A. Landeryou
(to 10 December 1993)
D.A. Nardella
(from 30 March 1993)
B.A.E. Skeggs
K.M. Smith

LIBRARY (JOINT)

*(Appointed 13 November 1992 -
See Act 7727 s. 36)*

The Hon. the President
G.P. Connard
P.R. Hall
R.S. Ives
P. Power

CRIME PREVENTION (JOINT)

*(Appointed 10 November 1992 -
See Act No. 7727 s. 4)*

The Hon. D.A. Nardella
K.M. Smith

ENVIRONMENT AND NATURAL RESOURCES (JOINT)

*(Appointed 10 November 1992 -
See Act No. 7727 s. 4)*

The Hon. G.H. Cox
R.S. de Fegely
D.M. Evans
D.E. Henshaw
B.T. Pullen
Dr. R.J.H. Wells

LAW REFORM (JOINT)

*(Appointed 10 November 1992 -
See Act No. 7727 s. 4)*

The Hon. W. Forwood
J.V.C. Guest
J. McLean

PRINTING

(Appointed 10 November 1992)

The Hon. the President
B.W. Bishop
G.H. Cox
B.W. Mier
D.A. Nardella
B.A.E. Skeggs
D.T. Walpole

PRIVILEGES

(Appointed 10 November 1992)

The Hon. G.R. Craigie

J.V.C. Guest

P.R. Hall

R.S. Ives

(from 30 March 1993)

W.A. Landeryou

(to 10 December 1993)

D.R. White

PUBLIC BODIES REVIEW (JOINT)

(Appointed 10 November 1992 -

See Act No. 7727 s. 4)

The Hon. B.W. Bishop

A.R. Brideson

W.A.N. Hartigan

R.S. Ives

C.A. Strong

SCRUTINY OF ACTS AND REGULATIONS (JOINT)

(Appointed 10 November 1992 -

See Act No. 7727 s. 4)

The Hon. L. Asher

J.M. Brumby

*(from 30 March 1993 to
10 August 1993)*

M.M. Gould

(from 19 October 1993)

W.A. Landeryou

(to 10 December 1993)

B.A.E. Skeggs

PUBLIC ACCOUNTS AND ESTIMATES (JOINT)

(Appointed 10 November 1992 -

See Act No. 7727 s. 4)

The Hon. P.R. Hall

T.C. Theophanous

D.R. White

ROAD SAFETY (JOINT)

(Appointed 10 November 1992 -

See Act No. 7727 s. 4)

The Hon. R.A. Best

B.E. Davidson

B.W. Mier

(from 27 May 1994)

Graeme Stoney

D.T. Walpole

Sue deC. Wilding

STANDING ORDERS

(Appointed 10 November 1992)

The Hon. the President

G.B. Ashman

R.A. Best

R.S. de Fegely

P.R. Hall

W.A. Landeryou

(to 10 December 1993)

B.W. Mier

D.A. Nardella

(from 30 March 1993)

LEGISLATIVE COUNCIL OF VICTORIA
WEEKLY REPORT OF DIVISIONS IN
COMMITTEE OF THE WHOLE COUNCIL

No. 1

Thursday, 5 November 1992

No. 1 — PARLIAMENTARY SALARIES AND SUPERANNUATION (FURTHER AMENDMENT) BILL — Clause 2.

Commencement

* * * * *

(3) Sections 5 and 6 are to be taken to have come into operation on 27 October 1992.

— (Hon. M.A. Birrell)

Motion made and question put — That it be a suggestion to the Assembly that they make the following amendment in the Bill:

Clause 2, line 10, omit "5 and 6" and insert "4 and 5".

— (Hon. D.R. White)

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 14

The Hon. B.E. Davidson (*Teller*)
D.E. Henshaw
C.J. Hogg
R.S. Ives
L. Kokocinski
W.A. Landeryou (*Teller*)
J. McLean
B.W. Mier
D.A. Nardella
P. Power
B.T. Pullen
T.C. Theophanous
D.T. Walpole
D.R. White

NOES, 28

The Hon. L. Asher
G.B. Ashman (*Teller*)
B.N. Atkinson
W.R. Baxter
R.A. Best (*Teller*)
M.A. Birrell
B.W. Bishop
R.H. Bowden
A.R. Brideson
G.P. Connard
G.H. Cox
G.R. Craige
P.R. Davis
R.S. de Fegely
W. Forwood
J.V.C. Guest
P.R. Hall
R.M. Hallam
W.A.N. Hartigan
R.I. Knowles
B.A.E. Skeggs
K.M. Smith
Graeme Stoney
Haddon Storey
C.A. Strong
Rosemary Varty

Dr. R.J.H. Wells
Sue deC. Wilding

And so it passed in the negative.

Friday, 6 November 1992

No. 2 — ANNUAL LEAVE PAYMENTS BILL — Clause 5.

Provisions of determinations and contracts

A provision of any determination, whether made before or after the commencement of this Act, or of any contract made before that commencement which imposes an obligation on an employer to pay an employee for a period during which the employee is absent on annual leave an amount in excess of the ordinary pay of that employee shall have no force or effect.

— (*Hon. Haddon Storey*)

Question — That clause 5 stand part of the Bill — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 26

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson
W.R. Baxter
R.A. Best
B.W. Bishop (*Teller*)
R.H. Bowden
A.R. Brideson (*Teller*)
G.P. Connard
G.H. Cox
G.R. Craige
P.R. Davis
R.S. de Fegely
W. Forwood
J.V.C. Guest
P.R. Hall
R.M. Hallam
W.A.N. Hartigan
R.I. Knowles
K.M. Smith
Graeme Stoney
Haddon Storey
C.A. Strong
Rosemary Varty
Dr. R.J.H. Wells
Sue deC. Wilding

NOES, 12

The Hon. B.E. Davidson
D.E. Henshaw
C.J. Hogg
R.S. Ives (*Teller*)
L. Kokocinski (*Teller*)
W.A. Landeryou
B.W. Mier
D.A. Nardella
P. Power
B.T. Pullen
D.T. Walpole
D.R. White

And so it was resolved in the affirmative.

LEGISLATIVE COUNCIL OF VICTORIA
WEEKLY REPORT OF DIVISIONS IN
COMMITTEE OF THE WHOLE COUNCIL

—
No. 2
 —

Wednesday, 11 November 1992
(morning)

No. 1 — EMPLOYEE RELATIONS BILL — Clause 1.

Purposes

The purposes of this Act are —

- (a) to make fresh provision with respect to the law relating to employee relations in Victoria; and
- (b) to repeal the **Industrial Relations Act 1979** and the **Hospitals Remuneration Tribunal Act 1978**; and
- (c) to amend the **Trade Unions Act 1958**, the **House Contracts Guarantee Act 1987** and the **Magistrates' Court Act 1989**.

— (*Hon. Haddon Storey*)

Motion made and question put — That the Chairman do report progress and ask leave to sit again.

— (*Hon. B.E. Davidson*)

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 13

The Hon. B.E. Davidson (*Teller*)
 D.E. Henshaw (*Teller*)
 C.J. Hogg
 R.S. Ives
 W.A. Landeryou
 J. McLean
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole
 D.R. White

NOES, 27

The Hon. L. Asher (*Teller*)
 G.B. Ashman (*Teller*)
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty

Dr. R.J.H. Wells
Sue deC. Wilding

And so it passed in the negative.

No. 2 — EMPLOYEE RELATIONS BILL — Clause 3.

Objects

The objects of this Act are —

- (a) to promote efficient and productive industry in Victoria and an efficient labour market;
- (b) to establish an employee relations system for Victoria which facilitates the freedom of employers and employees to choose how they regulate their own affairs;
- (c) to facilitate the prevention and settlement of disputes between employees and employers and provide a framework which assists in the maintenance of sound relationships between employees and employers;
- (d) to promote industrial harmony and co-operation between employees and employers in Victoria;
- (e) to ensure that fundamental civil liberties are protected including freedom of association;
- (f) to provide a framework for the prevention and settlement of disputes and the orderly and fair handling of industrial matters in order to minimise disruption to the community;
- (g) to ensure that in the prevention and settlement of disputes and in the orderly and fair handling of industrial matters proper regard is had to the interests of the Victorian community as a whole and to the interests of the parties immediately concerned;
- (h) to facilitate the prompt settlement of industrial matters in a fair manner by agreement, conciliation, mediation and arbitration with the minimum of legal form and technicality;
- (i) to provide for the observance and enforcement of dispute settlement procedures, awards and employment agreements;
- (j) to enable the operations of the employee relations system in Victoria to complement the system established by the Industrial Relations Act 1988 of the Commonwealth.

— (Hon. Haddon Storey)

Question — That clause 3 stand part of the Bill — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 23

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson
W.R. Baxter
R.A. Best
M.A. Birrell
B.W. Bishop
R.H. Bowden (*Teller*)
A.R. Brideson (*Teller*)
G.H. Cox
G.R. Craige
P.R. Davis
R.S. de Fegely
W. Forwood
P.R. Hall
W.A.N. Hartigan
R.I. Knowles
K.M. Smith
Graeme Stoney

NOES, 13

The Hon. B.E. Davidson
D.E. Henshaw
C.J. Hogg
R.S. Ives (*Teller*)
W.A. Landeryou (*Teller*)
J. McLean
B.W. Mier
D.A. Nardella
P. Power
B.T. Pullen
T.C. Theophanous
D.T. Walpole
D.R. White

Haddon Storey
 C.A. Strong
 Dr. R.J.H. Wells
 Sue deC Wilding

And so it was resolved in the affirmative.

No. 3 — EMPLOYEE RELATIONS BILL — Clause 4 (as amended).

Definitions

In this Act —

“award” means any determination, order or decision of the Commission that it has put into writing and that it intends to be an award;

“business day” means a day on which the Commission Administration Office is open to the public;

“Chief Administrator” means the Secretary to the Department of Business and Employment;

“Chief Commission Administration Officer” means the Chief Commission Administration Officer appointed under this Act;

“Commission” means the Employee Relations Commission of Victoria;

“employee” does not include any person engaged under a contract for services;

“employer” includes any person employing an employee, including the Crown and a public body;

“employment agreement” means an agreement entered into under Part 2;

“Federal Commission” means the Australian Industrial Relations Commission;

“industrial action” means—

- (a) a failure or refusal by an employee to attend for work (unless the failure is authorised by the employer); or
- (b) a failure or refusal by an employee to work or to work as directed by an employer or a ban, limitation or restriction on the performance of work; or
- (c) a failure or refusal by an employer to engage employees on work that they normally perform when those employees are ready and willing unconditionally to perform that work as directed when the failure or refusal is for the purpose of compelling any employees to accept terms of employment specified, or comply with demands made, by the employer—

but does not include any stoppage or cessation of work engaged in for the purpose of avoiding accident or injury;

“industrial authority” means the Federal Commission and any other body authorised by a law of Victoria, the Commonwealth or any other State or a Territory to hear and determine industrial matters or disputes;

“industrial dispute” means a dispute between —

- (a) an employer and one or more employees; or
- (b) one or more recognised associations of employees and one or more employers or recognised associations of employers; or
- (c) 2 or more recognised associations of employees —
 concerning, or arising from, anything to do with an industrial matter and includes a threatened, probable or impending dispute;

“industrial matter” means anything which concerns, or arises from, the employment of a person and includes, without limiting the generality of this definition, anything to do with—

- (a) the days and hours of work;
- (b) pay, superannuation and reward;
- (c) the rights and duties of employers and employees;
- (d) the mode and conditions of work;

- (e) the employment or non-employment of people of any particular age;
- (f) the demarcation between the rights, status and functions of members of a particular recognised association of employees in relation to the members of other recognised associations of employees;
- (g) the demarcation of functions between particular employees, or classes of employees;
- (h) the duties of employers when introducing new technology to a workplace (including the notice to be given to employees if they are to be dismissed because of new technology).
- (i) retrenchments and redundancies, and the notice to be given if an employee is dismissed;
- (j) the dismissal of employees;
- (k) questions of what is fair and right in relation to any industrial matter having regard to the people immediately concerned and of society as a whole;
- (l) the relations between employers and employees;

“industry” means —

- (a) any business, trade, manufacture, undertaking or calling of employers; or
- (b) an employer, a branch of an industry or a group of industries;

“medical practitioner” means a legally qualified medical practitioner registered under the **Medical Practitioners Act 1970**;

“other Act” includes an Act of the Commonwealth and of any State or Territory;

“panel” means a panel created under section 86;

“President” means the President of the Commission;

“public body” includes—

- (a) any body created by or under an Act;
- (b) any municipal council;
- (c) any body declared by Order of the Governor in Council under section 5 to be a public body;

“recognised association” means an association of employers or employees recognised under Part 12 and includes an employer who, by virtue of section 139, has the same rights and responsibilities as a recognised association;

“records” includes any registers, certificates, notices, pay sheets and other documents;

“shop” means a building, structure, place or vehicle or any part of a building, structure, place or vehicle—

- (a) in or at which goods are sold or exposed or offered for sale by retail on one or more occasions; or
- (b) in or at which the business of a hairdresser, shoe repairer, dry cleaner, tailor, dressmaker, photographer or undertaker is carried on;

“trade union” means —

- (a) a trade union within the meaning of the **Trade Unions Act 1958**; or
- (b) a recognised association —

and includes all of its officers and members;

“workplace” includes, in relation to any group of employees working for an employer, any place at which the employees are required to report (whether in person, by telephone or by any other means) for any purpose connected with the employer's business.

— (Hon. Haddon Storey)

Question — That clause 4, as amended, stand part of the Bill — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 23

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.H. Cox (*Teller*)
 G.R. Craige (*Teller*)
 P.R. Davis
 R.S. de Fegely
 W. Forwood
 P.R. Hall
 W.A.N. Hartigan
 R.I. Knowles
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Dr. R.J.H. Wells
 Sue deC. Wilding

NOES, 13

The Hon. B.E. Davidson
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 W.A. Landeryou
 J. McLean (*Teller*)
 B.W. Mier
 D.A. Nardella (*Teller*)
 P. Power
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole
 D.R. White

And so it was resolved in the affirmative.

No. 4 — EMPLOYEE RELATIONS BILL — Clause 8.

Collective employment agreements

- (1) An employer may enter into a collective employment agreement with any or all of the employees employed by the employer.
- (2) Two or more employers may enter into a collective employment agreement with any or all of the employees employed by them.
- (3) An employer may, in negotiating for a collective employment agreement, negotiate with —
 - (a) the employees themselves; or
 - (b) if the employees so wish, any representative or committee of employees authorised by the employees to represent them.
- (4) New employees may be covered by a collective employment agreement applying to employees of an employer if the employer and the new employee so agree.

— (*Hon. Haddon Storey*)

Motion made and question put — That the Chairman do report progress and ask leave to sit again.

— (*Hon. W.A. Landeryou*)

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 13

The Hon. B.E. Davidson
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 W.A. Landeryou
 J. McLean
 B.W. Mier
 D.A. Nardella
 P. Power (*Teller*)
 B.T. Pullen (*Teller*)
 T.C. Theophanous

NOES, 22

The Hon. G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden

D.T. Walpole
D.R. White

A.R. Brideson
G.H. Cox
G.R. Craige
P.R. Davis (*Teller*)
R.S. de Fegely
W. Forwood (*Teller*)
P.R. Hall
W.A.N. Hartigan
R.I. Knowles
K.M. Smith
Graeme Stoney
Haddon Storey
C.A. Strong
Dr. R.J.H. Wells
Sue deC. Wilding

And so it passed in the negative.

No. 5 — EMPLOYEE RELATIONS BILL — Clause 9.

Individual employment agreements

- (1) An employee who is not covered by a collective employment agreement and his or her employer may enter into any individual employment agreement that they think fit.
- (2) An employee who is covered by a collective employment agreement and his or her employer may nevertheless negotiate terms and conditions of employment on an individual basis. Any terms and conditions of employment agreed between the employer and the employee that modify the collective employment agreement must be put in writing. In the case of any inconsistency between the collective employment agreement and an individual employment agreement, the individual agreement prevails.
- (3) An employer may, in negotiating for an individual employment agreement, negotiate with —
 - (a) the employee himself or herself; or
 - (b) if the employee so wishes, any representative authorised by the employee to represent him or her.

— (*Hon. Haddon Storey*)

Question — That clause 9 stand part of the Bill — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 23

NOES, 13

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson
W.R. Baxter
R.A. Best
M.A. Birrell
B.W. Bishop
R.H. Bowden
A.R. Brideson
G.H. Cox
G.R. Craige
P.R. Davis
R.S. de Fegely
W. Forwood
P.R. Hall
W.A.N. Hartigan (*Teller*)
R.I. Knowles
K.M. Smith (*Teller*)
Graeme Stoney
Haddon Storey
C.A. Strong
Dr. R.J.H. Wells
Sue deC. Wilding

The Hon. B.E. Davidson
D.E. Henshaw
C.J. Hogg
R.S. Ives
W.A. Landeryou
J. McLean
B.W. Mier
D.A. Nardella
P. Power
B.T. Pullen
T.C. Theophanous (*Teller*)
D.T. Walpole (*Teller*)
D.R. White

And so it was resolved in the affirmative.

No. 6 — EMPLOYEE RELATIONS BILL — Clause 10 (as amended).

Employment agreements to be in writing

- (1) Every collective employment agreement must be in writing and must clearly state the parties to the agreement, including the employees or categories of employee covered by the agreement and be signed by or on behalf of those parties. An individual employment agreement must be in writing and be signed by or on behalf of the employer and the employee.
- (2) Every employer bound by an employment agreement must, on being requested to do so by an employee also bound by it, give a copy of the agreement to that employee as soon as possible.

— (Hon. Haddon Storey)

Question — That clause 10, as amended, stand part of the Bill — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 23

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 W. Forwood
 P.R. Hall
 W.A.N. Hartigan
 R.I. Knowles
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong (*Teller*)
 Dr. R.J.H. Wells (*Teller*)
 Sue deC. Wilding

NOES, 12

The Hon. B.E. Davidson (*Teller*)
 D.E. Henshaw (*Teller*)
 C.J. Hogg
 R.S. Ives
 W.A. Landeryou
 J. McLean
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole

And so it was resolved in the affirmative.

No. 7 — EMPLOYEE RELATIONS BILL — Clause 11 (as amended).

When an employment agreement ends

- (1) A collective employment agreement must specify the date on which it expires which must not be more than 5 years after the date on which it came into force.
- (2) Collective employment agreements cease to apply on their expiry.
- (3) If a collective employment agreement expires, each employee who continues to be employed by the employer and the employer are, unless the employer and the employee make a new agreement, bound by an individual employment agreement with the same terms and conditions as those that applied to the employee and the employer under the expired collective employment agreement.

— (Hon. Haddon Storey)

Question — That clause 11, as amended, stand part of the Bill — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 23		NOES, 12	
The Hon.	L. Asher (<i>Teller</i>)	The Hon.	B.E. Davidson
	G.B. Ashman		D.E. Henshaw
	B.N. Atkinson		C.J. Hogg
	W.R. Baxter		R.S. Ives (<i>Teller</i>)
	R.A. Best		W.A. Landeryou (<i>Teller</i>)
	M.A. Birrell		J. McLean
	B.W. Bishop		B.W. Mier
	R.H. Bowden		D.A. Nardella
	A.R. Brideson		P. Power
	G.H. Cox		B.T. Pullen
	G.R. Craige		T.C. Theophanous
	P.R. Davis		D.T. Walpole
	R.S. de Fegely		
	W. Forwood		
	P.R. Hall		
	W.A.N. Hartigan		
	R.I. Knowles		
	K.M. Smith		
	Graeme Stoney		
	Haddon Storey		
	C.A. Strong		
	Dr. R.J.H. Wells		
	Sue deC. Wilding (<i>Teller</i>)		

And so it was resolved in the affirmative.

No. 8 — EMPLOYEE RELATIONS BILL — Clause 12.

Changing employment agreements

The parties to a collective employment agreement may not vary any term of the agreement unless the variation is necessary to remove an ambiguity or uncertainty.

— (*Hon. Haddon Storey*)

Question — That clause 12 stand part of the Bill — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 23		NOES, 13	
The Hon.	L. Asher	The Hon.	B.E. Davidson
	G.B. Ashman (<i>Teller</i>)		D.E. Henshaw
	B.N. Atkinson (<i>Teller</i>)		C.J. Hogg
	W.R. Baxter		W.A. Landeryou
	R.A. Best		J. McLean (<i>Teller</i>)
	M.A. Birrell		R.S. Ives
	B.W. Bishop		B.W. Mier
	R.H. Bowden		D.A. Nardella (<i>Teller</i>)
	A.R. Brideson		P. Power
	G.H. Cox		B.T. Pullen
	G.R. Craige		T.C. Theophanous
	P.R. Davis		D.T. Walpole
	R.S. de Fegely		D.R. White
	W. Forwood		
	P.R. Hall		
	W.A.N. Hartigan		
	R.I. Knowles		
	K.M. Smith		
	Graeme Stoney		
	Haddon Storey		
	C.A. Strong		
	Dr. R.J.H. Wells		
	Sue deC. Wilding		

And so it was resolved in the affirmative.

No. 9 — EMPLOYEE RELATIONS BILL — Clause 13.

Lodging employment agreements

- (1) If a collective employment agreement is entered into, an employer bound by it must, within 14 days after the coming into force of the agreement, lodge a copy with the Chief Commission Administration Officer.
- (2) In July of each year every employer in Victoria must notify the Chief Commission Administration Officer of the number of individual employment agreements by which they are bound as at 30 June of the relevant year.
- (3) The information contained in a copy of an agreement lodged with the Chief Commission Administration Officer under sub-section (1) is only available to the parties to the agreement or a person with authority to enforce the provisions of the agreement on behalf of a party to it.

— (Hon. Haddon Storey)

Question — That clause 13 stand part of the Bill — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 23

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden (*Teller*)
 A.R. Brideson (*Teller*)
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 W. Forwood
 P.R. Hall
 W.A.N. Hartigan
 R.I. Knowles
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Dr. R.J.H. Wells
 Sue deC. Wilding

NOES, 13

The Hon. B.E. Davidson
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 W.A. Landeryou
 J. McLean
 B.W. Mier
 D.A. Nardella
 P. Power (*Teller*)
 B.T. Pullen (*Teller*)
 T.C. Theophanous
 D.T. Walpole
 D.R. White

And so it was resolved in the affirmative.

No. 10 — EMPLOYEE RELATIONS BILL — Clause 14 (as amended).

The contents of employment agreements

- (1) Employment agreements may contain provisions concerning some or all of the terms and conditions of employment.
- (2) The minimum terms and conditions of employment for employees who are parties to employment agreements are those contained in Schedule 1.
- (3) A provision of an employment agreement is of no effect to the extent that it provides a term or condition of employment that is less favourable to an employee than the minimum applicable under this section.
- (4) Employment agreements must contain provisions —
 - (a) that set out procedures to be followed to prevent or settle claims, disputes or grievances that arise during the currency of the agreement;
 - (b) for the standing-down of employees who cannot be usefully employed because of any strike, breakdown of machinery or any stoppage of work for any cause for which the employer cannot reasonably be held responsible.

- (5) The standing-down of an employee under a provision described in sub-section (4)(b) does not break the continuity of employment of the employee for the purpose of any entitlement.

— (Hon. Haddon Storey)

Question — That clause 14, as amended, stand part of the Bill — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 23

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson
W.R. Baxter
R.A. Best
M.A. Birrell
B.W. Bishop
R.H. Bowden
A.R. Brideson
G.H. Cox (*Teller*)
G.R. Craige (*Teller*)
P.R. Davis
R.S. de Fegely
W. Forwood
P.R. Hall
W.A.N. Hartigan
R.I. Knowles
K.M. Smith
Graeme Stoney
Haddon Storey
C.A. Strong
Dr. R.J.H. Wells
Sue deC. Wilding

NOES, 13

The Hon. B.E. Davidson (*Teller*)
D.E. Henshaw
C.J. Hogg
R.S. Ives
W.A. Landeryou
J. McLean
B.W. Mier
D.A. Nardella
P. Power
B.T. Pullen
T.C. Theophanous
D.T. Walpole (*Teller*)
D.R. White

And so it was resolved in the affirmative.

No. 11 — EMPLOYEE RELATIONS BILL — Clause 25 (as amended).

Contents of awards

- (1) Awards must contain provisions —
 - (a) that set out procedures to be followed to prevent or settle claims, disputes or grievances that arise during the currency of the award;
 - (b) for the standing-down of employees who cannot be usefully employed because of any strike, breakdown of machinery or any stoppage of work for any cause for which the employer cannot reasonably be held responsible.
- (2) The standing-down of an employee under a provision described in sub-section (1)(b) does not break the continuity of employment of the employee for the purpose of any entitlements.
- (3) An award made after the commencement of this sub-section must not contain a provision which limits the working of ordinary hours to specified days of the week or provides for additional payments for ordinary hours worked on specified days of the week. An award made after that commencement may, however, limit the working of ordinary hours to an average of five days per week over the period of a roster cycle or require additional payments for work performed on public holidays.
- (4) The minimum terms and conditions of employment that may be included in an award are those contained in Schedule 1.
- (5) A provision of an award is of no effect to the extent that it provides a term or condition of employment that is less favourable to an employee than the minimum applicable under sub-section (4).

— (Hon. Haddon Storey)

Question — That clause 25, as amended, stand part of the Bill — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 23

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.H. Cox
 G.R. Craige
 P.R. Davis (*Teller*)
 R.S. de Fegely
 W. Forwood (*Teller*)
 P.R. Hall
 W.A.N. Hartigan
 R.I. Knowles
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Dr. R.J.H. Wells
 Sue deC. Wilding

NOES, 13

The Hon. B.E. Davidson
 D.E. Henshaw (*Teller*)
 C.J. Hogg
 R.S. Ives (*Teller*)
 W.A. Landeryou
 J. McLean
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole
 D.R. White

And so it was resolved in the affirmative.

No. 12 — EMPLOYEE RELATIONS BILL — Clause 36 (as amended).

Participation in industrial action

- (1) Participation in industrial action is unlawful if any of the following apply to it —
- (a) it occurs while a relevant award or collective employment agreement is in force; or
 - (b) it relates to a claim, dispute or grievance for the settlement of which there is a procedure set out in a relevant award or employment agreement which has not been followed or it relates to a claim, dispute or grievance which is capable of being, but has not been made, the subject-matter of a complaint under the **Equal Opportunity Act 1984**; or
 - (c) it relates to any of the matters dealt with in Division 5 of Part 5 (Freedom of Association); or
 - (d) it is concerned with the issue of whether any of the contents of a collective employment agreement should be adopted by another employer; or
 - (e) it occurs in an industry that provides an essential service as defined in the **Essential Services Act 1958** or that is a vital industry as defined in the **Vital State Industries (Works and Services) Act 1992**; or
 - (f) it takes place or continues in contravention of a recommendation or order of the Commission; or
 - (g) it takes place without a secret ballot having been conducted in accordance with Schedule 2 or is not authorised by any ballot that has been conducted; or
 - (h) it is engaged in for the purpose of causing loss or damage to the business of an employer other than the employer of the employees engaged in the action.
- (2) A person must not participate in unlawful industrial action.
 Penalty: In the case of an individual—10 penalty units.
 In any other case—500 penalty units.
- (3) Participation in industrial action by employees to whom a federal award applies is not unlawful under sub-section (1) if it arises out of or is related to a claim, dispute or grievance under, or in connection with, that award.
- (4) Participation in industrial action is not unlawful if —
- (a) it is not unlawful under sub-section (1); and

- (b) it relates to the negotiation of an award or collective employment agreement for the participants.

— (Hon. Haddon Storey)

Question — That clause 36, as amended, stand part of the Bill — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 23

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson
W.R. Baxter
R.A. Best
M.A. Birrell
B.W. Bishop
R.H. Bowden
A.R. Brideson
G.H. Cox
G.R. Craige
P.R. Davis
R.S. de Fegely
W. Forwood
P.R. Hall
W.A.N. Hartigan (*Teller*)
R.I. Knowles
K.M. Smith (*Teller*)
Graeme Stoney
Haddon Storey
C.A. Strong
Dr. R.J.H. Wells
Sue deC. Wilding

NOES, 13

The Hon. B.E. Davidson
D.E. Henshaw
C.J. Hogg
R.S. Ives
W.A. Landeryou (*Teller*)
J. McLean (*Teller*)
B.W. Mier
D.A. Nardella
P. Power
B.T. Pullen
T.C. Theophanous
D.T. Walpole
D.R. White

And so it was resolved in the affirmative.

No. 13 — EMPLOYEE RELATIONS BILL — Clause 49.

Prohibition against payment in kind

- (1) An employer must, subject to this Division, pay an employee in full in money.
- (2) An employer must not directly or indirectly require or compel an employee to accept goods of any kind or accommodation as payment for any work done by the employee, unless this is authorised or required by the relevant award or employment agreement.
- (3) For the purposes of this Act, anything given to an employee contrary to sub-section (2) is to be treated as if it had never been given.

Penalty: 10 penalty units.

— (Hon. Haddon Storey)

Question — That clause 49 stand part of the Bill — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 23

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson
W.R. Baxter
R.A. Best
M.A. Birrell
B.W. Bishop
R.H. Bowden
A.R. Brideson
G.H. Cox

NOES, 13

The Hon. B.E. Davidson
D.E. Henshaw
C.J. Hogg
R.S. Ives
W.A. Landeryou
J. McLean
B.W. Mier
D.A. Nardella (*Teller*)
P. Power (*Teller*)
B.T. Pullen

G.R. Craige
 P.R. Davis
 R.S. de Fegely
 W. Forwood
 P.R. Hall
 W.A.N. Hartigan
 R.I. Knowles
 K.M. Smith
 Graeme Stoney (*Teller*)
 Haddon Storey
 C.A. Strong (*Teller*)
 Dr. R.J.H. Wells
 Sue deC. Wilding

T.C. Theophanous
 D.T. Walpole
 D.R. White

And so it was resolved in the affirmative.

No. 14 — EMPLOYEE RELATIONS BILL — Clause 51.

Secret ballots may authorise industrial action

- (1) A secret ballot conducted in accordance with Schedule 2 may authorise participation in a particular form of industrial action for a period of up to 5 days from the final date for the return of ballot papers until 28 days after that date.
- (2) Schedule 2 sets out a code of practice to be complied with in the conduct of a secret ballot.

— (*Hon. Haddon Storey*)

Question — That clause 51 stand part of the Bill — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 23

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 W. Forwood
 P.R. Hall
 W.A.N. Hartigan
 R.I. Knowles
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Dr. R.J.H. Wells (*Teller*)
 Sue deC. Wilding (*Teller*)

NOES, 13

The Hon. B.E. Davidson
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 W.A. Landeryou
 J. McLean
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen (*Teller*)
 T.C. Theophanous (*Teller*)
 D.T. Walpole
 D.R. White

And so it was resolved in the affirmative.

No. 15 — EMPLOYEE RELATIONS BILL — Clause 163.

Awards and employment agreements must be complied with

A person must comply with every provision of an award or employment agreement that applies to the person and that imposes an obligation on the person.

Penalty: For a first offence — 10 penalty units;

For a second offence — 20 penalty units;

For a third or subsequent offence — 30 penalty units.

— (*Hon. Haddon Storey*)

Question — That clause 163 stand part of the Bill — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 23

The Hon. L. Asher (*Teller*)
 B.N. Atkinson
 W.R. Baxter
 R.A. Best (*Teller*)
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 W. Forwood
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

NOES, 13

The Hon. B.E. Davidson (*Teller*)
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 W.A. Landeryou
 J. McLean
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole (*Teller*)
 D.R. White

And so it was resolved in the affirmative.

No. 16 — EMPLOYEE RELATIONS BILL — Clause 172 (as amended).

Awards, orders and registered agreements

- (1) On the appointed day —
 - (a) any award or order of the former Commission (other than an order made under Part VI of the former Act) then in force continues in force and is to be treated as if it were an award or order of the Commission under this Act;
 - (b) any order or decision of the former Commission sitting in Court Session is to be treated as if it were an order or a decision of the Commission under this Act;
 - (c) any order of the former Commission made under Part VI of the former Act expires.
- (2) Until the appointed day any reference to an award in any provision of this or any other Act or of any subordinate instrument (within the meaning of the **Interpretation of Legislation Act 1984**) made under this or any other Act that is in force before that day must be taken to be a reference to an award of the former Commission made under the former Act.
- (3) On the commencement of this sub-section —
 - (a) any certified agreement under the former Act is to be treated as if it were a collective employment agreement under this Act;
 - (b) any association recognised under Part V of the former Act with respect to an award must be taken to be a recognised association under this Act with respect to that award.
- (4) Until the appointed day any reference to a recognised association in any provision of this or any other Act or of any subordinate instrument (within the meaning of the **Interpretation of Legislation Act 1984**) made under this or any other Act that is in force before that day must be taken to be a reference to a recognised association within the meaning of the former Act.
- (5) If 2 months after the commencement of this sub-section an award does not comply with section 25 (1), it must then be taken to contain the provisions set out in Schedule 5.
- (6) All awards in force on 1 March 1993 expire on that day. Section 24 (3) applies to an award that expires because of this sub-section.

- (7) An agreement referred to in sub-section (3) (a) expires 4 months after the commencement of this sub-section. Section 11 (3) applies to an agreement that expires because of this sub-section.

— (Hon. Haddon Storey)

Question — That clause 172, as amended, stand part of the Bill — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 23

The Hon. L. Asher
 B.N. Atkinson (*Teller*)
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop (*Teller*)
 R.H. Bowden
 A.R. Brideson
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 W. Forwood
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

NOES, 13

The Hon. B.E. Davidson
 D.E. Henshaw (*Teller*)
 C.J. Hogg
 R.S. Ives (*Teller*)
 W.A. Landeryou
 J. McLean
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole
 D.R. White

And so it was resolved in the affirmative.

Thursday, 12 November 1992

No. 17 — VITAL STATE INDUSTRIES (WORKS AND SERVICES) BILL — Clause 3.

Definitions

In this Act—

“**interference**”, in relation to a vital industry, includes any form of interference with the commencement, conduct or completion of an activity forming part of or contributing to a vital industry and includes interfering by industrial action, whether directly or indirectly, and threatening or creating the apprehension of industrial action, but does not include the enforcement by due process of law of a legal obligation;

“**officer**”, in relation to an organisation, includes any person holding any office, position, place of authority or stewardship in or carrying out any duties for the organisation under its rules or for its members or any class of members (whether for remuneration or otherwise) and includes any person holding himself or herself out as an officer of the organisation;

“**organisation**”, means any body, whether corporate or unincorporate, and includes any branch, sub-branch, section or part of such a body;

“**Minister**”, means a Minister declared under section 4 to be the responsible Minister for a vital industry;

“**vital industry**”, means any industrial, commercial, farming or public or welfare service activity, and any undertaking, project or work whether or not—

(a) conducted for reward or profit;

(b) a public or private sector activity; or

(c) conducted by a single operator—

declared by the Governor in Council under section 4 to be a vital industry, and may, without limiting the generality of the foregoing, include any activity, undertaking, project or work associated with or contributing to the provision of—

- (d) food;
- (e) transport;
- (f) energy;
- (g) water;
- (h) sewerage;
- (i) health services;
- (j) any other goods or services.

— (Hon. Haddon Storey)

Question — That clause 3 stand part of the Bill — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 26

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best (*Teller*)
 M.A. Birrell
 B.W. Bishop (*Teller*)
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 W. Forwood
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Dr. R.J.H. Wells
 Sue deC. Wilding

NOES, 13

The Hon. B.E. Davidson
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 W.A. Landeryou (*Teller*)
 J. McLean (*Teller*)
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole
 D.R. White

And so it was resolved in the affirmative.

No. 18 — VITAL STATE INDUSTRIES (WORKS AND SERVICES) BILL — Clause 4.

Declaration of vital industry

- (1) The Governor in Council by Order published in the Government Gazette—
 - (a) may declare any activity, undertaking, project or work or service to be a vital industry and any person or organisation to be part of a vital industry; and
 - (b) may declare a Minister to be the responsible Minister for a vital industry.
- (2) A declaration made under section 4 (1) (a) shall remain in effect until revoked or the expiry of three months from publication, whichever occurs first, but shall cease to operate if—
 - (a) within three days of its publication, the Legislative Council or the Legislative Assembly has not been summoned to meet within nine days of its publication;

- (b) within twelve days of its publication, the Legislative Assembly or the Legislative Council has not met; or
 - (c) at any time either the Legislative Assembly or the Legislative Council has voted to annul the declaration.
- (3) Upon the making of a declaration under section 4 (1) (a) the Premier shall take all necessary steps to cause the Legislative Council and the Legislative Assembly to be summoned as soon as practicable.

— (Hon. Haddon Storey)

Question — That clause 4 stand part of the Bill — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 27

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden (*Teller*)
 A.R. Brideson (*Teller*)
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Dr. R.J.H. Wells
 Sue deC. Wilding

NOES, 13

The Hon. B.E. Davidson
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 W.A. Landeryou
 J. McLean
 B.W. Mier
 D.A. Nardella (*Teller*)
 P. Power (*Teller*)
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole
 D.R. White

And so it was resolved in the affirmative.

No. 19 — VITAL STATE INDUSTRIES (WORKS AND SERVICES) BILL — Clause 5.

Interference with vital industry unlawful

It is an offence to interfere, or compel, procure or induce, interference, or attempt to interfere or to compel, procure or induce, interference with a vital industry, or any part of a vital industry.

Penalty:

- (a) in the case of an organisation or officer of an organisation, 2500 penalty units;
- (b) in the case of any other person, 250 penalty units.

— (Hon. Haddon Storey)

Question — That clause 5 stand part of the Bill — put.

Committee divided — The Hon. D.M. Evans in the Chair.

	AYES, 27		NOES, 13
The Hon.	L. Asher	The Hon.	B.E. Davidson
	G.B. Ashman		D.E. Henshaw
	B.N. Atkinson		C.J. Hogg
	W.R. Baxter		R.S. Ives
	R.A. Best		W.A. Landeryou
	M.A. Birrell		J. McLean
	B.W. Bishop		B.W. Mier
	R.H. Bowden		D.A. Nardella
	A.R. Brideson		P. Power
	G.P. Connard (<i>Teller</i>)		B.T. Pullen (<i>Teller</i>)
	G.H. Cox (<i>Teller</i>)		T.C. Theophanous (<i>Teller</i>)
	G.R. Craige		D.T. Walpole
	P.R. Davis		D.R. White
	R.S. de Fegely		
	W. Forwood		
	J.V.C. Guest		
	P.R. Hall		
	R.M. Hallam		
	W.A.N. Hartigan		
	R.I. Knowles		
	B.A.E. Skeggs		
	K.M. Smith		
	Graeme Stoney		
	Haddon Storey		
	C.A. Strong		
	Dr. R.J.H. Wells		
	Sue deC. Wilding		

And so it was resolved in the affirmative.

No. 20 — STATE TAXATION (AMENDMENT) BILL — Clause 5.

Fees for licences

(1) In section 10 of the Principal Act —

(a) in sub-section (1), for “50 per centum” (where three times occurring) substitute “75 per centum”; and

(b) In sub-section (2), for $\frac{“100”}{150}$ substitute $\frac{“100”}{175}$; and

(c) in section (8) —

(i) for “one tenth” substitute “one fifteenth”; and

(ii) for “1 October 1990” substitute “1 August 1993”.

(2) \$25 000 000 of the amount paid as ad valorem fees for licences issued under the Principal Act for the financial year beginning on 1 July 1992, less the total of the amounts received as levy before the commencement of this section under section 10(8) of the Principal Act as in force before that commencement, is received by the Commissioner of Business Franchises as the Victorian Health Promotion Levy and shall be paid by the Commissioner into the Victorian Health Promotion Fund under the Tobacco Act 1987.

— (*Hon. R.M. Hallam*)

Motion made and question put — That it be a suggestion to the Assembly that they make the following amendment in the Bill:

Clause 5, lines 17 to 26, omit sub-clause (2).

— (*Hon. D.R. White*)

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 12

The Hon. B.E. Davidson (*Teller*)
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 J. McLean
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole (*Teller*)
 D.R. White

NOES, 26

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige (*Teller*)
 P.R. Davis (*Teller*)
 R.S. de Fegely
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Sue deC. Wilding

And so it passed in the negative.

Friday, 13 November 1992

No. 21 — PUBLIC SECTOR MANAGEMENT BILL — Clause 41.

Retirement

* * * * *

(5) An officer who is called on to retire under this section must retire from the public service.

— (*Hon. M.A. Birrell*)

Amendment proposed — That the words “must retire from the public service” be omitted with the view of inserting in place thereof “may appeal to the Public Service Commissioner against the decision”.

— (*Hon. D.R. White*)

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

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 27

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis

NOES, 13

The Hon. B.E. Davidson
 D.E. Henshaw (*Teller*)
 C.J. Hogg
 R.S. Ives (*Teller*)
 W.A. Landeryou
 J. McLean
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole
 D.R. White

R.S. de Fegely
 W. Forwood (*Teller*)
 J.V.C. Guest (*Teller*)
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Dr. R.J.H. Wells
 Sue deC. Wilding

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

No. 22 — PUBLIC SECTOR MANAGEMENT BILL — Clause 72.

Power to enter Department's premises etc.

- (1) For the purpose of the exercise of the Minister's functions under this Act, a person authorised by the Minister may —
- (a) enter the premises of any Department or prescribed office; and
 - (b) require the production of, and examine any documents in the custody of, any member of the staff of any Department or prescribed office; and
 - (c) require any member of the staff of any Department or prescribed office to answer questions.
- (2) The powers conferred by this section are exercisable in relation to a Department or prescribed office only after consultation with the appropriate Department Head or prescribed officer.
- (3) A person has the same privileges in relation to —
- (a) the production of any document; or
 - (b) the furnishing of any information or particulars; or
 - (c) the answering of questions —
- under this section as a witness has in a court of law.
- (4) Nothing in this section takes away from —
- (a) any enactment that imposes a prohibition or restriction on —
 - (i) the availability of any information; or
 - (ii) the production or examination of any documents or information; or
 - (b) any privilege or immunity existing by custom or convention and relating to the production of documents of previous Governments.

— (*Hon. M.A. Birrell*)

Question — That clause 72 stand part of the Bill — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 27

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden

NOES, 13

The Hon. B.E. Davidson
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 W.A. Landeryou (*Teller*)
 J. McLean (*Teller*)
 B.W. Mier
 D.A. Nardella

A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan (*Teller*)
 R.I. Knowles
 B.A.E. Skeggs (*Teller*)
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Dr. R.J.H. Wells
 Sue deC. Wilding

P. Power
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole
 D.R. White

And so it was resolved in the affirmative.

No. 23 — PUBLIC SECTOR MANAGEMENT BILL — Clause 78.

Redundancy

- (1) If the appropriate Department Head at any time finds that a greater number of persons is employed in the Department than is considered by the Department Head to be necessary for the efficient working of the Department, those persons who are identified by the Department Head as redundant may be transferred by the Public Service Commissioner to any other Department that requires additional assistance.
- (2) If the Public Service Commissioner cannot successfully transfer any person so identified as redundant, the Public Service Commissioner must advise the Department Head who may then terminate that person's employment.
- (3) Before directing a transfer under sub-section (1), the Public Service Commissioner —
 - (a) must consult with the officer or temporary employee about any proposed transfer; and
 - (b) must consult with the Department Head of the Department to which the officer or employee is to be transferred.
- (4) A direction of the Public Service Commissioner is binding on the officer or temporary employee and the Departments affected.
- (5) If the employment of an officer or temporary employee is terminated under this section, the appropriate Department Head must certify in writing to the administrator of any applicable statutory superannuation scheme within the meaning of the **Superannuation (Public Sector) Act 1992** that the officer or temporary employee has been retrenched for the purposes of the Act by which the scheme is established or for the purpose of that scheme (as the case requires).

— (*Hon. M.A. Birrell*)

Question — That clause 78 stand part of the Bill — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 27

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden

NOES, 13

The Hon. B.E. Davidson
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 W.A. Landeryou
 J. McLean
 B.W. Mier
 D.A. Nardella (*Teller*)

A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith (*Teller*)
 Graeme Stoney (*Teller*)
 Haddon Storey
 C.A. Strong
 Dr. R.J.H. Wells
 Sue deC. Wilding

P. Power (*Teller*)
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole
 D.R. White

And so it was resolved in the affirmative.

Saturday, 14 November 1992 (morning)

No. 24 — ACCIDENT COMPENSATION (WORKCOVER) BILL — Clause 6.

Definitions

In section 5(1) of the Principal Act —

* * * * *

(h) after the definition of “member of a family” insert —

“notional earnings” in relation to a worker means —

- (a) the current weekly earnings of the worker as a worker or current weekly earnings as a self-employed person; or
- (b) the weekly earnings that the Authority or self-insurer determines that the worker could earn from time to time (including, but not limited to, the amount of any current weekly earnings) in employment, whether the worker's employment previous to the injury or in suitable employment, that the Authority or self-insurer determines the worker is capable of performing despite the injury —

whichever is the greater;’

* * * * *

— (*Hon. R.M. Hallam*)

Amendment proposed — That the expression “or self-insurer determines the worker is capable of performing despite the injury — whichever is the greater;” in sub-paragraph (b) be omitted with the view of inserting in place thereof:

“or self-insurer determines that the worker is despite the injury capable of performing and reasonably capable of obtaining having regard to the following —

- (i) the nature of the worker's incapacity and pre-injury employment; and
- (ii) the worker's age, education, skills and work experience; and
- (iii) the worker's place of residence; and
- (iv) the details given in medical information including the medical certificates supplied by the worker; and
- (v) the worker's rehabilitation program or vocational re-education program, if any; and

(vi) the availability of such employment —
whichever is the greater.”

— (Hon. T.C. Theophanous)

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

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 26

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson
W.R. Baxter
M.A. Birrell
B.W. Bishop
R.H. Bowden
A.R. Brideson
G.P. Connard
G.H. Cox
G.R. Craige
P.R. Davis
R.S. de Fegely
W. Forwood
J.V.C. Guest
P.R. Hall
R.M. Hallam
W.A.N. Hartigan
R.I. Knowles
K.M. Smith
Graeme Stoney
Haddon Storey
C.A. Strong (*Teller*)
Rosemary Varty
Dr. R.J.H. Wells (*Teller*)
Sue deC. Wilding

NOES, 12

The Hon. D.E. Henshaw
C.J. Hogg
R.S. Ives
W.A. Landeryou
J. McLean
B.W. Mier
D.A. Nardella
P. Power
B.T. Pullen (*Teller*)
T.C. Theophanous
D.T. Walpole (*Teller*)
D.R. White

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

No. 25 — ACCIDENT COMPENSATION (WORKCOVER) BILL — Clause 7.

Significant contributing factor

After section 5 (1A) of the Principal Act insert —

- (1B) In determining for the purposes of this Act whether a worker's employment was a “significant contributing factor” to an injury —
- (a) the duration of the worker's current employment; and
 - (b) the nature of the work performed; and
 - (c) the particular tasks of the employment; and
 - (d) the probable development of the injury occurring if that employment had not taken place; and
 - (e) the existence of any hereditary risks; and
 - (f) the life-style of the worker; and
 - (g) the activities of the worker outside the workplace —
- must be taken into account’.

— (Hon. R.M. Hallam)

Question — That clause 7 stand part of the Bill — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 26	NOES, 12
The Hon. L. Asher G.B. Ashman B.N. Atkinson W.R. Baxter R.A. Best (<i>Teller</i>) M.A. Birrell B.W. Bishop R.H. Bowden G.P. Connard G.H. Cox G.R. Craige P.R. Davis R.S. de Fegely W. Forwood J.V.C. Guest P.R. Hall R.M. Hallam W.A.N. Hartigan R.I. Knowles K.M. Smith Graeme Stoney Haddon Storey C.A. Strong Rosemary Varty Dr. R.J.H. Wells Sue deC. Wilding (<i>Teller</i>)	The Hon. D.E. Henshaw (<i>Teller</i>) C.J. Hogg R.S. Ives W.A. Landeryou J. McLean B.W. Mier D.A. Nardella P. Power B.T. Pullen T.C. Theophanous (<i>Teller</i>) D.T. Walpole D.R. White

And so it was resolved in the affirmative.

No. 26 — ACCIDENT COMPENSATION (WORKCOVER) BILL — Clause 10 (as amended to that stage).

Dispute Resolution

For Part III of the Principal Act substitute —

“PART III — DISPUTE RESOLUTION

Division I — County Court

* * * * *

45. Medical questions

(1) Where the County Court exercises jurisdiction under this Part —

- (a) the Court may refer a medical question to a Medical Panel for an opinion; and
- (b) if a party to the proceedings so requests, the Court must refer a medical question to a Medical Panel for an opinion; and
- (c) the opinion of the Panel on that question shall, subject to this section, be adopted by the Court as the answer to that question.

* * * * *

— (*Hon. R.M. Hallam*)

Amendment proposed — That the following sub-section be inserted after proposed section 45 (1)(c) of the Principal Act:

“(2) An opinion of a Medical Panel need not be adopted by the County Court if, on the application of a party, the County Court is satisfied that there are circumstances which make it unjust or manifestly unreasonable for the opinion to be adopted.”

— (*Hon. T.C. Theophanous*)

Question — That the proposed sub-section proposed to be inserted be so inserted — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 12		NOES, 26	
The Hon.	D.E. Henshaw C.J. Hogg R.S. Ives (<i>Teller</i>) W.A. Landeryou (<i>Teller</i>) J. McLean B.W. Mier D.A. Nardella P. Power B.T. Pullen T.C. Theophanous D.T. Walpole D.R. White	The Hon.	L. Asher (<i>Teller</i>) G.B. Ashman B.N. Atkinson W.R. Baxter R.A. Best M.A. Birrell B.W. Bishop (<i>Teller</i>) R.H. Bowden A.R. Brideson G.H. Cox G.R. Craige P.R. Davis R.S. de Fegely W. Forwood J.V.C. Guest P.R. Hall R.M. Hallam W.A.N. Hartigan R.I. Knowles K.M. Smith Graeme Stoney Haddon Storey C.A. Strong Rosemary Varty Dr. R.J.H. Wells Sue deC. Wilding

And so it passed in the negative.

No. 27 — ACCIDENT COMPENSATION (WORKCOVER) BILL — Clause 12.

Section 83 substituted

For section 83 of the Principal Act substitute —

'83. Out of or in the course of employment

* * * * *

(2) For the purposes of this section —

* * * * *

(b) "travelling for the purposes of a worker's employment" does not include travelling to and from the worker's place of employment or the places referred to in sub-sections (1)(c) and (1)(d);

* * * * *

— (*Hon. R.M.Hallam*)

Amendment proposed — That the word "not" in proposed sub-section (2) (b) be omitted.

— (*Hon. T.C. Theophanous*)

Question — That the amendment be agreed to — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 12		NOES, 26	
The Hon.	D.E. Henshaw C.J. Hogg R.S. Ives W.A. Landeryou J. McLean (<i>Teller</i>) B.W. Mier D.A. Nardella (<i>Teller</i>)	The Hon.	L. Asher G.B. Ashman (<i>Teller</i>) B.N. Atkinson (<i>Teller</i>) W.R. Baxter R.A. Best M.A. Birrell B.W. Bishop

P. Power
B.T. Pullen
T.C. Theophanous
D.T. Walpole
D.R. White

A.R. Brideson
G.P. Connard
G.H. Cox
G.R. Craige
P.R. Davis
R.S. de Fegely
W. Forwood
J.V.C. Guest
P.R. Hall
R.M. Hallam
W.A.N. Hartigan
R.I. Knowles
K.M. Smith
Graeme Stoney
Haddon Storey
C.A. Strong
Rosemary Varty
Dr. R.J.H. Wells
Sue deC. Wilding

And so it passed in the negative.

No. 28 — ACCIDENT COMPENSATION (WORKCOVER) BILL — Clause 15.

Weekly Payments

For sections 93A, 93B, 93C, 93D and 93E of the Principal Act substitute —

'93A. First 26 weeks of incapacity

- (1) In this section, “the first 26 weeks of incapacity”, in relation to a worker, means the period of incapacity for work (whether partial or total, or any combination of partial or total) not exceeding 26 weeks after the worker becomes entitled to weekly payments of compensation in respect of the incapacity and in the case of separate periods of incapacity resulting from the same injury, means a reference to the aggregate of those periods not exceeding 26 weeks.

* * * * *

— (Hon. R.M. Hallam)

Amendment proposed — That the expression “26” (where first occurring) be omitted with the view of inserting in place thereof “52”.

— (Hon. T.C. Theophanous)

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

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 26

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson
W.R. Baxter
R.A. Best
M.A. Birrell
B.W. Bishop
R.H. Bowden (*Teller*)
A.R. Brideson (*Teller*)
G.P. Connard
G.H. Cox
G.R. Craige
P.R. Davis
R.S. de Fegely

NOES, 12

The Hon. D.E. Henshaw
C.J. Hogg
R.S. Ives
W.A. Landeryou
J. McLean
B.W. Mier
D.A. Nardella
P. Power (*Teller*)
B.T. Pullen (*Teller*)
T.C. Theophanous
D.T. Walpole
D.R. White

W. Forwood
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

And so it was resolved in the affirmative.

No. 29 — ACCIDENT COMPENSATION (WORKCOVER) BILL — Clause 15.

Weekly Payments

For sections 93A, 93B, 93C, 93D and 93E of the Principal Act substitute —

'93A. First 26 weeks of incapacity

* * * * *

- (2) A worker is entitled, subject to and in accordance with this Part, to weekly payments while incapacitated for work during the first 26 weeks of incapacity at whichever of the following rates apply —
- (a) if the worker is totally incapacitated, the rate of —
- (i) 95 per cent of the worker's pre-injury average weekly earnings; or
- (ii) \$603 —
- whichever is the lesser.
- (b) if the worker is partially incapacitated, the rate of —
- (i) the difference between 95 per cent of the worker's pre-injury average weekly earnings and the worker's notional earnings; or
- (ii) the difference between \$603 and the worker's notional earnings —
- whichever is the lesser.
- (3) A worker is entitled to receive weekly payments under this section only if —
- (a) where sub-section (2) (a) applies, the worker —
- (i) makes every reasonable effort to participate in an approved rehabilitation program or vocational re-education to enable the worker to return to work in suitable employment; and
- (ii) makes every reasonable effort to return to work in suitable employment; and
- (iii) participates in assessments of the worker's incapacity, rehabilitation progress and future employment prospects when requested to do so from time to time by the employer or the Authority;
- (b) where sub-section (2) (b) applies, the worker —
- (i) participates in an approved rehabilitation program or vocational re-education to enable the worker to return to work in suitable employment as soon as reasonably possible; and
- (ii) makes every reasonable effort to return to work in suitable employment at the worker's place of employment in co-operation with the employer and the Authority; and

- (iii) where the worker's employer cannot provide suitable employment, makes every effort to return to work in suitable employment at another place of employment; and
- (iv) participates in assessments of the worker's incapacity, rehabilitation progress and future employment prospects when required by the Authority;

* * * * *

— (Hon. R.M. Hallam)

Amendment proposed — That the words and expressions commencing with “whichever of the following rates apply” in proposed section 93A (2) and ending at the end of proposed section 93A (3) of the Principal Act be omitted with the view of inserting in place thereof:

“the following rate —

- (a) 95 per cent of the worker's pre-injury average weekly earnings; or
- (b) \$603 —

whichever is the lesser.

- (3) A worker is entitled to receive weekly payments under this section only if the worker —
 - (a) makes every reasonable effort to participate in an approved rehabilitation program or vocational re-education to enable the worker to return to work in suitable employment; and
 - (b) makes every reasonable effort to return to work in suitable employment; and
 - (c) participates in assessments of the worker's incapacity, rehabilitation progress and future employment prospects when requested to do so from time to time by the employer or the Authority.”.

— (Hon. T.C. Theophanous)

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

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 26

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard (Teller)
 G.R. Craige (Teller)
 P.R. Davis
 R.S. de Fegely
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

NOES, 12

The Hon. D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 W.A. Landeryou
 J. McLean
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen
 T.C. Theophanous (Teller)
 D.T. Walpole (Teller)
 D.R. White

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

No. 30 — ACCIDENT COMPENSATION (WORKCOVER) BILL — Clause 15.

Weekly Payments

For sections 93A, 93B, 93C, 93D and 93E of the Principal Act substitute —

* * * * *

93B. After 26 weeks' incapacity

- (1) A worker is entitled, subject to and in accordance with this Part, to weekly payments while incapacitated for work (not being a period during the first 26 weeks of incapacity) at whichever of the following rates apply —

* * * * *

- (c) if the worker does not have a serious injury but is partially incapacitated, the rate of —

- (i) the difference between 60 per cent of the worker's pre-injury average weekly earnings and the worker's notional earnings; or
 (ii) the difference between \$362 and the worker's notional earnings —

whichever is the lesser.

* * * * *

— (Hon. R.M. Hallam)

Amendment proposed — That sub-paragraphs (i) and (ii) of proposed section 93(b) (i)(c) of the Principal Act be omitted with the view of inserting in place thereof:

- “(i) 60 per cent of the worker's pre-injury average weekly earnings; or
 (ii) \$362 —”.

— (Hon. T.C. Theophanous)

Question — That the proposed sub-paragraphs proposed to be omitted stand part of the clause — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 26

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis (Teller)
 R.S. de Fegely
 W. Forwood (Teller)
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

NOES, 12

The Hon. D.E. Henshaw (Teller)
 C.J. Hogg
 R.S. Ives (Teller)
 W.A. Landeryou
 J. McLean
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole
 D.R. White

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

No. 31 — ACCIDENT COMPENSATION (WORKCARE) BILL — Clause 15.

Weekly Payments

For sections 93A, 93B, 93C, 93D and 93E of the Principal Act substitute —

* * * * *

93B. After 26 weeks' incapacity

* * * * *

- (5) In this section “serious injury” in relation to a worker means an injury which entitles the worker to compensation under this Act and in respect of which the worker would, if assessed by the Authority or self-insurer according to the methods specified in the American Medical Association’s Guides to the Evaluation of Permanent Impairment (second edition or a subsequent prescribed edition) have a level of impairment of 30 per cent or more.’.

— (Hon. R.M. Hallam)

Amendment proposed — That the words and expressions commencing with “compensation under this Act” and ending with “30 per cent or more.” be omitted with the view of inserting in place thereof “compensation under this Act and has the same meaning as in section 135.”

— (Hon. T.C. Theophanous)

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

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 26

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 W. Forwood
 J.V.C. Guest (*Teller*)
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan (*Teller*)
 R.I. Knowles
 K.M. Smith
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

NOES, 11

The Hon. D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 W.A. Landeryou (*Teller*)
 J. McLean (*Teller*)
 B.W. Mier
 D.A. Nardella
 P. Power
 T.C. Theophanous
 D.T. Walpole
 D.R. White

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

No. 32 — ACCIDENT COMPENSATION (WORKCOVER) BILL — Clause 15.

Weekly Payments

For sections 93A, 93B, 93C, 93D and 93E of the Principal Act substitute —

* * * * *

93C. Weekly payments—transitional provisions

(1) A worker who as at the commencement of section 15 of the Accident Compensation (WorkCover) Act 1992 —

(a) has been in receipt of weekly payments for 26 weeks or less is entitled until paragraph (b) applies, subject to and in accordance with this Part, to weekly payments until the Authority or self-insurer determines the worker's entitlement in accordance with this Act, at the rate of—

(i) the difference between 95 per cent of the worker's pre-injury average weekly earnings and the worker's notional earnings;
or

(ii) the difference between \$603 and the worker's notional earnings—

whichever is the lesser;

* * * * *

— (Hon. R.M. Hallam)

Amendment proposed — That the words “is partially incapacitated and” be inserted after (a) in proposed section 93C(1)(a) of the Principal Act.

— (Hon. T.C. Theophanous)

Motion made and question put — That the Chairman do report progress and ask leave to sit again.

— (Hon. T.C. Theophanous)

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 12

The Hon. D.E. Henshaw
C.J. Hogg
R.S. Ives
W.A. Landeryou
J. McLean
B.W. Mier
D.A. Nardella (*Teller*)
P. Power (*Teller*)
B.T. Pullen
T.C. Theophanous
D.T. Walpole
D.R. White

NOES, 26

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson
W.R. Baxter
R.A. Best
M.A. Birrell
B.W. Bishop
R.H. Bowden
A.R. Brideson
G.P. Connard
G.H. Cox
G.R. Craige
P.R. Davis
R.S. de Fegely
W. Forwood
J.V.C. Guest
P.R. Hall
R.M. Hallam
R.I. Knowles
K.M. Smith (*Teller*)
Graeme Stoney (*Teller*)
Haddon Storey
C.A. Strong
Rosemary Varty
Dr. R.J.H. Wells
Sue deC. Wilding

And so it passed in the negative.

No. 33 — ACCIDENT COMPENSATION (WORKCOVER) BILL — Clause 22.

Rates of payment for Occupational Rehabilitation services

After section 99A of the Principal Act insert —

“99B. Rates applicable for occupational rehabilitation service

* * * * *

(3) The maximum amount for which an employer is liable for any occupational rehabilitation services provided to or for the benefit of a worker in respect of the same injury (whether the same or different kinds of services, but not services excluded from this sub-section by the regulations) is —

(a) \$1,200; or

(b) an amount prescribed in that respect by the regulations —

whichever is the greater.

* * * * *

— (Hon. R.M. Hallam)

Amendment proposed — That sub-section (3) of proposed section 99B of the Principal Act be omitted.

— (Hon. T.C. Theophanous)

Question — That the proposed sub-section proposed to be omitted stand part of the clause — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 26

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson
W.R. Baxter
R.A. Best
M.A. Birrell
B.W. Bishop
R.H. Bowden
A.R. Brideson
G.P. Connard
G.H. Cox
G.R. Craige
P.R. Davis
R.S. de Fegely
J.V.C. Guest
P.R. Hall
R.M. Hallam
W.A.N. Hartigan
R.I. Knowles
K.M. Smith
Graeme Stoney
Haddon Storey
C.A. Strong (Teller)
Rosemary Varty
Dr. R.J.H. Wells (Teller)
Sue deC. Wilding

NOES, 12

The Hon. D.E. Henshaw
C.J. Hogg
R.S. Ives
W.A. Landeryou
J. McLean
B.W. Mier
D.A. Nardella
P. Power
B.T. Pullen (Teller)
T.C. Theophanous (Teller)
D.T. Walpole
D.R. White

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

No. 34 — ACCIDENT COMPENSATION (WORKCOVER) BILL — Clause 25.

Medical Certificate

In section 104 (1)(a) of the Principal Act omit “or chiropractor and osteopath”.

— (Hon. R.M. Hallam)

Question — That clause 25 stand part of the Bill — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 26	NOES, 12
The Hon. L. Asher G.B. Ashman B.N. Atkinson W.R. Baxter R.A. Best (<i>Teller</i>) M.A. Birrell B.W. Bishop R.H. Bowden A.R. Brideson G.P. Connard G.H. Cox G.R. Craige R.S. de Fegely W. Forwood J.V.C. Guest P.R. Hall R.M. Hallam W.A.N. Hartigan R.I. Knowles K.M. Smith Graeme Stoney Haddon Storey C.A. Strong Rosemary Varty Dr. R.J.H. Wells Sue deC. Wilding (<i>Teller</i>)	The Hon. D.E. Henshaw (<i>Teller</i>) C.J. Hogg R.S. Ives W.A. Landeryou J. McLean B.W. Mier D.A. Nardella P. Power B.T. Pullen T.C. Theophanous D.T. Walpole (<i>Teller</i>) D.R. White

And so it was resolved in the affirmative.

No. 35 — ACCIDENT COMPENSATION (WORKCOVER) BILL — Clause 33.

New section 116A — Medical certificate

After section 116 of the Principal Act insert —

“116A. Medical certificate

* * * * *

- (2) The worker must obtain the medical certificate —
- (a) within 14 days of being required to do so; and
 - (b) from a medical practitioner or a person authorised under section 114 (2)(a) to give a certificate of incapacity under that section, being a medical practitioner or person nominated by the Authority or employer.
- (3) The Authority or an employer must not —
- (a) require a medical certificate under this section from a worker more than once in any period of 3 months; or
 - (b) nominate a medical practitioner who is not reasonably accessible to the worker.

* * * * *

— (*Hon. R.M. Hallam*)

Amendment proposed — That proposed sub-sections (2) and (3) of proposed section 116A of the Principal Act be omitted with the view of inserting in place thereof:

- “(2) The worker must obtain the medical certificate within 14 days of being required to do so.
- (3) The Authority or an employer must not require the medical certificate from a worker more than once in any period of 3 months.”.

— (*Hon. T.C. Theophanous*)

Question — That the proposed sub-sections proposed to be omitted stand part of the clause — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 26

The Hon. L. Asher (*Teller*)
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop (*Teller*)
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 W. Forwood
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

NOES, 13

The Hon. B.E. Davidson
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives (*Teller*)
 W.A. Landeryou (*Teller*)
 J. McLean
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole
 D.R. White

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

No. 36 — ACCIDENT COMPENSATION (WORKCOVER) BILL — Clause 46.

New section 135 substituted

* * * * *

(2) For section 135A of the Principal Act substitute —

‘* * * * *

135B. Injuries before 1 December 1992

* * * * *

(4) A court must not hear proceedings to which this section applies unless, within 3 months after the commencement of section 46 of the **Accident Compensation (WorkCover) Act 1992**, or such longer period as the Authority or self-insurer approves, the parties have attended a conference at which the Authority or self-insurer has made an offer in settlement or compromise of the claim.

* * * * *

— (*Hon. R.M. Hallam*)

Amendment proposed — That the following sub-section be inserted after proposed section 135B (4) of the Principal Act:

“(5) The Minister —

- (a) may appoint persons to act as conciliators for the purposes of sub-section (4); and
- (b) may give directions about the procedures for conferences under that sub-section.”

— (*Hon. R.M. Hallam*)

Question — That the sub-section proposed to be inserted be so inserted — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 26		NOES, 13	
The Hon.	L. Asher	The Hon.	B.E. Davidson
	G.B. Ashman (<i>Teller</i>)		D.E. Henshaw
	B.N. Atkinson (<i>Teller</i>)		C.J. Hogg
	W.R. Baxter		R.S. Ives
	R.A. Best		W.A. Landeryou
	M.A. Birrell		J. McLean (<i>Teller</i>)
	B.W. Bishop		B.W. Mier
	R.H. Bowden		D.A. Nardella (<i>Teller</i>)
	A.R. Brideson		P. Power
	G.P. Connard		B.T. Pullen
	G.H. Cox		T.C. Theophanous
	G.R. Craige		D.T. Walpole
	P.R. Davis		D.R. White
	R.S. de Fegely		
	W. Forwood		
	P.R. Hall		
	R.M. Hallam		
	W.A.N. Hartigan		
	R.I. Knowles		
	K.M. Smith		
	Graeme Stoney		
	Haddon Storey		
	C.A. Strong		
	Rosemary Varty		
	Dr. R.J.H. Wells		
	Sue deC. Wilding		

And so it was resolved in the affirmative.

No. 37 — ACCIDENT COMPENSATION (WORKCOVER) BILL — Clause 46 (as amended to that stage)

New section 135 substituted

* * * * *

(2) For section 135A of the Principal Act substitute —

‘* * * * *

135A. Injuries before 1 December 1992

* * * * *

(6) In proceedings to which this section applies, where a judgment or order for damages is made by the court —

(a) in an amount that is not more than 120 per centum of the amount of the offer, the worker, or dependants of the worker are liable to pay the costs of the Authority or self-insurer; or

* * * * *

— (*Hon. R.M. Hallam*)

Amendment proposed — That the words “incurred after the date on which the offer was made” be inserted after “self-insurer” in proposed section 135B (6) of the Principal Act.

— (*Hon. T.C. Theophanous*)

Question — That the words proposed to be inserted be so inserted — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 12		NOES, 26	
The Hon.	B.E. Davidson	The Hon.	L. Asher
	D.E. Henshaw		G.B. Ashman
	C.J. Hogg		B.N. Atkinson

R.S. Ives
 W.A. Landeryou
 B.W. Mier
 D.A. Nardella
 P. Power (*Teller*)
 B.T. Pullen (*Teller*)
 T.C. Theophanous
 D.T. Walpole
 D.R. White

W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden (*Teller*)
 A.R. Brideson (*Teller*)
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 W. Forwood
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

And so it passed in the negative.

No. 38 — ACCIDENT COMPENSATION (WORKCOVER) BILL — Clause 64.

Former bodies

* * * * *

(2) On and after the commencement of this section —

- (a) any money invested by the Registrar under section 65 (4), 71L (4) or 72H (4) of the Principal Act as in force immediately before the commencement of this section; and
 (b) any real or personal property held by the Registrar under any of those sections as so in force —

vests by force of this section in the Victorian WorkCover Authority.

* * * * *

— (*Hon. R.M. Hallam*)

Amendment proposed — That the words “Victorian WorkCover Authority” be omitted with the view of inserting in place thereof “County Court to be administered by the Registrar of the County Court in accordance with the County Court Act 1958”.

— (*Hon. T.C. Theophanous*)

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

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 26

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard (*Teller*)
 G.H. Cox (*Teller*)
 G.R. Craige
 P.R. Davis

NOES, 12

The Hon. B.E. Davidson
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 W.A. Landeryou
 B.W. Mier
 D.A. Nardella
 P. Power (*Teller*)
 B.T. Pullen (*Teller*)
 T.C. Theophanous
 D.T. Walpole
 D.R. White

R.S. de Fegely
W. Forwood
J.V.C. Guest
P.R. Hall
R.M. Hallam
W.A.N. Hartigan
R.I. Knowles
K.M. Smith
Graeme Stoney
Haddon Storey
C.A. Strong
Rosemary Varty
Dr. R.J.H. Wells

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

LEGISLATIVE COUNCIL OF VICTORIA
WEEKLY REPORT OF DIVISIONS IN
COMMITTEE OF THE WHOLE COUNCIL

No. 3

Tuesday, 17 November 1992

No. 1 — STATE OWNED ENTERPRISES BILL — Clause 8.

Boards of reorganising body

* * * * *

(2) The Governor in Council may in the Order do any one or more of the following:

- (a) change the number of members of the board;
- (b) determine the qualifications of persons for, or terms and conditions of, appointment to the board;
- (c) determine the manner of appointment of the chairman, and deputy chairman;
- (d) make such other changes to the constitution of the board as the Governor in Council determines.

* * * * *

— (Hon. R.M. Hallam)

Amendment proposed — That the following sub-clause be inserted after sub-clause (2).

“(3) An order under this section changing the constitution of a reorganising body must include provision for a representative of employees of the body to be a member of the board.”.

— (Hon. T.C. Theophanous)

Question — That the sub-clause proposed to be inserted be so inserted — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 13

The Hon. B.E. Davidson (*Teller*)
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 W.A. Landeryou
 J. McLean
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole (*Teller*)
 D.R. White

NOES, 27

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard (*Teller*)
 G.H. Cox (*Teller*)
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam

W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

And so it passed in the negative.

No. 2 — STATE OWNED ENTERPRISES BILL — Clause 59.

Declaration of Statutory corporation as converting body

The Governor in Council, by Order published in the Government Gazette, may declare a statutory corporation to be a converting body.

— (Hon. R.M. Hallam)

Amendment proposed — That “(1)” be inserted before “The”.

— (Hon. T.C. Theophanous)

Question — That the expression proposed to be inserted be so inserted — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 13

The Hon. B.E. Davidson
 D.E. Henshaw (*Teller*)
 C.J. Hogg
 R.S. Ives (*Teller*)
 W.A. Landeryou
 J. McLean
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole
 D.R. White

NOES, 27

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige (*Teller*)
 P.R. Davis (*Teller*)
 R.S. de Fegely
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

And so it passed in the negative.

No. 3 — STATE OWNED ENTERPRISES BILL — Clause 87.

Subsidiaries

(1) The Treasurer may, by Order published in the Government Gazette declare that a

provision of this Act applies to a subsidiary of a State business corporation or of a State owned company with such modifications as the circumstances require.

* * * * *

— (Hon. R.M. Hallam)

Amendment proposed — That sub-clause (1) be omitted with the view of inserting in place thereof:

“(1) This Act applies —

- (a) to a subsidiary of a State business corporation as if the subsidiary were a State business corporation; and
- (b) to a subsidiary of a State owned corporation as if the subsidiary were a State owned corporation.”.

— (Hon. T.C. Theophanous)

Question — That the sub-clause proposed to be omitted stand part of the clause — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 27

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 W. Forwood (*Teller*)
 J.V.C. Guest (*Teller*)
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

NOES, 13

The Hon. B.E. Davidson
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 W.A. Landeryou (*Teller*)
 J. McLean (*Teller*)
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole
 D.R. White

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

o. 4 — STATE OWNED ENTERPRISES BILL — Clause 90.

Application of certain other Acts

(1) A State owned enterprise —

(a) that, but for this sub-section, would be a prescribed authority within the meaning of the **Freedom of Information Act 1982**; and

(b) that is prescribed for the purposes of this sub-section —

is to be taken not to be a prescribed authority within the meaning of that Act.

(2) A State owned enterprise —

(a) that, but for this sub-section, would be an authority within the meaning of the **Ombudsman Act 1973**; and

(b) that is prescribed for the purposes of this sub-section —

is to be taken not to be an authority within the meaning of the Ombudsman Act 1973.

- (3) If an Act under which a State owned enterprise is constituted, or under which functions or powers are conferred on a State owned enterprise, is prescribed for the purposes of this sub-section, a statutory rule proposed to be made under a prescribed provision of that Act is to be taken to be a proposed statutory rule to which section 12 of the **Subordinate Legislation Act 1962** does not apply.

* * * * *

— (Hon. R.M. Hallam)

Amendment proposed — That sub-clauses (1) to (3) be omitted.

— (Hon. T.C. Theophanous)

Question — That the sub-clauses proposed to be omitted stand part of the clause — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 26

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson
W.R. Baxter
M.A. Birrell
B.W. Bishop
R.H. Bowden
A.R. Brideson
G.P. Connard
G.R. Craige
P.R. Davis
R.S. de Fegely
W. Forwood
J.V.C. Guest
P.R. Hall
R.M. Hallam
W.A.N. Hartigan (Teller)
R.I. Knowles
B.A.E. Skeggs (Teller)
K.M. Smith
Graeme Stoney
Haddon Storey
C.A. Strong
Rosemary Varty
Dr. R.J.H. Wells
Sue deC. Wilding

NOES, 12

The Hon. B.E. Davidson
D.E. Henshaw
C.J. Hogg
R.S. Ives
W.A. Landeryou (Teller)
J. McLean (Teller)
B.W. Mier
D.A. Nardella
B.T. Pullen
T.C. Theophanous
D.T. Walpole
D.R. White

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

Wednesday, 18 November 1992 (morning)

No. 5 — STATE DEFICIT LEVY BILL — Clause 5.

Council must impose levy

- (1) A Council must impose a levy of \$100 each year on each rateable property (other than rateable property exempted under section 8) situated within its municipal district as at the date of the issue of the notice under sub-section (4).
- (2) The levy is deemed to have been declared in accordance with Part 8 of the **Local Government Act 1989**.
- (3) Part 7 of the **Local Government Act 1989** does not apply in respect of the levy.
- (4) A Council must send a notice to the person liable to pay the levy —
 - (a) before 31 January 1993; and

- (b) before 15 December in any subsequent year or such later date as is approved in writing by the Commissioner in respect of a particular Council subject to such conditions as the Commissioner may specify in the approval.
- (5) A notice under sub-section (4) (a) must —
- (a) state that if the person elects under section 167 of the **Local Government Act 1989** to pay the whole of the rate or charge by way of lump sum or an option other than quarterly instalments, the whole of the levy must be paid on the date fixed under section 167 of the **Local Government Act 1989** for the payment of the whole of a rate or charge under that Act; and
- (b) state that if the person elects under section 167 of the **Local Government Act 1989** to pay a rate or charge by quarterly instalments, the levy must be paid by instalments of —
- (i) 50 per cent of the levy on the date fixed under section 167 of the **Local Government Act 1989** for the payment of the second instalment of a rate or charge under that Act; and
- (ii) 50 per cent of the levy on the date fixed under section 167 of the **Local Government Act 1989** for the payment of the third instalment of a rate or charge under that Act; and
- (c) contain a statement that a person has a right to a waiver in accordance with section 7 or to apply for an exemption under section 8 on the grounds and within the period specified; and
- (d) contain a statement to the effect that the Council is required by this Act to pay to the Commissioner, out of any amounts of levy, rates or charges received or recovered from a person, the amount of the levy payable by that person.
- (6) A notice under sub-section (4) (b) must —
- (a) state that if the person elects under section 167 of the **Local Government Act 1989** to pay the whole of a rate or charge by way of lump sum or an option other than quarterly instalments, the whole of the levy must be paid on the date fixed under section 167 of the **Local Government Act 1989** for the payment of the whole of a rate or charge under that Act; and
- (b) state that if the person elects under section 167 of the **Local Government Act 1989** to pay a rate or charge by quarterly instalments, the levy must be paid by instalments of —
- (i) 50 per cent of the levy on the date fixed under section 167 of the **Local Government Act 1989** for the payment of the first instalment of a rate or charge under that Act; and
- (ii) 25 per cent of the levy on each of the dates fixed under section 167 of the **Local Government Act 1989** for the payment of the second and third instalment of a rate or charge under that Act; and
- (c) contain a statement that a person has a right to a waiver in accordance with section 7 or to apply for an exemption under section 8 on the grounds and within the period specified; and
- (d) contain a statement to the effect that the Council is required by this Act to pay to the Commissioner, out of any amounts of levy, rates or charges received or recovered from a person, the amount of the levy payable by that person.
- (7) If the notice is not issued within the time specified under sub-section (4), a person is deemed to have paid the instalment of levy by the due date if the person makes the payment within 14 days of the date on which the notice was issued.
- (8) Section 172 of the **Local Government Act 1989** applies in respect of the payment of interest on the amount of any levy which is not paid by the due date, as from the date on which a rate or charge was declared under that Act.

— (Hon. R.M. Hallam)

Question — That clause 5 stand part of the Bill — put.

Committee divided — The Hon. P.R. Hall in the Chair.

	AYES, 26		NOES, 12
The Hon.	L. Asher	The Hon.	B.E. Davidson
	G.B. Ashman		D.E. Henshaw
	B.N. Atkinson		C.J. Hogg
	W.R. Baxter		R.S. Ives
	M.A. Birrell		J. McLean (<i>Teller</i>)
	B.W. Bishop (<i>Teller</i>)		B.W. Mier
	R.H. Bowden		D.A. Nardella
	A.R. Brideson		P. Power
	G.P. Connard		B.T. Pullen
	G.H. Cox		T.C. Theophanous (<i>Teller</i>)
	G.R. Craige		D.T. Walpole
	P.R. Davis		D.R. White
	R.S. de Fegely		
	W. Forwood		
	J.V.C. Guest		
	R.M. Hallam		
	W.A.N. Hartigan		
	R.I. Knowles		
	B.A.E. Skeggs (<i>Teller</i>)		
	K.M. Smith		
	Graeme Stoney		
	Haddon Storey		
	C.A. Strong		
	Rosemary Varty		
	Dr. R.J.H. Wells		
	Sue deC. Wilding		

And so it was resolved in the affirmative.

No. 6 — STATE DEFICIT LEVY BILL — Clause 9.

Council must forward payments

(1) Within each prescribed period, a Council —

- (a) must pay to the Commissioner all payments of levy due on the due date and paid to the Council on or before that date; and
- (b) if a person has failed to pay the full amount of levy that is due on the due date but the Council has received from that person, on or before that date, any amount of rates or charges due in respect of the year to which the levy relates, the Council must pay to the Commissioner a sum equal to the lesser of —
 - (i) the amount of unpaid levy; or
 - (ii) the amount so received from that person.

(2) If —

- (a) within a prescribed period the Council has not paid to the Commissioner the full amount of levy payable by a person; and
- (b) after the due date, the Council receives or recovers from that person any amount of levy, rate, charge or interest that is payable in respect of a period beginning on or after 1 October 1992 —

the Council must forward to the Commissioner, by the end of the third day after the end of the month in which it receives or recovers the amount, a sum equal to the lesser of —

- (c) the amount of unpaid levy together with interest payable (if any) by that person on that amount in accordance with section 5(8); or
- (d) the amount so received or recovered from that person —

less any part of that unpaid levy that has been paid to the Commissioner under sub-section (1) (b).

(3) In this section —

“due date”, in relation to a payment of levy, means the day fixed for that payment by the notice under section 5 (5) or (6);

“prescribed period” means —

- (a) in the case of a payment of levy to which 5(5) relates (other than payment of a second instalment of levy), the period of 28 days after the due date;
- (b) in the case of a payment of a second instalment of levy to which section 5 (5) relates, the period of 14 days after the due date;
- (c) in the case of a payment of levy to which section 5 (6) relates (other than a payment of a third instalment of levy) the period of 28 days after the due date;
- (d) in the case of a payment of a third instalment to which section 5 (6) relates the period of 14 days after the due date.

— (Hon. R.M. Hallam)

Question — That clause 9 stand part of the Bill — put.

Committee divided — The Hon. P.R. Hall in the Chair.

AYES, 26

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 W. Forwood
 J.V.C. Guest
 R.M. Hallam
 W.A.N. Hartigan (*Teller*)
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith (*Teller*)
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

NOES, 12

The Hon. B.E. Davidson
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 J. McLean
 B.W. Mier
 D.A. Nardella (*Teller*)
 P. Power (*Teller*)
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole
 D.R. White

And so it was resolved in the affirmative.

No. 7 — STATE DEFICIT LEVY BILL — Clause 10.

Default by Council

- (1) If a Council fails to comply with section 5, 7, 8, 9 or 14, the Commissioner may by notice served on the Council impose a charge on the Council of an amount determined by the Commissioner being an amount not exceeding the amount calculated by multiplying the number of rateable properties situated in the municipal district of the Council by \$100 less any amount already forwarded by the Council in relation to the current year.
- (2) The Council must pay the amount of the charge in accordance with the terms and conditions specified in the notice.
- (3) Interest at the maximum rate fixed by the Governor in Council under section 172 (2A) of the **Local Government Act 1989** is payable on the amount of any charge which is not paid by the due date, as from the due date until the amount of the charge is paid or recovered.
- (4) Any interest may be recovered in the same way as the charge may be recovered.

- (5) If an amount of the charge remains unpaid after it is due and payable, the Commissioner may recover the amount of the charge and interest in the Magistrate's Court or by suing for debt.
- (6) If the Treasurer is satisfied that a Council has not taken steps to comply with this section, the Treasurer may, in writing given to the Council, direct that a specified amount, being the whole or any part of any sum payable to the Council from the Consolidated Fund, or in the nature of fees, fines or penalties payable to, or held on behalf of, the Council but not exceeding the amount of levy and interest due and payable by the Council to the Commissioner in accordance with this Act —
- (a) not be paid to the Council until the Treasurer is satisfied that the Council has taken steps to comply with this section; or
- (b) be set off against that amount of levy and interest due and payable by the Council in accordance with this Act.

— (Hon. R.M. Hallam)

Question — That clause 10 stand part of the Bill — put.

Committee divided — The Hon. P.R. Hall in the Chair.

AYES, 26

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 W. Forwood
 J.V.C. Guest
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney (*Teller*)
 Haddon Storey
 C.A. Strong (*Teller*)
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

NOES, 12

The Hon. B.E. Davidson
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 J. McLean
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen (*Teller*)
 T.C. Theophanous
 D.T. Walpole (*Teller*)
 D.R. White

And so it was resolved in the affirmative.

Wednesday, 18 November 1992

No. 8 — DAIRY INDUSTRY BILL — Clause 3.

Definitions

In this Act —

* * * * *

“prescribed” means prescribed by the regulations or a Code of Practice;

* * * * *

— (Hon. W.R. Baxter)

Amendment proposed — That the following definition be inserted to follow the definition of “prescribed”:

“Prices Commissioner” means the Prices Commissioner appointed under section 3(1) of the Fuel Prices Regulation Act 1981;’.

— (Hon. C.J. Hogg)

Question — That the words and expressions proposed to be inserted be so inserted — put.

Committee divided — The Hon. P.R. Hall in the Chair.

AYES, 12

The Hon. D.E. Henshaw
C.J. Hogg
R.S. Ives
W.A. Landeryou (*Teller*)
J. McLean
B.W. Mier
D.A. Nardella
P. Power
B.T. Pullen
T.C. Theophanous (*Teller*)
D.T. Walpole
D.R. White

NOES, 25

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson
W.R. Baxter
M.A. Birrell
B.W. Bishop
R.H. Bowden
A.R. Brideson
G.P. Connard
G.H. Cox
P.R. Davis
R.S. de Fegely
W. Forwood
J.V.C. Guest
R.M. Hallam
W.A.N. Hartigan
R.I. Knowles
B.A.E. Skeggs
K.M. Smith
Graeme Stoney (*Teller*)
Haddon Storey
C.A. Strong (*Teller*)
Rosemary Varty
Dr. R.J.H. Wells
Sue deC. Wilding

And so it passed in the negative.

LEGISLATIVE COUNCIL OF VICTORIA
WEEKLY REPORT OF DIVISIONS IN
COMMITTEE OF THE WHOLE COUNCIL

No. 4

Tuesday, 20 April 1993

No. 1 — SHOP TRADING (FURTHER AMENDMENT) (AMENDMENT) BILL —
Clause 1.

Purpose

The purpose of this Act is to repeal the provision for the expiry on 30 June 1993 of the amendments to the Shop Trading Act 1987 and the Liquor Control Act 1987 made by the Shop Trading (Further Amendment) Act 1991.

— (Hon. W. R. Baxter)

Amendment proposed — That the words and expressions “and amend the Shop Trading Act 1987 in relation to employment on Sundays” be inserted after “1991”.

— (Hon. T.C. Theophanous)

Question — That the words and expressions proposed to be inserted be so inserted — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 14

The Hon. J.M. Brumby (*Teller*)
B.E. Davidson (*Teller*)
D.E. Henshaw
C.J. Hogg
R.S. Ives
L. Kokocinski
J. McLean
B.W. Mier
D.A. Nardella
P. Power
B.T. Pullen
T.C. Theophanous
D.T. Walpole
D.R. White

NOES, 28

The Hon. L. Asher (*Teller*)
G.B. Ashman (*Teller*)
B.N. Atkinson
W.R. Baxter
R.A. Best
M.A. Birrell
B.W. Bishop
R.H. Bowden
A.R. Brideson
G.P. Connard
G.H. Cox
G.R. Craige
P.R. Davis
R.S. de Fegely
W. Forwood
J.V.C. Guest
P.R. Hall
R.M. Hallam
W.A.N. Hartigan
R.I. Knowles
B.A.E. Skeggs
K.M. Smith
Graeme Stoney
Haddon Storey
C.A. Strong
Rosemary Varty
Dr. R.J.H. Wells
Sue deC. Wilding

And so it passed in the negative.

Wednesday, 21 April 1993

No. 2 — LAND (CROWN GRANTS AND RESERVES) BILL — New clause A (*to follow clause 5*).

Provisions not to apply to certain Richmond land

- (1) Despite anything in sections 3 and 4 the amendments made by those sections to the **Crown Land (Reserves) Act 1978** and the **Land Act 1958** do not apply to the land in Folio of the Register Volume 9733 Folio 652.
- (2) Section 8 of the **Crown Land (Reserves) Act 1978** continues to apply to the land in Folio of the Register Volume 9733 Folio 652 as if section 3 of this Act had not been enacted.
- (3) Section 5 does not apply to the land in Folio of the Register Volume 9733 Folio 652 or to the decision of the Supreme Court in *The Mayor, Councillors and Citizens of the City of Richmond v Her Majesty's Attorney-General for the State of Victoria* (Proceeding No. 6345 of 1990) in so far as it relates to that land.

— (*Hon. B.T. Pullen*)

Question — That new clause A be read a second time and added to the Bill — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 13

The Hon.	J.M. Brumby B.E. Davidson D.E. Henshaw (<i>Teller</i>) C.J. Hogg R.S. Ives (<i>Teller</i>) L. Kokocinski J. McLean B.W. Mier D.A. Nardella P. Power B.T. Pullen T.C. Theophanous D.T. Walpole
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NOES, 27

The Hon.	L. Asher G.B. Ashman B.N. Atkinson W.R. Baxter R.A. Best M.A. Birrell B.W. Bishop R.H. Bowden (<i>Teller</i>) A.R. Brideson (<i>Teller</i>) G.P. Connard G.R. Craige P.R. Davis R.S. de Fegely W. Forwood J.V.C. Guest P.R. Hall R.M. Hallam W.A.N. Hartigan R.I. Knowles B.A.E. Skeggs K.M. Smith Graeme Stoney Haddon Storey C.A. Strong Rosemary Varty Dr. R.J.H. Wells Sue deC. Wilding
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And so it passed in the negative.

LEGISLATIVE COUNCIL OF VICTORIA
WEEKLY REPORT OF DIVISIONS IN
COMMITTEE OF THE WHOLE COUNCIL

—
No. 5
 —

Tuesday, 27 April 1993

No. 1 — BARLEY MARKETING BILL — Clause 71.

Powers of authorised officers

An authorised officer or any member of the police force at any reasonable time and with any necessary assistants —

- (a) may enter and search any premises, other than premises used mainly as a residence, that the officer or member of the police force reasonably believes are used for or in connection with the storage or sale of barley;
- (b) may search for, inspect and make copies of any documents relating to the storage or sale of barley;
- (c) may require the occupier of premises entered and searched under this section to produce any documents relating to the sale of barley and answer questions.

— (Hon. W.R. Baxter)

Question — That clause 71 stand part of the Bill — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 26

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard (*Teller*)
 G.H. Cox (*Teller*)
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

NOES, 12

The Hon. J.M. Brumby
 B.E. Davidson
 C.J. Hogg
 R.S. Ives
 L. Kokocinski (*Teller*)
 B.W. Mier
 D.A. Nardella (*Teller*)
 P. Power
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole
 D.R. White

And so it was resolved in the affirmative.

Wednesday, 28 April 1993

No. 2 — RESIDENTIAL TENANCIES (WATER AND UTILITIES CHARGES) BILL — Clause 4.

Insertion of new sections 82-82D

For section 82 of the Residential Tenancies Act 1980 substitute —

“82. Responsibility for various utility charges

(1) The tenant is liable —

- (a) for all charges in respect of the supply or use of electricity, gas or oil in respect of his or her occupation of rented premises that are separately metered (except the charge mentioned in sub-section (2) (e)); and

* * * * *

— (Hon. R.I. Knowles)

Amendment proposed — That the words “or oil” in proposed section 82(1)(a) of the Principal Act be omitted with the view of inserting in place thereof “,oil or a telephone”.

— (Hon. T.C. Theophanous)

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

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 28

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson
W.R. Baxter
R.A. Best
M.A. Birrell
B.W. Bishop
R.H. Bowden
A.R. Brideson
G.P. Connard
G.H. Cox
G.R. Craige (*Teller*)
P.R. Davis (*Teller*)
R.S. de Fegely
W. Forwood
J.V.C. Guest
P.R. Hall
R.M. Hallam
W.A.N. Hartigan
R.I. Knowles
B.A.E. Skeggs
K.M. Smith
Graeme Stoney
Haddon Storey
C.A. Strong
Rosemary Varty
Dr. R.J.H. Wells
Sue deC. Wilding

NOES, 14

The Hon. J.M. Brumby
B.E. Davidson
D.E. Henshaw
C.J. Hogg
R.S. Ives
L. Kokocinski
J. McLean (*Teller*)
B.W. Mier
D.A. Nardella
P. Power (*Teller*)
B.T. Pullen
T.C. Theophanous
D. T. Walpole
D.R. White

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

LEGISLATIVE COUNCIL OF VICTORIA
WEEKLY REPORT OF DIVISIONS IN
COMMITTEE OF THE WHOLE COUNCIL

—
No. 6
 —

Tuesday, 11 May 1993

No. 1 — CITY OF GREATER GEELONG BILL — Clause 3.

Definitions

(1) In this Act —

* * * * *

“appointed day” means the day on which this Act receives the Royal Assent;

* * * * *

— (Hon. R. M. Hallam)

Amendment proposed — That the words “on which this Act receives the Royal Assent” be omitted with the view of inserting in place thereof “fixed under section 28”.

— (Hon. P. Power)

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

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 26

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 W. Forwood (*Teller*)
 J.V.C. Guest (*Teller*)
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

NOES, 12

The Hon. J.M. Brumby
 B.E. Davidson
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 L. Kokocinski
 J. McLean
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen (*Teller*)
 D.T. Walpole (*Teller*)

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

No. 2 — CITY OF GREATER GEELONG BILL — Proposed new clause A (to follow clause 23).

Transitional provision — staff of Geelong Regional Commission

- (1) On or after the appointed day but not later than 2 years after the appointed day, all members of staff of the Geelong Regional Commission must become members of staff of the Greater Geelong City Council with the same terms and conditions as those with the Geelong Regional Commission and with the benefit of all accrued rights.
- (2) As from the appointed day all members of staff of the Geelong Regional Commission are entitled to be considered for and have the same rights and access to permanent staff positions with the Greater Geelong City Council as members of staff of the Greater Geelong City Council.

— (Hon. P. Power)

Question — That new clause A be read a second time and added to the Bill — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 13

The Hon. J.M. Brumby (*Teller*)
 B.E. Davidson (*Teller*)
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 L. Kokocinski
 J. McLean
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen
 D.T. Walpole
 D.R. White

NOES, 27

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs (*Teller*)
 K.M. Smith (*Teller*)
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

And so it passed in the negative.

Wednesday, 12 May 1993

No. 3 — HEALTH AND COMMUNITY SERVICES (GENERAL AMENDMENT) BILL
 — Clause 8 (as amended).

Amendment of registration procedures for radiation apparatus etc.

- (1) In section 108AE of the Principal Act, for sub-section (1) substitute—
 - “(1) A person may apply to the Chief General Manager for registration of —
 - (a) an ionizing radiation apparatus; or
 - (b) a non-ionizing radiation apparatus of a prescribed class; or
 - (c) a sealed radio-active source.”.
- (2) In section 108AE of the Principal Act, after sub-section (2) insert—

- “(2A) When the Chief General Manager registers an apparatus or source, he or she must register it in the name of the applicant for registration.”
- (3) In section 108AE of the Principal Act, in sub-section (3), for “registered owner” substitute “registered person”.
- (4) In section 108AE of the Principal Act, in sub-section (4) (d), after “person” insert “and, in the case of an apparatus or source to be used in the diagnosis or therapy of human beings, the apparatus or source is unlikely to result in excessive or unnecessary doses of radiation to the person undergoing the diagnosis or therapy”.
- (5) In section 108AE of Principal Act, sub-section (5) is repealed.
- (6) In section 108AE of the Principal Act, in sub-section (5A) —
- (a) for “(3), (4) and (5)” substitute “(3) and (4)”; and
- (b) for “(4) or (5)” substitute “(4)”.
- (6) In section 108AE of the Principal Act, sub-sections (7) to (15) are repealed.

— (Hon. R.I. Knowles)

Question — That clause 8, as amended, stand part of the Bill — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 27

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Haddon Storey
 C.A. Strong (Teller)
 Rosemary Varty
 Dr. R.J.H. Wells (Teller)
 Sue deC. Wilding

NOES, 12

The Hon. J.M. Brumby
 D.E. Henshaw (Teller)
 C.J. Hogg
 R.S. Ives (Teller)
 L. Kokocinski
 J. McLean
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen
 D.T. Walpole
 D.R. White

And so it was resolved in the affirmative.

No. 4 — TERTIARY EDUCATION BILL — Clause 10.

Only approved universities to operate in Victoria

- (1) An institution, other than a recognised University, must not operate or purport to operate as a University or part of a University without the approval of the Minister.

Penalty: 200 penalty units

* * * * *

— (Hon. Haddon Storey)

Amendment proposed — That the expression “(1)” be omitted.

— (Hon. B.T. Pullen)

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

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 27

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson
W.R. Baxter
R.A. Best (*Teller*)
M.A. Birrell
B.W. Bishop
R.H. Bowden
A.R. Brideson
G.P. Connard
G.H. Cox
G.R. Craige
P.R. Davis
R.S. de Fegely
W. Forwood
J.V.C. Guest
P.R. Hall
R.M. Hallam
W.A.N. Hartigan
R.I. Knowles
B.A.E. Skeggs
K.M. Smith
Haddon Storey
C.A. Strong
Rosemary Varty
Dr. R.J.H. Wells
Sue deC. Wilding (*Teller*)

NOES, 13

The Hon. J.M. Brumby
B.E. Davidson
D.E. Henshaw
C.J. Hogg
R.S. Ives
L. Kokocinski (*Teller*)
J. McLean (*Teller*)
B.W. Mier
D.A. Nardella
P. Power
B.T. Pullen
D.T. Walpole
D.R. White

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

Thursday, 13 May 1993

No. 5 — BOARD OF STUDIES BILL — Clause 5.

Objective of Board

The objective of the Board is to develop guidelines and procedures for —

* * * * *

(d) the provision of information services on the matters referred to in paragraphs (a), (b) and (c) —

to ensure that all students in Victoria have access to a comprehensive general education of the highest quality from the preparatory year to year 12.

— (Hon. Haddon Storey)

Amendment proposed — That the following words and expressions be inserted after “12”:

“and that a system of public education is established and developed which —

- (e) is accessible to all persons; and
- (f) provides education of a high quality; and
- (g) enhances the opportunity of all students to succeed in education; and
- (h) provides for the special needs of any group of persons who may be disadvantaged in relation to education by reason of social conditions,

economic conditions, location, ethnic background, culture, sex, disability or otherwise”.

— (Hon. C. J. Hogg)

Question — That the words and expressions proposed to be inserted be so inserted — put.
Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 11

The Hon. J.M. Brumby
D.E. Henshaw
C.J. Hogg
R.S. Ives
L. Kokocinski
J. McLean
B.W. Mier
D.A. Nardella (*Teller*)
P. Power (*Teller*)
B.T. Pullen
D.R. White

NOES, 25

The Hon. L. Asher (*Teller*)
G.B. Ashman
B.N. Atkinson
R.A. Best
M.A. Birrell
B.W. Bishop (*Teller*)
R.H. Bowden
A.R. Brideson
G.P. Connard
G.H. Cox
G.R. Craige
P.R. Davis
R.S. de Fegely
W. Forwood
J.V.C. Guest
P.R. Hall
R.M. Hallam
W.A.N. Hartigan
R.I. Knowles
B.A.E. Skeggs
Haddon Storey
C.A. Strong
Rosemary Varty
Dr. R.J.H. Wells
Sue deC. Wilding

And so it passed in the negative.

No. 6 — BOARD OF STUDIES BILL — Clause 6.

Functions of Board

The functions of the Board are —

* * * * *

(k) to certify the satisfactory completion of year 10 by awarding a certificate to students;

* * * * *

— (Hon. Haddon Storey)

Amendment proposed — That paragraph (k) be omitted.

— (Hon. C. J. Hogg)

Question — That the paragraph proposed to be omitted stand part of the clause — put.
Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 24

The Hon. L. Asher
G.B. Ashman (*Teller*)
B.N. Atkinson (*Teller*)
R.A. Best
B.W. Bishop
R.H. Bowden
A.R. Brideson
G.P. Connard
G.H. Cox

NOES, 11

The Hon. J.M. Brumby
C.J. Hogg
R.S. Ives
L. Kokocinski
J. McLean
B.W. Mier
D.A. Nardella
P. Power
B.T. Pullen (*Teller*)

G.R. Craige
 P.R. Davis
 R.S. de Fegely
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

D.T. Walpole (*Teller*)
 D.R. White

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

No. 7 — BOARD OF STUDIES BILL — New clause A (to follow clause 11).

Qualifications of members

- (1) The members shall be persons who, in the opinion of the Minister, are representative of the interests of parents, principals, teachers, school councils, government schools, non-government schools, post-secondary education institutions and persons of particular ethnic backgrounds.
- (2) The Minister, before nominating to the Governor in Council persons to be appointed to the Board, must consult (as he or she thinks fit) with groups of organisations in the community which represent or are concerned with parents, principals, teachers, government schools, non-government schools, post-secondary education or persons of particular ethnic backgrounds.
- (3) The Minister, in nominating to the Governor in Council persons to be appointed to the Board, must have regard to the desirability of having as members a reasonable balance of persons employed professionally in education and parents, and of men and women.

— (*Hon. C.J. Hogg*)

Question — That new clause A be read a second time and added to the Bill — put.

Committee divided — The Hon. D.M. Evans in the Chair.

	AYES, 8		NOES, 24
The Hon.	C.J. Hogg R.S. Ives (<i>Teller</i>) J. McLean (<i>Teller</i>) B.W. Mier D.A. Nardella P. Power B.T. Pullen D.R. White	The Hon.	L. Asher G.B. Ashman (<i>Teller</i>) B.N. Atkinson (<i>Teller</i>) R.A. Best M.A. Birrell B.W. Bishop R.H. Bowden A.R. Brideson G.P. Connard G.H. Cox G.R. Craige P.R. Davis R.S. de Fegely W. Forwood P.R. Hall R.M. Hallam W.A.N. Hartigan R.I. Knowles B.A.E. Skeggs Haddon Storey C.A. Strong

Rosemary Varty
Dr. R.J.H. Wells
Sue deC. Wilding

And so it passed in the negative.

Friday, 14 May 1993

No. 8 — LEGAL PROFESSION PRACTICE (GUARANTEE FUND) BILL — Clause 6
(as amended to that stage).

Solicitors' Guarantee Fund

* * * * *

(5) After section 53 (8) of the Principal Act insert—

“* * * * *”

(8B) The amount standing to the credit of the Law Reform account is the property of the Institute and shall be applied as directed by the Attorney-General but, subject to any direction of the Attorney-General, shall continue to be administered and invested as if it formed part of the Fund.

* * * * *

— (Hon. Haddon Storey)

Amendment proposed — That the words and expressions “, subject to scrutiny by the Law Reform Committee of the Parliament to assist in the efficient allocation of resources to the investigation of any matter or proposal relating to law reform,” be inserted after “Attorney-General” (where first occurring).

— (Hon. B.T. Pullen)

Question — That the words and expressions proposed to be inserted be so inserted — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 10

The Hon. J.M. Brumby (*Teller*)
B.E. Davidson (*Teller*)
D.E. Henshaw
L. Kokocinski
J. McLean
B.W. Mier
D.A. Nardella
P. Power
B.T. Pullen
D.R. White

NOES, 24

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson
W.R. Baxter
M.A. Birrell
B.W. Bishop
R.H. Bowden (*Teller*)
A.R. Brideson (*Teller*)
G.P. Connard
G.H. Cox
G.R. Craige
R.S. de Fegely
W. Forwood
J.V.C. Guest
P.R. Hall
R.M. Hallam
W.A.N. Hartigan
R.I. Knowles
B.A.E. Skeggs
K.M. Smith
Haddon Storey
C.A. Strong
Rosemary Varty
Sue deC. Wilding

And so it passed in the negative.

LEGISLATIVE COUNCIL OF VICTORIA
WEEKLY REPORT OF DIVISIONS IN
COMMITTEE OF THE WHOLE COUNCIL

—
No. 7
 —

Wednesday, 19 May 1993

No. 1 — POLICE REGULATION (DISCIPLINE) BILL — Clause 10.

Insertion of new Divisions 2 to 6 of Part IV

For sections 69 to 86 of the Principal Act substitute —

“Division 2 — Discipline

* * * * *

74. Authorised officers

The Chief Commissioner may authorise any member of the force or any person appointed or employed under the **Public Sector Management Act 1992** to charge a member or to inquire into and determine a charge under section 73.

* * * * *

— (Hon. W.R. Baxter)

Amendment proposed — That the words and expressions “or any person appointed or employed under the **Public Sector Management Act 1992**” be omitted with the view of inserting in place thereof “of or above the rank of Chief Superintendent”.

— (Hon. B.E. Davidson)

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

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 23

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.R. Craige (Teller)
 P.R. Davis (Teller)
 R.S. de Fegely
 W. Forwood
 P.R. Hall
 R.M. Hallam

NOES, 8

The Hon. B.E. Davidson
 C.J. Hogg
 R.S. Ives
 J. McLean (Teller)
 B.W. Mier
 D.A. Nardella (Teller)
 B.T. Pullen
 D.R. White

W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Haddon Storey
 C.A. Strong
 Dr. R.J.H. Wells
 Sue deC. Wilding

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

No. 2 — POLICE REGULATION (DISCIPLINE) BILL — Clause 10.

Insertion of new Divisions 2 to 6 of Part IV

For sections 69 to 86 of the Principal Act substitute—

“* * * * *

Division 4 — Fitness for Duty

* * * * *

84. Procedure on an inquiry

- (1) A member of the force who is the subject of an inquiry may appear at the inquiry or may be represented by any person other than a person admitted to practice as a barrister or solicitor of the Supreme Court.

* * * * *

— (Hon. W.R. Baxter)

Amendment proposed — That the words “other than a person admitted to practice as a barrister or solicitor of the Supreme Court” be omitted.

— (Hon. B.E. Davidson)

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

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 26

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard (Teller)
 G.H. Cox (Teller)
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 W. Forwood
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Haddon Storey

NOES, 12

The Hon. J.M. Brumby (Teller)
 B.E. Davidson
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 L. Kokocinski
 J. McLean
 B.W. Mier
 D.A. Nardella
 P. Power (Teller)
 B.T. Pullen
 D.R. White

C.A. Strong
Rosemary Varty
Dr. R.J.H. Wells
Sue deC. Wilding

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

No. 3 — POLICE REGULATION (DISCIPLINE) BILL — Clause 10.

Insertion of new Divisions 2 to 6 of Part IV

For sections 69 to 86 of the Principal Act substitute —

“* * * * *

**Division 5 — Effect of Suspension Dismissal
or Reduction of Rank of a Member**

86. *Suspension of a member*

- (1) Despite anything to the contrary in this or any other Act or regulation, a member of the force who has been suspended without pay under section 71 (3) (c) or 79 (2) (c), may, with the approval of the Chief Commissioner, undertake paid employment during the period of that suspension.

* * * * *

— (Hon. W.R. Baxter)

Amendment proposed — That the expression “,with the approval of the Chief Commissioner,” be omitted.

— (Hon. B.E. Davidson)

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

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 26

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson
W.R. Baxter
R.A. Best
M.A. Birrell
B.W. Bishop
R.H. Bowden
A.R. Brideson
G.P. Connard
G.H. Cox
G.R. Craige
P.R. Davis
R.S. de Fegely
W. Forwood (*Teller*)
P.R. Hall
R.M. Hallam
W.A.N. Hartigan (*Teller*)
R.I. Knowles
B.A.E. Skeggs
K.M. Smith
Haddon Storey
C.A. Strong
Rosemary Varty
Dr. R.J.H. Wells
Sue deC. Wilding

NOES, 12

The Hon. J.M. Brumby
B.E. Davidson
D.E. Henshaw
C.J. Hogg
R.S. Ives
L. Kokocinski
J. McLean
B.W. Mier (*Teller*)
D.A. Nardella (*Teller*)
P. Power
B.T. Pullen
D.R. White

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

No. 4 — POLICE REGULATION (DISCIPLINE) BILL — Clause 12.

Substitution of sections 87—91A

For sections 87 to 91A of the Principal Act substitute —

“Division 1 — Constitution of the Commission

* * * * *

88. *Functions of the Commission*

The functions of the Commission are—

- (a) to hear appeals and reviews referred to it under this Act;
-
- and

* * * * *

— (Hon. W.R. Baxter)

Amendment proposed — That the words “and reviews” be omitted.

— (Hon. B.E. Davidson)

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

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 26

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson
W.R. Baxter
R.A. Best
M.A. Birrell
B.W. Bishop
R.H. Bowden
A.R. Brideson
G.P. Connard
G.H. Cox
G.R. Craige
P.R. Davis
R.S. de Fegely
W. Forwood
P.R. Hall
R.M. Hallam
W.A.N. Hartigan
R.I. Knowles
B.A.E. Skeggs (*Teller*)
K.M. Smith (*Teller*)
Haddon Storey
C.A. Strong
Rosemary Varty
Dr. R.J.H. Wells
Sue deC. Wilding

NOES, 12

The Hon. J.M. Brumby
B.E. Davidson
D.E. Henshaw
C.J. Hogg
R.S. Ives
L. Kokocinski
J. McLean (*Teller*)
B.W. Mier
D.A. Nardella
P. Power (*Teller*)
B.T. Pullen
D.R. White

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

Thursday, 20 May 1993

No. 5 — LOCAL GOVERNMENT (GENERAL AMENDMENT) BILL — Clause 3.

New Parts inserted

After Part 10 of the Local Government Act 1989 insert—

“* * * * *

PART 10B — LOCAL GOVERNMENT REVIEWS

* * * * *

220L. *Request for a poll*

* * * * *

(2) A request for a poll must be —

* * * * *

(d) lodged within 14 days of the publication of the notice under section 220K (2).

* * * * *

— (Hon. R.M. Hallam)

Amendment proposed — That the expression “14” be omitted with the view of inserting in place thereof “28”.

— (Hon. P. Power)

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

Committee divided — The Hon. P.R. Hall in the Chair.

AYES, 24

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 W. Forwood
 J.V.C. Guest
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 K.M. Smith
 Haddon Storey
 C.A. Strong (*Teller*)
 Rosemary Varty
 Sue deC. Wilding (*Teller*)

NOES, 11

The Hon. J.M. Brumby
 D.E. Henshaw
 C.J. Hogg
 J. McLean
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen (*Teller*)
 T.C. Theophanous
 D.T. Walpole (*Teller*)
 D.R. White

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

LEGISLATIVE COUNCIL OF VICTORIA
WEEKLY REPORT OF DIVISIONS IN
COMMITTEE OF THE WHOLE COUNCIL

—
No. 8
 —

Tuesday, 25 May 1993

No. 1 — EDUCATION ACTS (TEACHERS) BILL — Clause 3.

New Division 5 inserted in Part II of the Teaching Service Act

After Division 4 of Part II of the Teaching Service Act 1981 insert—

“Division 5 — Standards Council of the Teaching Profession

10. Establishment and functions of Council

* * * * *

(2) The function of the Council is to advise the Minister or the Director about all matters relating to professional standards for the employment of members of the teaching service.

* * * * *

— (*Hon. Haddon Storey*)

Amendment proposed — That proposed section 10(2) of the Teaching Service Act 1981 be omitted with the view of inserting in place thereof:

“(2) The functions of the Council are to determine qualifications for membership of the teaching service and to advise the Minister or the Director about any other matter relating to the teaching profession.”.

— (*Hon. C.J. Hogg*)

Question — That the sub-section proposed to be omitted stand part of the clause — put.

Committee divided — The Hon. P.R. Hall in the Chair.

AYES, 26

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 W. Forwood

NOES, 13

The Hon. J.M. Brumby
 B.E. Davidson
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 J. McLean
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen
 T.C. Theophanous (*Teller*)
 D.T. Walpole (*Teller*)
 D.R. White

J.V.C. Guest
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells (*Teller*)
 Sue deC. Wilding (*Teller*)

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

No. 2 — EDUCATION ACTS (TEACHERS) BILL — Clause 3.

New Division 5 inserted in Part II of the Teaching Service Act

After Division 4 of Part II of the Teaching Service Act 1981 insert —

“Division 5 — Standards Council of the Teaching Profession

* * * * *

10A. Membership of Council

(1) The Council shall consist of —

* * * * *

(b) no more than 8 other members, who shall be part-time members—

* * * * *

— (*Hon. Haddon Storey*)

Amendment proposed — That the following words and expressions be inserted after “part-time members”:

“, of whom 4 are to be members of the teaching service elected by and from members of the teaching service or groups of members of the teaching service and 4 are to be persons with experience or expertise in education nominated by the Minister”.

— (*Hon. C.J. Hogg*)

Question — That the words and expressions proposed to be inserted be so inserted — put.

Committee divided — The Hon. P.R. Hall in the Chair.

AYES, 13

The Hon. J.M. Brumby (*Teller*)
 B.E. Davidson (*Teller*)
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 J. McLean
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole
 D.R. White

NOES, 26

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 W. Forwood
 J.V.C. Guest
 R.M. Hallam
 W.A.N. Hartigan

R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith (*Teller*)
 Haddon Storey
 C.A. Strong (*Teller*)
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

And so it passed in the negative.

No. 3 — EDUCATION ACTS (TEACHERS) BILL — Clause 4.

New section 64 substituted in Teaching Service Act

For section 64 of the Teaching Service Act 1981 substitute—

“* * * * *

64AA. Membership of Boards

- (1) A Merit Protection Board shall consist of 3 members appointed by the Governor in Council of whom —

* * * * *

- (c) one shall be a person representing teachers nominated by the Standards Council of the Teaching Profession after the Council has called for expressions of interest from teachers.

* * * * *

— (*Hon. Haddon Storey*)

Amendment proposed — That the words “teachers nominated by the Standards Council of the Teaching Profession after the Council has called for expressions of interest from teachers” be omitted with the view of inserting in place thereof “nominated by the Minister from a panel of 5 persons elected by members of the teaching service.”

— (*Hon. C.J. Hogg*)

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

Committee divided — The Hon. P.R. Hall in the Chair.

AYES, 26

The Hon. L. Asher (*Teller*)
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 W. Forwood
 J.V.C. Guest
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs (*Teller*)
 K.M. Smith
 Haddon Storey

NOES, 12

The Hon. B.E. Davidson
 D.E. Henshaw (*Teller*)
 C.J. Hogg
 R.S. Ives
 J. McLean
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen (*Teller*)
 T.C. Theophanous
 D.T. Walpole
 D.R. White

C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

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

Wednesday, 26 May 1993

No. 4 — FREEDOM OF INFORMATION (AMENDMENT) BILL — Clause 7.

Access to documents

* * * * *

- (2) In section 22 (1) of the Principal Act, for paragraphs (h), (i) and (j), substitute—

“(h) a charge, other than a charge for the reasonable costs incurred by an agency in making copies of documents, in making a written transcript of the words recorded or contained in documents or in making a written document in accordance with section 19, shall not be made if—

* * * * *

- (ii) the applicant is a member of the Legislative Council or of the Legislative Assembly of Victoria; or

* * * * *

— (Hon. Haddon Storey)

Amendment proposed — That proposed paragraph (h) (ii) of section 22(1) of the Principal Act be omitted.

— (Hon. B.T. Pullen)

Question — That the sub-paragraph proposed to be omitted stand part of the clause — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 26

The Hon. L. Asher
 B.N. Atkinson (*Teller*)
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden (*Teller*)
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

NOES, 12

The Hon. J.M. Brumby
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives (*Teller*)
 L. Kokocinski (*Teller*)
 J. McLean
 B.W. Mier
 D.A. Nardella
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole
 D.R. White

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

No. 5 — FREEDOM OF INFORMATION (AMENDMENT) BILL — Clause 7.

Access to documents

* * * * *

- (2) In section 22 (1) of the Principal Act, for paragraphs (h), (i) and (j) substitute—

“* * * * *

- (i) a charge under paragraph (d) shall be waived if the applicant is impecunious and the request is for access to a document containing information relating to the personal affairs of the applicant.

* * * * *”

— (Hon. Haddon Storey)

Amendment proposed — That the following paragraph be inserted to follow paragraph (i) of proposed section 22(1) of the Principal Act:

“; and

- (j) a charge (other than a charge for providing a written document in accordance with section 19) shall not exceed such amount, being not more than \$100 or such higher amount having regard to increases in the Consumer Price Index as is prescribed.”.

— (Hon. B.T. Pullen)

Question — That the paragraph proposed to be inserted be so inserted — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 12

The Hon. J.M. Brumby
D.E. Henshaw
C.J. Hogg
R.S. Ives
L. Kokocinski
J. McLean (*Teller*)
B.W. Mier
D.A. Nardella (*Teller*)
B.T. Pullen
T.C. Theophanous
D.T. Walpole
D.R. White

NOES, 26

The Hon. L. Asher
B.N. Atkinson
W.R. Baxter
R.A. Best
M.A. Birrell
B.W. Bishop
R.H. Bowden
A.R. Brideson (*Teller*)
G.P. Connard (*Teller*)
G.H. Cox
G.R. Craige
P.R. Davis
R.S. de Fegely
W. Forwood
J.V.C. Guest
P.R. Hall
R.M. Hallam
W.A.N. Hartigan
R.I. Knowles
B.A.E. Skeggs
K.M. Smith
Haddon Storey
C.A. Strong
Rosemary Varty
Dr. R.J.H. Wells
Sue deC. Wilding

And so it passed in the negative.

No. 6 — FREEDOM OF INFORMATION (AMENDMENT) BILL — Clause 12.

Cabinet documents

(1) In section 28(1) of the Principal Act, for paragraphs (b) and (c) substitute—

“* * * * *

(ba) a document prepared for the purpose of briefing a Minister in relation to issues to be considered by the Cabinet;

* * * * *”

— (Hon. Haddon Storey)

Amendment proposed — That proposed paragraph (ba) of proposed section 28(1) of the Principal Act be omitted.

— (Hon. B.T. Pullen)

Question — That the paragraph proposed to be omitted stand part of the clause — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 26

The Hon. L. Asher f
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox (*Teller*)
 G.R. Craige
 P.R. Davis (*Teller*)
 R.S. de Fegely
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

NOES, 12

The Hon. J.M. Brumby
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 L. Kokocinski
 J. McLean
 B.W. Mier
 D.A. Nardella
 B.T. Pullen
 T.C. Theophanous (*Teller*)
 D.T. Walpole (*Teller*)
 D.R. White

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

Thursday, 27 May 1993

No. 7 — ACCIDENT COMPENSATION (WORKCOVER INSURANCE) BILL — Clause 80.

* * * * *

Definitions

(1) In section 5 (1) of the Principal Act—

(a) for the definition of “authorized agent” substitute—

““authorised agent” means a person appointed as an authorised agent under section 23;”

* * * * *

— (Hon. R.M. Hallam)

Amendment proposed — That the following paragraph be inserted to follow paragraph (a) :

- () in paragraph (b) of the definition of “notional earnings” for “determines” **substitute** “(but not a delegate of the Authority or self-insurer) determines in writing”;

— (Hon. T.C. Theophanous)

Question — That the paragraph proposed to be inserted be so inserted — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 11

The Hon. D.E. Henshaw (*Teller*)
C.J. Hogg
L. Kokocinski
J. McLean
B.W. Mier
D.A. Nardella
P. Power (*Teller*)
B.T. Pullen
T.C. Theophanous
D.T. Walpole
D.R. White

NOES, 25

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson
W.R. Baxter
R.A. Best
B.W. Bishop
R.H. Bowden
A.R. Brideson
G.P. Connard
G.H. Cox
G.R. Craige
P.R. Davis
R.S. de Fegely
W. Forwood (*Teller*)
J.V.C. Guest (*Teller*)
P.R. Hall
R.M. Hallam
W.A.N. Hartigan
R.I. Knowles
B.A.E. Skeggs
Haddon Storey
C.A. Strong
Rosemary Varty
Dr. R.J.H. Wells
Sue deC. Wilding

And so it passed in the negative.

No. 8 — ACCIDENT COMPENSATION (WORKCOVER INSURANCE) BILL —
Clause 91.

Occupational rehabilitation services and programs

In the Principal Act—

* * * * *

— (Hon. R.M. Hallam)

Amendment proposed — That the following sub-clause be inserted to follow “Principal Act”:

- () in section 93A(2), for paragraph (b) **substitute**—

“(b) if the worker is partially incapacitated, the rate of 95 per cent of the difference between the worker’s pre-injury average weekly earnings and the worker’s notional earnings;”.

— (Hon. T.C. Theophanous)

Question — That the sub-clause proposed to be inserted be so inserted — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 12		NOES, 26	
The Hon.	B.E. Davidson (<i>Teller</i>)	The Hon.	L. Asher
	D.E. Henshaw		G.B. Ashman
	C.J. Hogg		B.N. Atkinson
	L. Kokocinski (<i>Teller</i>)		W.R. Baxter
	J. McLean		R.A. Best
	B.W. Mier		M.A. Birrell
	D.A. Nardella		B.W. Bishop
	P. Power		R.H. Bowden
	B.T. Pullen		A.R. Brideson
	T.C. Theophanous		G.P. Connard
	D.T. Walpole		G.H. Cox
	D.R. White		G.R. Craige (<i>Teller</i>)
			P.R. Davis
			R.S. de Fegely
			W. Forwood
			J.V.C. Guest
			P.R. Hall
			R.M. Hallam
			W.A.N. Hartigan (<i>Teller</i>)
			R.I. Knowles
			B.A.E. Skeggs
			Haddon Storey
			C.A. Strong
			Rosemary Varty
			Dr. R.J.H. Wells
			Sue deC. Wilding

And so it passed in the negative.

No. 9 — ACCIDENT COMPENSATION (WORKCOVER INSURANCE) BILL —
Clause 96.

Claim for compensation

After section 103 (1) (c) of the Principal Act insert—

“and

- (d) include an authority signed by the claimant authorising a provider of a medical service or hospital service to the claimant in connection with the injury to which the claim relates to give the Authority, authorised insurer, self-insurer, employer or conciliation officer information regarding the service relevant to the claim.”

— (*Hon. R.M. Hallam*)

Amendment proposed — That the expression “,employer” be omitted.

— (*Hon. T.C. Theophanous*)

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

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 25		NOES, 11	
The Hon.	L. Asher	The Hon.	B.E. Davidson
	G.B. Ashman (<i>Teller</i>)		D.E. Henshaw
	B.N. Atkinson		C.J. Hogg
	W.R. Baxter		J. McLean (<i>Teller</i>)
	R.A. Best		B.W. Mier
	M.A. Birrell		D.A. Nardella (<i>Teller</i>)
	B.W. Bishop		P. Power
	R.H. Bowden		B.T. Pullen
	A.R. Brideson		T.C. Theophanous
	G.H. Cox		D.T. Walpole
	G.R. Craige		D.R. White
	P.R. Davis		

R.S. de Fegely
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells (*Teller*)
 Sue deC. Wilding

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

No. 10 — ACCIDENT COMPENSATION (WORKCOVER INSURANCE) BILL —
 Clause 98.

Amendment of section 112

In section 112 (8) of the Principal Act, for paragraph (b) substitute—

“(b) an alteration in payments by reason only of the expiration of a period referred to in section 93A, 93B or 93C or the receipt of a pension or payment referred to in section 96.”.

— (*Hon. R.M. Hallam*)

Amendment proposed — That the following sub-clause be inserted to follow the clause heading:

“(1) After section 112(3) of the Principal Act insert—

“(3A) Despite sub-section (3), if a decision to terminate or alter weekly payments under this section is referred for conciliation by a Conciliation Officer, the termination or alteration does not take effect until the Conciliation Officer has made recommendations, given directions or declined to make any recommendation.”.

— (*Hon. T.C. Theophanous*)

Question — That the sub-clause proposed to be inserted be so inserted — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 11

The Hon. B.E. Davidson (*Teller*)
 C.J. Hogg
 L. Kokocinski
 J. McLean
 B.W. Mier
 D.A. Nardella (*Teller*)
 P. Power
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole
 D.R. White

NOES, 23

The Hon. L. Asher
 B.N. Atkinson
 W.R. Baxter
 R.A. Best (*Teller*)
 M.A. Birrell
 B.W. Bishop (*Teller*)
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 P.R. Davis
 R.S. de Fegely
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 Haddon Storey
 C.A. Strong
 Dr. R.J.H. Wells
 Sue deC. Wilding

And so it passed in the negative.

LEGISLATIVE COUNCIL OF VICTORIA
WEEKLY REPORT OF DIVISIONS IN
COMMITTEE OF THE WHOLE COUNCIL

—
No. 9
 —

Tuesday, 19 October 1993

No. 1 — CITY OF MELBOURNE BILL — Clause 27 (as amended).

Legal proceedings excluded

No proceedings —

(a) seeking the grant of any relief or remedy in the nature of certiorari, prohibition, mandamus or quo warranto, or the grant of a declaration of right or an injunction; or

(b) seeking an order under the **Administrative Law Act 1978**—

may be brought against any person in respect of, or calling into question, any action taken or purported to have been taken or proposed to be taken pursuant to section 7 (1), (2), (3) or (4), 14 (3) or 20 (1) of this Act.

— (Hon. R.M. Hallam)

Question — That clause 27, as amended, stand part of the Bill — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 26

The Hon. G.B. Ashman (*Teller*)
 B.N. Atkinson (*Teller*)
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Sue deC. Wilding

NOES, 12

The Hon. B.E. Davidson (*Teller*)
 M.M. Gould (*Teller*)
 D.E. Henshaw
 C.J. Hogg
 L. Kokocinski
 J. McLean
 B.W. Mier
 D.A. Nardella
 P. Power
 T.C. Theophanous
 D.T. Walpole
 D.R. White

And so it was resolved in the affirmative.

LEGISLATIVE COUNCIL OF VICTORIA
WEEKLY REPORT OF DIVISIONS IN
COMMITTEE OF THE WHOLE COUNCIL

No. 10

Wednesday, 27 October 1993

No. 1 — PUBLIC SECTOR MANAGEMENT (AMENDMENT) BILL — Clause 12.

New Division 4A. inserted in Part 2

After Division 4 of Part 2 of the Principal Act insert—

“Division 4A.—Fixed term employees

34A. Employment of fixed term employees

- (1) Subject to the regulations (if any), a Department Head may employ any person as a fixed term employee.
- (2) A person may be employed as a fixed term employee for a term of not less than 12 months and not more than 5 years.
- (3) A fixed term employee may be re-employed at the end of his or her first term of employment for a further term of not less than 12 months and not more than 5 years.
- (4) Subject to this Act, the employment of a fixed term employee is not terminated at the end of the first term of employment if he or she is re-employed for a further term in accordance with this section.

34B. Termination of fixed term employment

- (1) The employment of a fixed term employee may be terminated within the term of employment by the Department Head giving the employee or the employee giving the Department Head 4 weeks notice of termination or such other period of notice as is agreed between the Department Head and the employee.
- (2) The employment of a fixed term employee is terminated at the end of his or her term of employment unless the employee is re-employed under this Division.
- (3) A person who, immediately before his or her first employment under this Division was an officer, retains any right to long service, annual, sick or other leave accrued or accruing to him or her immediately before that employment.
- (4) A person who, immediately before his or her first employment under this Division was an officer, is deemed on the termination of his or her employment under this Division to be re-appointed to a position in the public service with the same remuneration as the position held by that person immediately before his or her employment under this Division.
- (5) A fixed term employee is not entitled to compensation as a result of the termination of that employee’s employment under this Division.”.

— (Hon. M.A. Birrell)

Question — That clause 12 stand part of the Bill — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 26

The Hon. L. Asher (*Teller*)
 G.B. Ashman
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden (*Teller*)
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 W. Forwood
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

NOES, 11

The Hon. M.M. Gould
 D.E. Henshaw (*Teller*)
 C.J. Hogg
 L. Kokocinski (*Teller*)
 J. McLean
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen
 T.C. Theophanous
 D.R. White

And so it was resolved in the affirmative.

No. 2 — PUBLIC SECTOR MANAGEMENT (AMENDMENT) BILL — Clause 32.

Declared authorities

(1) In section 89 of the Principal Act —

(a) in sub-section (1) for the definition of “authority” substitute —

“authority” means —

- (a) a public authority; or
- (b) a statutory office; or
- (c) any group of people employed in the service of the Crown; or
- (d) any TAFE college within the meaning of the **Vocational Education and Training Act 1990** or any council of a TAFE college; or
- (e) any State owned enterprise within the meaning of the **State Owned Enterprises Act 1992.**”; and

(b) in sub-section (2) (b) for “position” substitute “body or of any office or position”; and

(c) in sub-section (4) after “descriptions of” (where secondly occurring) insert “bodies, offices or”; and

(d) after sub-section (5) insert —

“(6) An Order can only be made under this section in relation to a State owned enterprise at the request of the Minister responsible for the State owned enterprise.”.

(2) In section 90 (3) of the Principal Act —

(a) in paragraph (b) for “position” substitute “body, office or position”; and

(b) for paragraph (c) substitute —

- “(c) an officer or member of staff or staff of a Department or the public service is to be taken to be a reference —
- (i) in the case of a declared authority which is a statutory office, to the holder of that office; and
 - (ii) in any case, to a person on the staff of the declared authority; and
- (ca) a fixed term employee or temporary employee or casual employee or employee is to be taken to be a reference to a person on the staff of the declared authority; and”
- (3) In section 90 (4) of the Principal Act —
- (a) after “document” insert “(whether enacted or made before on or after the commencement of this Act)”; and
 - (b) after “declared authority” (where secondly occurring) insert “or the holder of a statutory office which is a declared authority”.

— (Hon. M.A. Birrell)

Question — That clause 32 stand part of the Bill — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 26

The Hon. L. Asher
 G.B. Ashman
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson (*Teller*)
 G.P. Connard (*Teller*)
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 W. Forwood
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

NOES, 12

The Hon. B.E. Davidson
 M.M. Gould
 D.E. Henshaw
 C.J. Hogg
 L. Kokocinski
 J. McLean (*Teller*)
 B.W. Mier
 D.A. Nardella (*Teller*)
 P. Power
 B.T. Pullen
 T.C. Theophanous
 D.R. White

And so it was resolved in the affirmative.

Thursday, 28 October 1993

No. 3 — MINERAL RESOURCES DEVELOPMENT (AMENDMENT) BILL — Clause 21.

New section 41A inserted

After section 41 of the Principal Act insert—

“41A Minister may require impact statement

* * * * *

- (2) The Minister must, on receipt of the statement, forward a copy to the Ministers administering the **Planning and Environment Act 1987**, the **Crown Land (Reserves) Act 1978** and the **Forests Act 1958** and request comments on it by the date specified by the Minister.

* * * * *

— (Hon. R.M. Hallam)

Amendment proposed — That the words and expressions “and to the owners and occupiers of any private land that is land affected or adjoins land affected and to any Council within the meaning of the **Local Government Act 1989** with a municipal district that includes any such private land” be inserted after “1958”.

— (Hon. B.T. Pullen)

Question — That the words and expressions proposed to be inserted be so inserted — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 11

The Hon. B.E. Davidson
M.M. Gould
D.E. Henshaw
C.J. Hogg
L. Kokocinski
B.W. Mier
D.A. Nardella (*Teller*)
P. Power (*Teller*)
B.T. Pullen
T.C. Theophanous
D.T. Walpole

NOES, 25

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson
W.R. Baxter
R.A. Best
M.A. Birrell
B.W. Bishop
R.H. Bowden
A.R. Brideson
G.P. Connard
G.H. Cox (*Teller*)
G.R. Craige (*Teller*)
P.R. Davis
R.S. de Fegely
W. Forwood
J.V.C. Guest
P.R. Hall
R.M. Hallam
W.A.N. Hartigan
K.M. Smith
Haddon Storey
C.A. Strong
Rosemary Varty
Dr. R.J.H. Wells
Sue deC. Wilding

And so it passed in the negative.

LEGISLATIVE COUNCIL OF VICTORIA
WEEKLY REPORT OF DIVISIONS IN
COMMITTEE OF THE WHOLE COUNCIL

—
No. 11
 —

Tuesday, 16 November 1993

No. 1 — LAND TAX (FURTHER AMENDMENT) BILL — Clause 4.

Exemptions

* * * * *

- (2) In section 9 (1) (f) of the Principal Act, omit “or trade union”.
- (3) In section 9 (1AB) of the Principal Act, after “authority” insert “or land vested in or held in trust for, or for the purposes of, or for purposes which include the purposes of, a trade union, trades hall or council of trade unions”.

* * * * *

— (Hon. R.M. Hallam)

Amendment proposed — That sub-clauses (2) and (3) be omitted.

— (Hon. D.R. White)

Question — That the sub-clauses proposed to be omitted stand part of the clause — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 26

The Hon. L. Asher
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis (*Teller*)
 R.S. de Fegely
 W. Forwood (*Teller*)
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong

NOES, 13

The Hon. B.E. Davidson
 M.M. Gould
 C.J. Hogg
 R.S. Ives
 L. Kokocinski
 J. McLean
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen (*Teller*)
 T.C. Theophanous (*Teller*)
 D.T. Walpole
 D.R. White

Rosemary Varty
Dr. R.J.H. Wells
Sue deC. Wilding

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

Wednesday, 17 November 1993

No. 2 — PUBLIC HOLIDAYS BILL — Clause 10 (as amended).

Entitlement to holiday without loss of pay

- (1) Despite any provision to the contrary made by or under any other Act or by any contract of employment or other agreement or arrangement relating to employment or by any award or employment agreement within the meaning of the *Employee Relations Act 1992*, a person referred to in section 4 (a) —
- (a) is entitled to a public holiday or public half-holiday that applies to him or her without loss of pay;
 - (b) is not entitled to a holiday without loss of pay on any of the following days —
 - (i) a day instead of New Year's Day when New Year's Day is a Saturday;
 - (ii) a day instead of 26 January (Australia Day) when Australia Day is not a Monday;
 - (iii) the day after Good Friday;
 - (iv) Easter Tuesday;
 - (v) a day instead of 25 April (Anzac Day) when Anzac Day is a Saturday or Sunday;
 - (vi) the fourth Thursday in September in metropolitan municipal districts;
 - (vii) a day instead of Christmas Day when Christmas Day is a Saturday or Sunday;
 - (viii) a day instead of the day after Christmas Day (Boxing Day) when Boxing Day is a Saturday.
 - (c) who ordinarily works from Monday to Friday only is not entitled to any payment in respect of, or time off in lieu of, a public holiday or public half-holiday that falls on a Saturday or Sunday unless he or she works on that day.
- (2) Nothing in sub-section (1) affects a provision made by or under any Act, contract, agreement, arrangement or award referred to in that sub-section requiring a person who is entitled to a particular public holiday or public half-holiday to work on that day or half-day on any terms and conditions specified in the provision.

— (Hon. R.M. Hallam)

Motion made and question put — That the Chairman do report progress and ask leave to sit again.

— (Hon. T.C. Theophanous)

Committee divided — The Hon. D.M. Evans in the Chair.

The Hon.	B.E. Davidson (<i>Teller</i>)	AYES, 11	NOES, 25
	D.E. Henshaw		
	C.J. Hogg	The Hon.	L. Asher
	R.S. Ives		G.B. Ashman
	L. Kokocinski		B.N. Atkinson
	B.W. Mier		W.R. Baxter
	D.A. Nardella		R.A. Best
	B.T. Pullen		M.A. Birrell
	T.C. Theophanous		B.W. Bishop
	D.T. Walpole (<i>Teller</i>)		A.R. Brideson
	D.R. White		

G.P. Connard
G.H. Cox
G.R. Craige
P.R. Davis
R.S. de Fegely
W. Forwood
J.V.C. Guest (*Teller*)
P.R. Hall
R.M. Hallam
W.A.N. Hartigan (*Teller*)
B.A.E. Skeggs
K.M. Smith
Graeme Stoney
C.A. Strong
Rosemary Varty
Dr. R.J.H. Wells
Sue deC. Wilding

And so it passed in the negative.

LEGISLATIVE COUNCIL OF VICTORIA
WEEKLY REPORT OF DIVISIONS IN
COMMITTEE OF THE WHOLE COUNCIL

—
No. 12
 —

Wednesday, 24 November 1993

No. 1 — NURSES BILL — Clause 3.

Definitions

In this Act —

* * * * *

“unprofessional conduct” means all or any of the following —

(c) a finding of guilt of —

* * * * *

(iii) an offence against this Act or the regulations.

— (*Hon. R.I. Knowles*)

Amendment proposed — That the expression “ — but does not include any action taken by a nurse pursuant to an industrial dispute” be inserted after “regulations”.

— (*Hon. C.J. Hogg*)

Question — That the expression proposed to be inserted be so inserted — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 12

The Hon. B.E. Davidson
 M.M. Gould (*Teller*)
 D.E. Henshaw (*Teller*)
 C.J. Hogg
 R.S. Ives
 L. Kokocinski
 J. McLean
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen
 T.C. Thephanous

NOES, 26

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 P.R. Davis
 R.S. de Fegely
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs (*Teller*)
 K.M. Smith (*Teller*)
 Graeme Stoney
 Haddon Storey
 C.A. Strong

Rosemary Varty
Dr. R.J.H. Wells
Sue deC. Wilding

And so it passed in the negative.

Thursday, 25 November 1993

No. 2 — EQUAL OPPORTUNITY (AMENDMENT) BILL — Clause 19.

Substitution of section 47

For section 47 of the Principal Act substitute—

“47. Costs

- (1) In any inquiry or proceeding before the Board, the Board may order the payment of costs fixed by the Board.
- (2) In making an order under this section, the Board must, unless there are special circumstances, fix a sum which reflects the costs reasonably incurred by the person in favour of whom the order is made and any other pecuniary loss incurred by that person because of the proceedings.

* * * * *

— (Hon. Haddon Storey)

Amendment proposed — That proposed sub-sections (1) and (2) of section 47 of the Principal Act be omitted with the view of inserting in place thereof —

“() If, in an enquiry or proceeding before the Board, the Board considers that the complaint is frivolous, vexatious or totally lacks substance, or if the Board concludes at the end of a hearing that a respondent has behaved unreasonably, the Board may order the person who made the complaint or the respondent to pay such costs as the Board thinks fair.”

— (Hon. B.T. Pullen)

Question — That the sub-sections proposed to be omitted stand part of the clause — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 28

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson
W.R. Baxter
R.A. Best
M.A. Birrell
B.W. Bishop
R.H. Bowden
A.R. Brideson
G.P. Connard
G.H. Cox
G.R. Craige
P.R. Davis
R.S. de Fegely
W. Forwood
J.V.C. Guest
P.R. Hall
R.M. Hallam
W.A.N. Hartigan
R.I. Knowles
B.A.E. Skeggs (Teller)
K.M. Smith (Teller)
Graeme Stoney

NOES, 14

The Hon. B.E. Davidson
M.M. Gould (Teller)
D.E. Henshaw (Teller)
C.J. Hogg
R.S. Ives
L. Kokocinski
J. McLean
B.W. Mier
D.A. Nardella
P. Power
B.T. Pullen
T.C. Theophanous
D.T. Walpole
D.R. White

Haddon Storey
C.A. Strong
Rosemary Varty
Dr. R.J.H. Wells
Sue deC. Wilding

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

No. 3 — TRANSPORT (AMENDMENT) BILL (No. 2) — Clause 14.

Conditions

(1) In section 144 (1) of the Principal Act —

(b) in paragraph (b) (i) omit “and the appropriate industrial awards applicable to such persons”;

* * * * *

— (Hon. W.R. Baxter)

Amendment proposed — That paragraph (b) of sub-clause (1) be omitted.

— (Hon. B.E. Davidson)

Question — That the paragraph proposed to be omitted stand part of the clause — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 26

The Hon. L. Asher
G.B. Ashman
W.R. Baxter
R.A. Best
M.A. Birrell
B.W. Bishop
R.H. Bowden
A.R. Brideson
G.P. Connard
G.H. Cox
G.R. Craige
P.R. Davis
R.S. de Fegely
W. Forwood
P.R. Hall
R.M. Hallam
W.A.N. Hartigan
R.I. Knowles
B.A.E. Skeggs
K.M. Smith
Graeme Stoney
Haddon Storey
C.A. Strong (*Teller*)
Rosemary Varty
Dr. R.J.H. Wells (*Teller*)
Sue deC. Wilding

NOES, 12

The Hon. B.E. Davidson
M.M. Gould (*Teller*)
D.E. Henshaw
C.J. Hogg
J. McLean (*Teller*)
B.W. Mier
D.A. Nardella
P. Power
B.T. Pullen
T.C. Theophanous
D.T. Walpole
D.R. White

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

No. 4 — TRANSPORT (AMENDMENT) BILL (No. 2) — Clause 64.

Repeal of certain provisions giving re-entry rights

Sections 23, 24 and 25 of the Principal Act are repealed.

— (Hon. W.R. Baxter)

Amendment proposed — That the expression “,24” be omitted.

— (Hon. B.E. Davidson)

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

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 25

The Hon. L. Asher
 G.B. Ashman
 W.R. Baxter
 R.A. Best
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 W. Forwood
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells (*Teller*)
 Sue deC. Wilding (*Teller*)

NOES, 11

The Hon. B.E. Davidson
 D.E. Henshaw
 C.J. Hogg
 J. McLean
 B.W. Mier
 D.A. Nardella (*Teller*)
 P. Power (*Teller*)
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole
 D.R. White

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

LEGISLATIVE COUNCIL OF VICTORIA
WEEKLY REPORT OF DIVISIONS IN
COMMITTEE OF THE WHOLE COUNCIL

No. 13

Tuesday, 30 November 1993

No. 1 — LIQUOR CONTROL (AMENDMENT) BILL — Clause 4.

Ordinary trading hours of licensed premises to be increased

* * * * *

- (3) In section 51 (1) of the **Liquor Control Act 1987** —
- (a) for paragraphs (a) and (b) substitute —
- “(a) between the hours of 9.00 a.m. and 9.00 p.m. on any day other than Sunday, Good Friday, Anzac Day and Christmas Day; and
- (b) between the hours of 10.00 a.m. and 5.00 p.m. on Sunday; and
- (ba) between the hours of 12 noon and 9.00 p.m. on Anzac Day; and”;
- (b) paragraphs (d) and (e) are repealed.
- (4) Sections 47 (1) (c) and 51 (1A) of the **Liquor Control Act 1987** are repealed.

— (Hon. W.R. Baxter)

Amendment proposed — That sub-clauses (3) and (4) be omitted.

— (Hon. T.C. Theophanous)

Question — That the sub-clauses proposed to be omitted stand part of the clause — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 26

The Hon. L. Asher
 G.B. Ashman
 W.R. Baxter
 R.A. Best (*Teller*)
 M.A. Birrell
 B.W. Bishop (*Teller*)
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 K.M. Smith
 Graeme Stoney

NOES, 12

The Hon. B.E. Davidson
 M.M. Gould
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 J. McLean
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen (*Teller*)
 T.C. Theophanous (*Teller*)
 D.T. Walpole

Haddon Storey
C.A. Strong
Rosemary Varty
Dr. R.J.H. Wells
Sue deC. Wilding

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

No. 2 — LIQUOR CONTROL (AMENDMENT) BILL — Clause 9.

Introduction of a second class of general licence

* * * * *

(3) At the end of section 47 of the **Liquor Control Act 1987** insert —

“(3) A general (class 2) licence authorises the licensee to sell and dispose of liquor —

* * * * *

— (Hon. W.R. Baxter)

Amendment proposed — That the words and expressions “in any municipal district listed in Part 4 of Schedule 4 to the **Public Sector Management Act 1992** be inserted after “liquor” in proposed sub-section (3) of section 47 of the Principal Act.

— (Hon. T.C. Theophanous)

Question — That the words and expressions proposed to be inserted be so inserted — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 12

The Hon. B.E. Davidson (*Teller*)
M.M. Gould
D.E. Henshaw
C.J. Hogg
R.S. Ives
J. McLean
B.W. Mier
D.A. Nardella
P. Power
B.T. Pullen
T.C. Theophanous
D.T. Walpole (*Teller*)

NOES, 26

The Hon. L. Asher (*Teller*)
G.B. Ashman (*Teller*)
W.R. Baxter
R.A. Best
B.W. Bishop
R.H. Bowden
A.R. Brideson
G.P. Connard
G.H. Cox
G.R. Craige
P.R. Davis
R.S. de Fegely
W. Forwood
J.V.C. Guest
P.R. Hall
R.M. Hallam
W.A.N. Hartigan
R.I. Knowles
B.A.E. Skeggs
K.M. Smith
Graeme Stoney
Haddon Storey
C.A. Strong
Rosemary Varty
Dr. R.J.H. Wells
Sue deC. Wilding

And so it passed in the negative.

No. 3 — LIQUOR CONTROL (AMENDMENT) BILL — Clause 9.

Introduction of a second class of general licence

* * * * *

(3) At the end of section 47 of the **Liquor Control Act 1987** insert —

“(3) A general (class 2) licence authorises the licensee to sell and dispose of liquor —

* * * * *

(c) on any other premises authorised by the Commission —

subject to such terms and conditions (if any) as the Commission determines and specifies in the licence or extended hours permit.

* * * * *

— (Hon. W.R. Baxter)

Amendment proposed — That the word “such” in proposed sub-section (3) of section 47 of the Principal Act be omitted with the view of inserting in place thereof “, in the case of paragraphs (a) and (c), a meal being available on request and payment by anyone who consumes liquor on the premises and subject to such other”.

— (Hon. T.C. Theophanous)

Question — That the word proposed to be omitted stand part of the clause — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 26

The Hon. L. Asher
 G.B. Ashman
 W.R. Baxter
 R.A. Best
 B.W. Bishop
 R.H. Bowden (*Teller*)
 A.R. Brideson (*Teller*)
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

NOES, 12

The Hon. B.E. Davidson
 M.M. Gould
 D.E. Henshaw (*Teller*)
 C.J. Hogg
 R.S. Ives (*Teller*)
 J. McLean
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole

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

LEGISLATIVE COUNCIL OF VICTORIA
WEEKLY REPORT OF DIVISIONS IN
COMMITTEE OF THE WHOLE COUNCIL

No. 14

Tuesday, 3 May 1994

No. 1 — SENTENCING (VICTIM IMPACT STATEMENT) BILL — Clause 7.

New Division 1A inserted in Part 6

In Part 6 of the Principal Act, after Division 1 insert —

“Division 1A — Victim Impact Statements

* * * * *

95D. Examination of victim

- (1) The court may, at the request of the offender or the prosecutor, call a victim who has made a victim impact statement, or a person who has made a victim impact statement on behalf of a victim, to give evidence.

* * * * *

— (Hon. Haddon Storey)

Amendment proposed — That the words “offender or the” in proposed section 95D (1) of the Principal Act be omitted.

— (Hon. B.T. Pullen)

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

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 26

The Hon. L. Asher (*Teller*)
 G.B. Ashman (*Teller*)
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 Graeme Stoney

NOES, 12

The Hon. B.E. Davidson (*Teller*)
 D.E. Henshaw (*Teller*)
 C.J. Hogg
 R.S. Ives
 L. Kokocinski
 J. McLean
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole

Haddon Storey
C.A. Strong
Rosemary Varty
Dr. R.J.H. Wells
Sue deC. Wilding

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

Wednesday, 4 May 1994

No. 2 — ENVIRONMENT PROTECTION (GENERAL AMENDMENT) BILL — Clause 12.

Accredited licensees

After section 26 of the Environment Protection Act 1970 insert —

'26A. Application for accreditation

* * * * *

(4) Section 22 extends and applies in respect of an applicant for accreditation.

* * * * **

— (Hon. M.A. Birrell)

Amendment proposed — That the following sub-section be inserted after proposed section 26A of the Environment Protection Act 1970:

“(5) If the Authority proposes to deal with an application the Authority must publish a notice in the Government Gazette specifying the name and address of the applicant and inviting submissions in respect of the application within 30 days of the publication of notice for consideration by the Authority when considering the application.”

— (Hon. B.T. Pullen)

Question — That the proposed sub-section proposed to be inserted be so inserted — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 12

The Hon. B.E. Davidson
D.E. Henshaw
C.J. Hogg
R.S. Ives (*Teller*)
L. Kokocinski (*Teller*)
J. McLean
B.W. Mier
D.A. Nardella
P. Power
B.T. Pullen
T.C. Theophanous
D.T. Walpole

NOES, 26

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson
W.R. Baxter
R.A. Best
M.A. Birrell
B.W. Bishop
R.H. Bowden (*Teller*)
A.R. Brideson (*Teller*)
G.P. Connard
G.H. Cox
P.R. Davis
R.S. de Fegely
W. Forwood
J.V.C. Guest
P.R. Hall
R.M. Hallam
W.A.N. Hartigan
R.I. Knowles
B.A.E. Skeggs
Graeme Stoney
Haddon Storey
C.A. Strong

Rosemary Varty
Dr. R.J.H. Wells
Sue deC. Wilding

And so it passed in the negative.

LEGISLATIVE COUNCIL OF VICTORIA
WEEKLY REPORT OF DIVISIONS IN
COMMITTEE OF THE WHOLE COUNCIL

—
No. 15
 —

Wednesday, 18 May 1994

No. 1 — ACCIDENT COMPENSATION (AMENDMENT) BILL — Clause 41 (as amended).

Industrial deafness

- (1) In section 98 of the Principal Act, in the Table—
 - (a) omit “Total loss of the hearing of one ear 20”;
 - (b) for “Partial loss of hearing of both ears or of an only ear” substitute “Partial loss of hearing”;
 - (c) for ‘percentage of the diminution of hearing measured without any hearing aid’ (where first occurring) substitute “percentage (being not less than 7) of the diminution of hearing”;
 - (d) omit ‘Partial loss of the hearing of one ear’;
 - (e) omit the passage beginning “Such percentage” and ending “hearing aid” (where last occurring).
- (2) After section 98 (2) of the Principal Act insert—

“(2AA) Compensation is not payable under this section for a loss of hearing unless the percentage of the diminution of hearing is at least 7.
- (3) In section 98 (2) of the Principal Act, for sub-sections (2AA) and (2A) substitute—

“(2AA) Compensation is not payable under this section for a loss of hearing unless the percentage of the diminution of hearing determined in accordance with sub-section (2AB) is at least 7.

(2A) If compensation is payable under this section for a loss of hearing, the percentage of the maximum amount payable for total loss is the percentage of the diminution of hearing determined in accordance with sub-section (2AB).

(2AB) For the purposes of this section, the percentage of diminution of hearing —

 - (a) shall be determined —
 - (i) by a person or class of persons approved; and
 - (ii) in the manner approved —

by the Minister on the recommendation of the convenor of the Medical Panels; and
 - (b) shall be determined in accordance with the Improved Procedure for Determination of Percentage Loss of Hearing (1988 Edition or a later prescribed edition) published by the National Acoustic Laboratory.”.
- (4) Section 98 of the Principal Act as amended by sub-sections (1) and (2) applies in respect of claims for compensation made on or after 1 April 1994.

- (5) Section 98 of the Principal Act as amended by sub-section (3) applies in respect of claims for compensation made on or after commencement of this sub-section.

— (Hon. R.M. Hallam)

Question — That clause 41, as amended, stand part of the Bill — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 25

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson (*Teller*)
W.R. Baxter
R.A. Best
B.W. Bishop
R.H. Bowden (*Teller*)
A.R. Brideson
G.P. Connard
G.H. Cox
G.R. Craige
P.R. Davis
R.S. de Fegely
W. Forwood
J.V.C. Guest
P.R. Hall
R.M. Hallam
W.A.N. Hartigan
R.I. Knowles
K.M. Smith
Graeme Stoney
Haddon Storey
C.A. Strong
Rosemary Varty
Sue deC. Wilding

NOES, 10

The Hon. M.M. Gould
D.E. Henshaw
C.J. Hogg
R.S. Ives (*Teller*)
L. Kokocinski (*Teller*)
B.W. Mier
D.A. Nardella
P. Power
T.C. Theophanous
D.T. Walpole

And so it was resolved in the affirmative.

No. 2 — ACCIDENT COMPENSATION (AMENDMENT) BILL — Clause 50 (as amended).

Claims Management and Procedures

In Part IV of the Principal Act for Division 3 (other than sections 115 and 115A) substitute—

‘Division 3 — Claims Management and Procedures

101. *Employer to keep register of injuries etc.*

- (1) The employer must cause to be kept at each workplace of a kind specified by the Authority at a place readily accessible at all reasonable times to a worker employed in the workplace a summary in a form approved by the Authority of—
 - (a) the requirements relating to the giving of notice of an injury and the making of a claim under this Act; and
 - (b) the name of the employer’s authorised insurer; and
 - (c) the benefits available to workers under this Act.
- (2) The employer must cause to be kept a register of injuries in a form approved by the Authority at each workplace of a kind specified by the Authority at a place readily accessible at all reasonable times to a worker employed in the work place or any person acting on a worker’s behalf.

- (3) A worker or any person acting on the worker's behalf may enter such particulars of injury as are specified by the Authority in the register of injuries.
- (4) On receiving notice of an injury (otherwise than as specified in section 102 (3)) an employer must cause the specified particulars of the injury to be entered in the register.

102. *Notice of injury*

- (1) Notice of an injury that may entitle a person to compensation under this Act must be given by the person, or by another person on his or her behalf, to the employer as soon as practicable after the person or other person becomes aware of the injury.
- (2) Notice of an injury must —
 - (a) be given in a manner and form approved by the Authority; and
 - (b) include such particulars as are required by the Authority.
- (3) Notice of an injury is deemed to have been given to an employer if —
 - (a) the particulars of the injury as required under section 101 (3) are entered in the register of injuries as soon as practicable after the person making the entry becomes aware of the injury; or
 - (b) a claim for compensation in respect of the injury is given to or served on the employer;
- (4) A person is not entitled to recover compensation under this Act unless notice of the injury has been given to the employer.

103. *Claim for compensation*

- (1) A claim for compensation must —
 - (a) be in a form approved by the Authority in respect of that type or class of claim; and
 - (b) unless the claim is for compensation under section 92, 98, 98A or 99, be accompanied by a certificate under section 105; and
 - (c) subject to section 106 and Part 5 of the **Accident Compensation (WorkCover Insurance) Act 1993**, be given to or served on the employer; and
 - (d) include an authority signed by the claimant authorising a provider of a medical service or hospital service to the claimant in connection with the injury to which the claim relates to give the Authority, authorised insurer, self-insurer, employer or Conciliation Officer information regarding the service relevant to the claim.
- (2) A claim for compensation which contains a material defect, omission or irregularity is deemed not to have been made if within 14 days of the claim being given, served or lodged the claim is returned to the claimant with a notice under sub-section (3).
- (3) The notice must —
 - (a) specify in detail all material defects, omissions and irregularities that have been identified in the claim; and
 - (b) state that any period within which the claim is to be dealt with does not commence until a claim for compensation is given, served or lodged which does not contain the specified material defects, omissions and irregularities.
- (4) If a claim for compensation and a certificate under section 105 are not given or served at the same time, the claim for compensation is

deemed not to have been made until the day on which the remaining document is given to or served on the employer.

- (5) If —
- (a) a claim for compensation is made in respect of an injury to a worker arising out of or in the course of, or due to the nature of, employment with a particular employer; and
 - (b) the claim is made after the worker ceases to be employed by that employer —
- the claim is deemed not to have been made unless the claimant satisfies the Authority, authorised insurer or self-insurer that he or she could not reasonably have made the claim while employed by that employer.
- (6) If a claim for compensation relates to an injury resulting from an accident involving a motor vehicle within the meaning of the Road Safety Act 1986 the claim is deemed not to have been made unless a report of the accident has been made to a member of the police force, whether under section 61 of the Road Safety Act 1986 or otherwise.
- (7) Subject to sub-section (8), a claim for compensation must be given, served or lodged under this section or section 106 or Part 5 of the Accident Compensation (WorkCover Insurance) Act 1993 —
- (a) in the case of a claim for weekly payments, as soon as practicable after the incapacity arising from the injury becomes known;
 - (b) in the case of a claim for compensation under section 92, within the period of 2 years after the date of the death of the relevant worker;
 - (c) in the case of a claim for compensation under section 98A, at the same time as the claim for compensation under section 98 in respect of the same injury is given, served or lodged;
 - (d) in the case of a claim for compensation under section 99, within 6 months after the date of the relevant service.
- (8) If the Authority, authorised insurer or self-insurer is satisfied that a person making a claim for compensation had a special excuse for not making the claim within the relevant applicable time limit, the Authority, authorised insurer or self-insurer may waive or extend the time limit to enable the claim for compensation to be made.

104. *Claims for compensation under section 98 and 98A*

- (1) In addition to the requirements under section 103, a claim for compensation under section 98 or 98A must be lodged with medical information which —
- (a) supports the entitlement of the claimant to compensation; and
 - (b) specifies the extent of any relevant loss, impairment, disfigurement or pain and suffering.
- (2) The authorised insurer, Authority, or self-insurer must accept or reject the claim and determine the extent of the entitlement to compensation and must within 60 days of receiving the claim advise the claimant of the decision.
- (3) If the claimant disputes the decision under sub-section (2), the claimant must not commence proceedings unless the claimant first refers the claim to a Medical Panel for an opinion as to —
- (a) the entitlement of the claimant to compensation; and

- (b) the extent of any relevant loss, impairment, disfigurement or pain and suffering.
- (4) Within 7 days of a claim being referred to a Medical Panel under subsection (3), the Medical Panel must —
 - (a) notify the authorised insurer, Authority or self-insurer of the referral; and
 - (b) require the authorised insurer, Authority or self-insurer to forward to the Medical Panel the medical information lodged with the claim and all other relevant material regarding the claim in the possession of the authorised insurer, Authority or self-insurer.
- (5) The Medical Panel must give its opinion in writing to the claimant and the authorised insurer, Authority or self-insurer.
- (6) Section 48 applies in respect of an opinion of a Medical Panel under this section.

105. *Medical certificate*

- (1) A certificate required under section 103 (1) (b) to accompany a claim for compensation must —
 - (a) be issued by a medical practitioner; and
 - (b) be in a form approved by the Authority; and
 - (c) specify the expected duration of the worker's incapacity.
- (2) A certificate issued or purporting to have been issued under subsection (1) is of no effect if it contains a material defect, omission or irregularity.
- (3) If a certificate issued or purporting to have been issued under subsection (1) is in respect of a period exceeding 14 days, it is of no effect after the first 14 days, unless the Authority, authorised insurer or self-insurer is satisfied that there are special reasons which require an extension of that period.
- (4) If a worker is unable to comply with section 103 (1) because he or she does not have a certificate as required under this section, the worker may apply to the County Court for a determination of the entitlement of the worker to compensation under this Act.

106. *Lodging of claims with Authority or authorised insurer in certain circumstances*

- (1) If a person making a claim for compensation becomes aware that the employer —
 - (a) cannot be identified; or
 - (b) cannot be found; or
 - (c) is dead; or
 - (d) is a corporation that has been wound up; or
 - (e) has not complied or is not likely to comply with section 108; or
 - (f) is refusing to receive the claim —
 that person must lodge the claim with the relevant authorised insurer or, if there is no relevant authorised insurer, the Authority.
- (2) Sub-section (1) does not apply to a claim in respect of an injury arising wholly out of or in the course of or due to the nature of employment on or after 4 p.m. on 30 June 1993.
- (3) If a person making a claim for compensation in respect of an injury arising out of or in the course of or due to the nature of employment

on or after 4 p.m. on 30 June 1993, becomes aware that the employer —

- (a) has not complied or is not likely to comply with section 108; or
- (b) is refusing to receive the claim —

that person must lodge the claim with the relevant authorised insurer.

107. *Provision of information to claimant*

The Authority, an authorised insurer, a self-insurer or an employer must, at the request of a person who has made a claim for compensation, give that person any information received from a provider to that person of a medical service or hospital service, being information regarding that service and relevant to the claim.

108. *Responsibilities of employer*

- (1) An employer must forward to its authorised insurer or, if there is no current authorised insurer, to the Authority —
 - (a) any claim for compensation under section 92;
 - (b) any claim for compensation under section 98 or 98A;
 - (c) any claim for compensation under section 99 which does not come within the employer's liability under the employer's excess under section 125 (1) (a) or 125A (3) —

within 10 days after the employer receives the claim.
- (2) An employer must accept or reject a claim for weekly payments within 10 days of receiving the claim.
- (3) If the employer rejects the claim or the claim is likely to exceed the employer's liability under the employer's excess, the employer must forward the claim to the authorised insurer, or, if there is no current authorised insurer, to the Authority, within 10 days of receiving the claim.
- (4) An employer must forward to the Authority at such intervals and dates as are determined by the Authority a return in a form approved by the Authority of claims —
 - (a) for compensation under section 99; and
 - (b) for weekly payments —

which do not exceed the employer's liability under the employer's excess.
- (5) If the employer fails without reasonable cause to forward a claim to an authorised insurer or the Authority as required by this section, the Authority may —
 - (a) impose an additional premium calculated in accordance with the premiums order on the premium payable by the employer; or
 - (b) recover as debt due in any court of competent jurisdiction an amount equivalent to any cost or expense incurred by the authorised insurer or the Authority (as the case may be) solely as a result of the failure to forward the claim as required.
- (6) In this section "employer" means an employer other than a self-insurer or a subsidiary of a self-insurer.

109. Responsibilities of authorised insurers, self-insurers and the Authority

- (1) If an authorised insurer, the Authority or a self-insurer does not give written notice of a decision to accept or reject a claim for weekly payments within 28 days of receiving the claim —
 - (a) the claim is deemed to have been accepted; and
 - (b) the authorised insurer, the Authority or self-insurer must pay weekly payments to the worker subject to and in accordance with this Part.
- (2) The written notice of a decision to accept or reject a claim for weekly payments must in the case of a decision to reject the claim include a statement of the reasons for the decision.
- (3) A decision or deemed decision under this section is binding on the employer in respect of the employer's liability under the employer's excess.

110. Application by worker to alter amount of weekly payments

- (1) A worker who is receiving weekly payments may apply in writing to the authorised insurer, Authority or self-insurer for an increase or reduction in the amount of the payments and must specify in the application the reasons for so applying and provide with the application any supporting evidence.
- (2) Within 28 days after receiving an application, the authorised insurer, Authority or self-insurer must —
 - (a) approve or reject the application; and
 - (b) give the worker and the employer written notice of its decision, including, in the case of rejection, a statement of the reasons for the decision.

111. Worker's capacity for work

- (1) A worker must provide to the authorised insurer, Authority or self-insurer —
 - (a) certificates of capacity in accordance with this section in respect of the period in respect of which the worker is entitled to weekly payments; and
 - (b) a declaration in the form approved by the Authority as to whether or not the worker is engaged in any form of employment or in self-employment or voluntary work for which he or she receives or is entitled to receive payment in money or otherwise or has been so engaged at any time since last providing a certificate under this section or section 105.
- (2) A certificate of capacity must —
 - (a) be a certificate —
 - (i) under section 105; or
 - (ii) in a form approved by the Authority given by a medical practitioner, registered physiotherapist or registered chiropractor and osteopath; and
 - (b) certify as to the worker's incapacity for work during the period, not exceeding 28 days, stated in the certificate; and
 - (c) specify the expected duration of the worker's incapacity.
- (3) Despite sub-section (2) (b), a certificate of capacity covering a period exceeding 28 days is in accordance with this section if —

- (a) the person giving the certificate states in the certificate the special reasons why the certificate covers the longer period; and
 - (b) the authorised insurer, Authority or self-insurer is satisfied that, for the special reasons stated, the certificate should be accepted.
- (4) A certificate of capacity is of no effect to the extent that it relates to a period of time before a period of 90 days of the date that the certificate is provided.

112. *Medical examinations*

- (1) The authorised insurer, Authority or a self-insurer may require a worker who has made a claim for compensation to submit at reasonable intervals to an examination by a medical practitioner, registered physiotherapist, registered chiropractor and osteopath or registered psychologist provided and paid for by the authorised insurer, Authority or self-insurer.
- (2) If a worker unreasonably refuses to have, or unreasonably obstructs, an examination under sub-section (1) —
 - (a) any claim or proceedings commenced by or on behalf of the worker; and
 - (b) the worker's entitlement —
 - (i) to compensation under this Act; or
 - (ii) to apply to the County Court, Magistrates' Court or Administrative Appeals Tribunal —

are suspended until the examination takes place.
- (3) When the examination takes place any period between the date on which the worker unreasonably refused to have, or unreasonably obstructed, the examination and the date of the examination must be taken into account for the purpose of calculating, subject to this Act, a period or time for the purposes of this Part.
- (4) Any weekly payments which would otherwise be payable during the period of suspension are forfeited.

113. *Medical certificate*

- (1) The authorised insurer, Authority, self-insurer or an employer, at the expense of the authorised insurer, Authority, self-insurer or employer, may require a worker to obtain a medical certificate under this section in respect of any claim for compensation under this Act.
- (2) The worker must obtain the medical certificate —
 - (a) within 14 days of being required to do so; and
 - (b) from a medical practitioner or a person authorised under section 111 (2) (a) to give a certificate of capacity under that section, being a medical practitioner or person nominated by the Authority, authorised insurer, self-insurer or employer.
- (3) The authorised insurer, Authority, self-insurer or an employer must not —
 - (a) require a medical certificate under this section from a worker more than once in any period of 3 months; or
 - (b) nominate a medical practitioner, registered physiotherapist or registered chiropractor and osteopath who is not reasonably accessible to the worker.
- (4) A medical certificate under this section —

- (a) if the worker has not provided a certificate of capacity under section 111, must be in accordance with section 105 (1) (b) and (c); or
- (b) if the worker has provided a certificate of capacity under section 111, must be in accordance with section 111 (2).

114. *Termination or alteration of weekly payments*

- (1) The authorised insurer, Authority or self-insurer may in accordance with this Act terminate a worker's entitlement to weekly payments or alter the basis on which the amount of the weekly payment is to be calculated whether or not the worker is currently receiving weekly payments.
- (2) In addition to other grounds under this Act for termination or alteration of weekly payments, the authorised insurer, Authority or a self-insurer —
 - (a) may increase or reduce weekly payments on the ground that there is not, or is no longer, an entitlement to weekly payments of the existing amount; and
 - (b) may terminate weekly payments on the ground that —
 - (i) the worker is not entitled to compensation under Division 1 or 2; or
 - (ii) the worker is not, or is no longer entitled to weekly payments; or
 - (c) may terminate or alter weekly payments on the ground that —
 - (i) the worker has returned to any work whether as a self employed person or in employment; or
 - (ii) in the case of a worker who has notional earnings, the amount of the worker's notional earnings alters.
- (3) The authorised insurer, Authority or a self-insurer may terminate weekly payments if it considers that payments were obtained fraudulently.
- (4) A termination or alteration of weekly payments on the grounds specified in sub-section (2) (a) or (2) (b) has effect —
 - (a) only if written notice in accordance with sub-section (10) is given; and
 - (b) after the expiry of the required notice period.
- (5) A termination or alteration of weekly payments on the grounds specified in sub-section (2) (c) or section 93E, 93F, 96, 97 (2) or 97 (7) has effect —
 - (a) without the giving of notice; and
 - (b) as from the day on which the circumstances establishing the relevant ground first arise.
- (6) A termination of weekly payments on the ground specified in sub-section (3) has effect —
 - (a) if written notice in accordance with sub-section (10) is given; and
 - (b) as from the day (whether before, on or after the giving of the notice) on which the Authority, authorised insurer or self-insurer makes the decision.
- (7) A termination of weekly payments on the ground specified in section 93A (4) or 93B (4) has effect —
 - (a) if written notice in accordance with sub-section (10) is given; and

- (b) as from the day (not being a day before the giving of the notice) specified in the notice.
- (8) A reduction of weekly payments solely on the ground of the expiry of 26 weeks of incapacity has effect —
- (a) if written notice in accordance with sub-section (10) is given; and
- (b) if section 114A has been complied with.
- (9) A termination of weekly payments solely on the ground of the expiry of 104 weeks of incapacity has effect —
- (a) if written notice in accordance with sub-section (10) is given; and
- (b) if section 114B has been complied with.
- (10) A notice must —
- (a) be given to the worker; and
- (b) state the reasons for giving the notice; and
- (c) state —
- (i) in the case of termination, when weekly payments will be stopped; and
- (ii) in the case of alteration, the new level of weekly payments and when payments at the new level will commence.
- (11) If a worker—
- (a) has received weekly payments of compensation for a continuous period of at least 12 weeks; and
- (b) has provided the worker's employer, or where applicable, the authorised insurer, Authority or self-insurer with a certificate of capacity in accordance with section 111—
- the authorised insurer, Authority or self-insurer must not terminate or reduce weekly payments during the period of incapacity so specified without giving the worker the required period of notice of intention to do so.
- (12) If weekly payments are terminated or reduced in contravention of sub-section (11), the worker may recover from the authorised insurer, Authority or self-insurer an amount of compensation that—
- (a) if no period of notice has been given-is equal to the amount of compensation or additional compensation, that would have been payable during the required period of notice if weekly payments had not been terminated or reduced; or
- (b) if less than the required period of notice has been given-is equal to the amount of compensation that would have been payable during the balance of the required period of notice if weekly payments had not been terminated or reduced.
- (13) The required period of notice is—
- (a) if the worker has been receiving weekly payments of compensation for a continuous period of at least 12 weeks but less than 1 year — 14 days; or
- (b) if the worker has been receiving weekly payments of compensation for a continuous period of 1 year or more — 28 days.

114A. Reduction of weekly payments after 26 weeks incapacity

- (1) Weekly payments must not be reduced under section 114 (8) —
- (a) unless the authorised insurer, Authority or self-insurer has made a determination of the worker's entitlement under section 93B; and

- (b) until the authorised insurer, Authority or self-insurer has given at least 14 days notice under section 114 of the decision following that determination.
- (2) The notice is not invalid only because the date specified in the notice as the date on which the reduction is to take effect is not a date immediately after the expiry of 26 weeks of incapacity but has effect on the date immediately after the completion of 26 weeks of incapacity or, if the date specified in the notice is a later date, the later date.
- (3) Subject to sub-section (4), notwithstanding anything to the contrary in section 93B (1), until notice is given to a worker and the date specified in the notice has expired, the worker is deemed to be entitled to weekly payments in respect of any period after the expiry of 26 weeks of incapacity under section 93B (1) (b) provided that the worker is but for the expiry of 26 weeks otherwise entitled to weekly payments.
- (4) If a determination is subsequently made that a worker to whom sub-section (3) applies is entitled to weekly payments under section 93B (1) (a), the determination takes effect as from the expiry of 26 weeks of incapacity.
- (5) Sub-sections (1) (b), (2), (3) and (4) do not apply if —
 - (a) the authorised insurer, Authority or self-insurer is unable to determine what is the expiry of 26 weeks of incapacity because weekly payments have been suspended under section 112; or
 - (b) the claim for weekly payments is made within the period of 42 days before the expiry of 26 weeks of incapacity.
- (6) If sub-section (5) (a) applies and weekly payments are re-commenced or sub-section (5) (b) applies and weekly payments are commenced, the entitlement to weekly payments in respect of any period after the expiry of 26 weeks of incapacity must be determined in accordance with section 93B (1).

114B. Termination of weekly payments after 104 weeks incapacity

- (1) Weekly payments must not be terminated under section 114 (9) —
 - (a) unless the authorised insurer, Authority or self-insurer has made a determination of the worker's entitlement to weekly payments after the expiry of 104 weeks of incapacity; and
 - (b) until the authorised insurer, Authority or self-insurer has given at least 28 days notice under section 114 of the decision following that determination.
- (2) The notice is not invalid only because the date specified in the notice as the date on which the termination is to take effect is not a date immediately after the expiry of 104 weeks of incapacity but has effect on the date immediately after the completion of 104 weeks of incapacity or, if the date specified in the notice is a later date, the later date.
- (3) Notwithstanding anything to the contrary in section 93B (3), until notice is given to a worker and the date specified in the notice has expired, the worker is deemed to be entitled to weekly payments in respect of any period after the expiry of 104 weeks of incapacity under section 93B provided that the worker is but for the expiry of 104 weeks otherwise entitled to weekly payments.
- (4) Sub-sections (1) (b), (2) and (3) do not apply if —
 - (a) the authorised insurer, Authority or self-insurer is unable to determine what is the expiry of 104 weeks of incapacity because weekly payments have been suspended under section 112; or
 - (b) the claim for weekly payments is made within the period of 56 days before the expiry of 104 weeks of incapacity.

- (5) If sub-section (4) (a) applies and weekly payments are re-commenced or sub-section (4) (b) applies and weekly payments are commenced, the entitlement to weekly payments in respect of any period after the expiry of 104 weeks of incapacity must be determined in accordance with section 93B (3).

114C. *Time for payment*

- (1) If a Conciliation Officer directs, or the Magistrates' Court or the County Court determines, that weekly payments are payable by the authorised insurer, Authority or self-insurer and the authorised insurer, Authority or self-insurer has not already commenced payment, the authorised insurer, Authority or self-insurer must commence payment within 7 days after the direction or determination.
- (2) On the commencement of payment under sub-section (1), the authorised insurer, Authority or self-insurer must pay an amount equal to any outstanding weekly payments to the worker.
- (3) If the authorised insurer, Authority, a self-insurer or an employer accepts a claim for weekly payments, payments including amounts payable under section 114E must commence to be paid within 7 days after the claim is accepted.
- (4) If a Conciliation Officer directs or the Magistrates' Court or the County Court determines, that weekly payments be made, section 114E applies and the entitlement of the worker to weekly payments commences on the date specified by the Conciliation Officer or by the Magistrates' Court or the County Court.

114D. *Payment of weekly payments*

- (1) If a worker is entitled to weekly payments, the authorised insurer or Authority unless the authorised insurer or the Authority determines otherwise, must make the payments to the worker's employer (not being a self-insurer or a subsidiary of a self-insurer).
- (2) If an employer, not being a self-insurer or a subsidiary of a self-insurer, is notified by the authorised insurer or Authority that a worker is entitled to weekly payments, the employer must make weekly payments to the worker.
- (3) If an employer, not being a self-insurer or a subsidiary of a self-insurer, is required to make a payment of weekly payments before the employer receives the payment from the authorised insurer or Authority, the employer must be reimbursed by the authorised insurer or Authority.
- (4) If an employer to whom sub-section (3) applies does not apply within 3 months after the commencement of weekly payments to a worker for reimbursement by the authorised insurer or Authority, the authorised insurer or Authority is not required to reimburse the employer but may do so if satisfied that the employer's delay in making the application was reasonable.
- (5) If the authorised insurer or Authority does not reimburse the employer in respect of a payment referred to in sub-section (3) within the prescribed period, the authorised insurer or Authority is liable to pay the employer interest at the prescribed rate on the amount of the payment until the authorised insurer or Authority reimburses the employer in respect of the payment.
- (6) A weekly payment must be made to a worker —
- (a) before the expiry of 7 days after the end of the week in respect of which it is payable; or

- (b) if the worker would be paid less frequently if the worker were at work, at such time or at such intervals as he or she would be paid if at work.
- (7) A weekly payment may be made by post by properly addressing, prepaying and posting to the worker a letter containing a cheque for the amount of the weekly payment.
- (8) A weekly payment made in accordance with sub-section (7) is deemed to have been made when the letter was posted.
- (9) The liability to a worker is not satisfied until the worker receives the weekly payment.
- (10) In this section "employer" means a person who is or has been an employer of the worker and whom the authorised insurer or Authority determines to be the employer for the purposes of this section.

114E. *Outstanding weekly payments*

- (1) The amount of outstanding weekly payments and interest at the prescribed rate on that amount are payable to the worker in the following circumstances and in respect of the periods specified in relation thereto :
 - (a) if a Conciliation Officer directs that weekly payments be commenced or continued to be paid at the current rate or increased, from the day —
 - (i) on which incapacity commenced; or
 - (ii) on which weekly payments were terminated or altered; or
 - (iii) on which the worker's application to increase the amount of weekly payments was received by the authorised insurer, Authority or self-insurer —
until the day on which the direction is revoked or payments are commenced, continued or increased, whichever is the earlier;
 - (b) if a decision to reject a claim for weekly payments is set aside by the Magistrates' Court or the County Court, from the day on which the incapacity commenced until the day on which the decision is set aside;
 - (c) if a decision to terminate or reduce weekly payments is set aside by the Magistrates' Court or the County Court, from the day on which the decision took effect until the day on which the decision is set aside;
 - (d) if a decision to reject an application by a worker to increase the amount of weekly payments is set aside by the Magistrates' Court or the County Court, from a day determined by the Magistrates' Court or the County Court until the day on which the decision is set aside;
 - (e) if an employer, an authorised insurer, the Authority or a self-insurer fails to make any weekly payment as and when required by the Act to be made to a worker, from the day after the payment was required to be made until the day before the payment is made.
- (2) If an employer (not being a self-insurer or a subsidiary of a self-insurer) is responsible for making weekly payments to a worker, the authorised insurer or, where applicable, the Authority, must pay the employer the amount of any outstanding weekly payments payable under sub-section (1).

114F. *Recovery of payments*

- (1) An authorised insurer, the Authority or a self-insurer may recover from a worker, an employer or any other person any payment of compensation or other amount to which the worker, employer or other person is not entitled.
- (2) An authorised insurer or the Authority may recover from an employer the amount of any penalty or cost incurred by the authorised insurer or the Authority as a result of the employer failing to pay compensation as required by the Act.

Division 3A— Settlements'

— (Hon. R.M. Hallam)

Question — That clause 50, as amended, stand part of the Bill — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 28

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson (*Teller*)
 G.P. Connard (*Teller*)
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

NOES, 13

The Hon. M.M. Gould
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 L. Kokocinski
 J. McLean (*Teller*)
 B.W. Mier
 D.A. Nardella (*Teller*)
 P. Power
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole
 D.R. White

And so it was resolved in the affirmative.



MINUTES OF THE PROCEEDINGS

OF THE

JOINT SITTING

OF THE HOUSES OF PARLIAMENT OF THE
STATE OF VICTORIA

TO CHOOSE A PERSON TO HOLD THE PLACE IN THE SENATE
RENDERED VACANT BY THE RESIGNATION OF SENATOR THE HONOURABLE
JOHN NORMAN BUTTON

AND

TO CHOOSE MEMBERS OF THE PARLIAMENT TO BE RECOMMENDED
FOR APPOINTMENT TO THE COUNCILS OF THE VICTORIAN INSTITUTE
OF MARINE SCIENCES, SWINBURNE UNIVERSITY OF TECHNOLOGY,
VICTORIA UNIVERSITY OF TECHNOLOGY, DEAKIN UNIVERSITY AND
LA TROBE UNIVERSITY

AND

TO ELECT A MEMBER OF PARLIAMENT TO THE VICTORIAN HEALTH
PROMOTION FOUNDATION.

28 April 1993

*Held in accordance with the provisions of section 15 of the Commonwealth of Australia
Constitution Act and relevant provisions of the Victorian Institute of Marine Sciences Act 1974,
Swinburne University of Technology Act 1992, Victoria University of Technology Act 1990, Deakin
University Act 1974, La Trobe University Act 1964 and Tobacco Act 1987*

MINUTES OF THE PROCEEDINGS
of the
JOINT SITTING
held in the
LEGISLATIVE ASSEMBLY CHAMBER

WEDNESDAY, 28 APRIL 1993

**TO CHOOSE A PERSON TO HOLD THE PLACE IN THE SENATE
 RENDERED VACANT BY THE RESIGNATION OF SENATOR THE HONOURABLE
 JOHN NORMAN BUTTON**

AND

**TO CHOOSE MEMBERS OF THE PARLIAMENT TO BE RECOMMENDED
 FOR APPOINTMENT TO THE COUNCILS OF THE VICTORIAN INSTITUTE
 OF MARINE SCIENCES, SWINBURNE UNIVERSITY OF TECHNOLOGY,
 VICTORIA UNIVERSITY OF TECHNOLOGY, DEAKIN UNIVERSITY AND
 LA TROBE UNIVERSITY**

AND

**TO ELECT A MEMBER OF PARLIAMENT TO THE VICTORIAN HEALTH
 PROMOTION FOUNDATION.**

*The Members of the Legislative Council and the Members of the Legislative
 Assembly having assembled in the Legislative Assembly Chamber pursuant to
 resolutions of the two Houses -*

- 1 **ELECTION OF PRESIDENT** - The Honourable Philip Archibald Gude, J.P., M.P., Minister for Industry and Employment, moved - That the Honourable Bruce Anthony Chamberlain, M.L.C., President of the Legislative Council, be appointed President of this Joint Sitting, which motion having been seconded by the Honourable James Harley Kennan, Q.C., M.P., the Leader of the Opposition, was resolved in the affirmative.

The Honourable Bruce Anthony Chamberlain, M.L.C., having expressed his acknowledgement of the honour conferred upon him by the Joint Sitting, then took the Chair.

SENATE VACANCY

- 2 RULES OF PROCEDURE - The Honourable Philip Archibald Gude, J.P., M.P., submitted the following rules of procedure for the consideration of Honourable Members, and moved - That these rules be the rules of procedure for the Joint Sitting to fill the Senate vacancy:
1. On any debate arising the same shall be conducted according to Parliamentary usage.
 2. A Member, addressing himself to the President, shall propose a person to hold the vacant place in the Senate and any such proposal shall be duly seconded. When a person is so proposed, the proposer shall state that such person is - (a) willing to hold the vacant place, if chosen; and (b) a member of the same political party as that subscribed to by the Senator last elected by the people in whose place the vacancy has occurred.
 3. If only one person be proposed and seconded, the President shall declare "Thathas been chosen to hold the place in the Senate rendered vacant by the resignation of Senator the Honourable John Norman Button".
 4. If more than one person be proposed and seconded the person to hold the vacant place shall be chosen by ballot in the following manner.
 5. In the ballot for the vacancy, the President shall announce the names of the persons proposed and shall cause each Member present to be provided with a ballot paper initialled by the Clerks of the two Houses. The Member shall write on such ballot paper the name of the person desired to be chosen; and if any ballot paper contains more than one name, it shall be rejected. Having marked the ballot paper as provided, the Member voting shall place it in the ballot box provided for the purpose.
 6. The President shall ask the proposer of each nominated person to name some Member present to be a scrutineer. The scrutineers, with the Clerks of the two Houses, shall retire and ascertain the number of votes for each person; and the scrutineers shall make a written report of the result to the President showing the number of votes for each person.
 7. No informal vote shall be taken into account.
 8. The President shall be entitled to vote.
 9. If on the first ballot no person shall have received an absolute majority of the votes polled, a second ballot shall be taken, and the name of the person who shall have received the fewest votes at the first ballot shall be excluded; but if at the first ballot the names of only two persons be submitted and the number of votes for such persons be equal, the scrutineers shall by drawing lots determine which of such persons shall be chosen to hold the vacant place, and the person whose name shall be first drawn shall be deemed to have been duly chosen.
 10. Until one of the persons proposed obtains an absolute majority of the votes polled, or (as the case may be) is chosen by lot to hold the vacant place, successive ballots shall be taken, and at each such ballot the name of the person who shall have received the fewest votes at the preceding ballot shall be excluded.

11. If on any ballot it shall be necessary to decide between two or more persons as to which one is to be excluded from a subsequent ballot through the number of votes for such persons being equal, a special ballot shall be taken at which the names of only those persons shall be submitted, and the name of the person having the fewest votes at such special ballot shall be excluded; but if on any special ballot it shall be necessary to decide between two or more persons as to which one is to be excluded from a subsequent ballot through the number of votes for such persons being equal, the scrutineers by drawing lots shall determine which one of such persons shall be excluded, and the name of the person last drawn shall be excluded.

12. If at any ballot, other than the first ballot or a special ballot hereinbefore provided for, the names of only two persons be submitted and the number of votes for such persons be equal, the scrutineers shall, by drawing lots, determine which of those persons shall be chosen to hold the vacant place, and the person whose name shall be first drawn shall be deemed to have been duly chosen.

13. As soon as any person obtains an absolute majority of the votes polled, or (as the case may be) is chosen by lot to hold the vacant place, the President shall declare-

".....has been chosen to hold the place in the Senate rendered vacant by the resignation of Senator the Honourable John Norman Button".

14. The records of the proceedings and the ballot papers shall be retained by the Clerk of the Parliaments who shall be the custodian thereof and shall keep the ballot papers safely for one year and thereafter destroy them.

The Honourable James Harley Kennan, Q.C., M.P., seconded the motion.

Question - put and resolved in the affirmative.

3 PERSON PROPOSED AND CHOSEN TO HOLD THE VACANT PLACE IN THE SENATE - The President announced that, the rules having been adopted, he was now prepared to receive proposals from Honourable Members of persons to hold the place in the senate rendered vacant by the resignation of Senator the Honourable John Norman Button.

The Honourable Philip Archibald Gude, J.P., M.P., proposed Mr Kim Carr as the person to hold the vacant place. He also stated that such person was willing to hold the vacant place, if chosen and that he was in possession of advice from the Leader of the Opposition that the nominee was the selection of the Australian Labor Party, the party previously represented in the Senate by Senator the Honourable John Norman Button; which proposal was seconded by the Honourable James Harley Kennan, Q.C., M.P.

The President asked if there were any further proposals and, there being no further proposals, thereupon declared that Mr Kim Carr, had been chosen to hold the place rendered vacant by the resignation of Senator the Honourable John Norman Button.

OTHER VACANCIES

4 RULES OF PROCEDURE - The President drew attention to various appointment provisions from the relevant Acts which relate to the Councils of the Victorian Institute of Marine Sciences, Swinburne University of Technology, Victoria University of Technology, Deakin University, La Trobe University and the Victorian Health Promotion Foundation, which provide that the Joint Sitting shall be conducted in accordance with rules adopted for the purpose by Members at the sitting. Accordingly, the Honourable Philip Archibald Gude, J.P., M.P., submitted the following rules of procedure for the consideration of Honourable Members, and moved - That these rules be the rules of procedure for this Joint Sitting:

1. On any debate arising the same shall be conducted according to Parliamentary usage.

2. A Member, addressing the President, shall propose a Member or Members to be recommended for appointment and any such proposal shall be duly seconded. When each Member is so proposed, the proposer shall state that such Member is willing to be so recommended for appointment, if chosen.

3. If no more than the required number of Members are proposed and seconded, the President shall declare such Members as having been chosen to be recommended for appointment.

4. If more than the required number of Members are proposed and seconded in respect of the vacancies the Members to be recommended for appointment shall be chosen by ballot in the following manner:

5. In the ballot for the vacancies, the President shall announce the names of the Members proposed and shall cause each Member present to be provided with a ballot paper initialled by the Clerk of each House. Each Member shall write on such ballot paper the names of the Members that the Member voting wishes to be recommended for appointment; and if any ballot paper contains more than the appropriate number of names, it shall be rejected. Having marked the ballot paper as provided, the Member voting shall place it in a ballot box provided for the purpose.

6. The President shall appoint three Members to be scrutineers, who, with one of the Clerks, shall ascertain the number of votes for each Member. The Member reported to have the greatest number of votes shall, in the case of a single vacancy, be deemed to be duly chosen to be recommended for appointment. In the case of more than one vacancy, the required number of Members reported to have the greatest number of votes shall be deemed to be duly chosen to be recommended for appointment. In case of doubt arising through two or more Members having an equality of votes, the scrutineers, by drawing lots, shall determine which of such Members has been duly chosen to be recommended for appointment.

7. No informal vote shall be taken into account.

8. The President shall be entitled to a vote.

9. As soon as a ballot has been concluded the President shall declare -

"That has/have been chosen to be recommended for appointment to the Council of.....".

10. The President shall advise the responsible Minister of the Members chosen to be recommended for appointment to the various governing bodies.

11. The records of the proceedings and the ballot papers shall be retained by the Clerk of the Parliaments who shall be the custodian thereof and shall keep the ballot papers safely for one year and thereafter destroy them.

The Honourable James Harley Kennan, Q.C., M.P., seconded the motion.

Question - put and resolved in the affirmative.

5 **VICTORIAN INSTITUTE OF MARINE SCIENCES** - The President announced that he was now prepared to receive proposals from Honourable Members with regard to two Members to be recommended for appointment to the Victorian Institute of Marine Sciences Council.

The Honourable Philip Archibald Gude, J.P., M.P., proposed that Mr Peter James Loney, M.P., and Mr Garry Howard Spry, M.P., be recommended for appointment as Members of the Victorian Institute of Marine Sciences Council and stated that they were willing to be recommended for appointment, if chosen; which proposal was seconded by the Honourable James Harley Kennan, Q.C., M.P.

The President asked if there were any further proposals and, there being no further proposals, thereupon declared that Mr Peter James Loney, M.P., and Mr Garry Howard Spry, M.P., had been recommended for appointment.

6 **SWINBURNE UNIVERSITY OF TECHNOLOGY**- The President announced that he was now prepared to receive proposals from Honourable Members with regard to a Member to be recommended for appointment as a Member of the Swinburne University of Technology Council.

The Honourable Philip Archibald Gude, J.P., M.P., proposed that the Honourable Robert Stuart Ives, M.L.C. be recommended for appointment as a Member of the Swinburne University of Technology Council and stated that he was willing to be recommended for appointment, if chosen; which proposal was seconded by the Honourable James Harley Kennan, Q.C., M.P.

The President asked if there were any further proposals and, there being no further proposals, thereupon declared that the Honourable Robert Stuart Ives, M.L.C., had been recommended for appointment.

7 **VICTORIA UNIVERSITY OF TECHNOLOGY**- The President announced that he was now prepared to receive proposals from Honourable Members with regard to two Members to be recommended for appointment as Members of the Victoria University of Technology Council for the term ending on 30 June 1993.

The Honourable Philip Archibald Gude, J.P., M.P., proposed that Mr George Ian Davis, M.P., and the Honourable Joan Elizabeth Kirner, A.M., M.P., be recommended for appointment as Members of the Victoria University of Technology Council for the term ending on 30 June 1993 and stated that they were willing to be appointed, if chosen; which proposal was seconded by the Honourable James Harley Kennan, Q.C., M.P.

The President asked if there were any further proposals and, there being no further proposals, thereupon declared that Mr George Ian Davis, M.P., and the Honourable Joan Elizabeth Kirner, A.M., M.P., had been recommended for appointment for the term ending on 30 June 1993.

- 8 The President announced that he was now prepared to receive proposals from Honourable Members with regard to three Members to be recommended for appointment as Members of the Victoria University of Technology Council for the term commencing on 1 July 1993.

The Honourable Philip Archibald Gude, J.P., M.P., proposed that Mr George Ian Davis, M.P., the Honourable David Mylor Evans, M.L.C., and the Honourable Joan Elizabeth Kirner, A.M., M.P., be recommended for appointment as Members of the Victoria University of Technology Council for the term commencing on 1 July 1993 and stated that they were willing to be appointed, if chosen; which proposal was seconded by the Honourable James Harley Kennan, Q.C., M.P.

The President asked if there were any further proposals and, there being no further proposals, thereupon declared that Mr George Ian Davis, M.P., the Honourable David Mylor Evans, M.L.C., and the Honourable Joan Elizabeth Kirner, A.M., M.P., had been recommended for appointment for the term commencing on 1 July 1993.

- 9 DEAKIN UNIVERSITY - The President announced that he was now prepared to receive proposals from Honourable Members with regard to a Member to be recommended for appointment to the Deakin University Council.

The Honourable Philip Archibald Gude, J.P., M.P. proposed that Mrs Ann Mary Henderson, M.P., be recommended for appointment as a Member of the Deakin University Council and stated that she was willing to be appointed, if chosen; which proposal was seconded by the Honourable James Harley Kennan, Q.C., M.P.

The President asked if there were any further proposals and, there being no further proposals, thereupon declared that Mrs Ann Mary Henderson, M.P., had been recommended for appointment.

- 10 LA TROBE UNIVERSITY - The President announced that he was now prepared to receive proposals from Honourable Members with regard to a Member to be recommended for appointment to the La Trobe University Council.

The Honourable Philip Archibald Gude, J.P., M.P., proposed that the Honourable Theo Charles Theophanous, M.L.C., be recommended for appointment as a Member of the La Trobe University Council and stated that he was willing to be recommended for appointment, if chosen; which proposal was seconded by the Honourable James Harley Kennan, Q.C., M.P.

The President asked if there were any further proposals and, there being no further proposals, thereupon declared that the Honourable Theo Charles Theophanous, M.L.C., had been recommended for appointment.

- 11 VICTORIAN HEALTH PROMOTION FOUNDATION - The President announced that he was now prepared to receive nominations from Honourable Members with regard to a Member to be elected to the Victorian Health Promotion Foundation with effect from 23 May 1993.



PARLIAMENT OF VICTORIA

MINUTES OF THE PROCEEDINGS

OF THE

JOINT SITTING

OF THE HOUSES OF PARLIAMENT OF THE
STATE OF VICTORIA

TO RECOMMEND TWO MEMBERS FOR APPOINTMENT TO THE VICTORIAN
HEALTH PROMOTION FOUNDATION

20 OCTOBER 1993

Held in accordance with the provisions of section 21(1) of the Tobacco Act 1987 (No. 81 of 1987)

MINUTES OF THE PROCEEDINGS
of the
JOINT SITTING
held in the
LEGISLATIVE ASSEMBLY CHAMBER

Wednesday, 20 October 1993

VICTORIAN HEALTH PROMOTION FOUNDATION

The Members of the Legislative Council and the Members of the Legislative Assembly having assembled in the Legislative Assembly Chamber pursuant to resolutions of the two Houses -

- 1 **ELECTION OF PRESIDENT** - The Honourable J.G. Kennett, M.P., Premier, moved - That the Honourable John Edward Delzoppo, M.P., Speaker of the Legislative Assembly be appointed President of this Joint Sitting, which motion having been seconded by Mr T.W. Roper, M.P., was resolved in the affirmative.

The Honourable J.E. Delzoppo, M.P., having expressed his acknowledgement of the honour conferred upon him by the Joint Sitting, then took the Chair.

- 2 **RULES OF PROCEDURE** - The President announced that section 21(1) of the *Tobacco Act 1987* provide that the Joint Sitting shall be conducted in accordance with rules adopted for the purpose by Members at the sitting. Accordingly, the Honourable J.G. Kennett, M.P., submitted the following rules of procedure for the consideration of Honourable Members, and moved - That these rules be the rules of procedure for this Joint Sitting:

1. On any debate arising the same shall be conducted according to Parliamentary usage.
2. A Member, addressing the President, shall nominate a Member or Members to be elected and any such nomination shall be duly seconded. When any Member is so nominate, the proposer shall state that such Member is willing to be elected, if chosen.
3. If no more than the required number of Members are nominated and seconded, the President shall declare such Members elected.
4. If more than the required number of Members are nominated and seconded in respect of the vacancies the Members to be elected shall be chosen by ballot in the following manner:
5. In the ballot for the vacancies, the President shall announce the names of the Members proposed and shall cause each Member present to be provided with a ballot paper initialled by the Clerk of each House. Each Member shall write on such ballot

paper the names of the Members that the Member voting wishes to be elected; and if any ballot paper contains more than the appropriate number of names, it shall be rejected. Having marked the ballot paper as provided, the Member voting shall place it in a ballot box provided for the purpose.

6. The President shall appoint three Members to be scrutineers, who, with the Clerks, shall ascertain the number of votes for each Member. The Member reported to have the greatest number of votes shall, in the case of a single vacancy, be deemed to be duly elected. In the case of more than one vacancy, the required number of Members reported to have the greatest number of votes shall be deemed to be duly elected. In case of doubt arising through two or more Members having an equality of votes, the scrutineers, by drawing lots, shall determine which of such Members has been elected.
7. No informal vote shall be taken into account.
8. The President shall be entitled to a vote.
9. As soon as a ballot has been concluded the President shall declare -

"That have been elected to the Victorian Health Promotion Foundation."
10. The President shall advise the responsible Minister of the Members elected to the Victorian Health Promotion Foundation.
11. The records of the proceedings and the ballot papers shall be retained by the Clerk of the Parliaments who shall be the custodian thereof and shall keep the ballot papers safely for one year and thereafter destroy them.

Mr. T.W. Roper, M.P., seconded the motion.

Question - put and resolved in the affirmative.

- 3 VICTORIAN HEALTH PROMOTION FOUNDATION - The President announced that he was now prepared to receive proposals from Honourable Members with regard to the Members to be elected to the Victorian Health Promotion Foundation.

The Honourable J.G. Kennett, M.P., proposed that the Honourable Ronald Alexander Best, M.L.C., and the Honourable George Graeme Weideman, M.P., be nominated as members of the Victorian Health Promotion Foundation, and stated that they were willing to accept the appointment if elected; which nomination was seconded by Mr. T.W. Roper, M.P.

The President asked if there were any further nominations and, there being no further proposals, thereupon declared that the Honourable Ronald Alexander Best, M.L.C., and the Honourable George Graeme Weideman, M.P., had been elected as members of the Victorian Health Promotion Foundation.

The President declared the Joint Sitting closed.

A.V. BRAY
Clerk of the Legislative Council

J.G. LITTLE
Clerk of the Legislative Ass.



PARLIAMENT OF VICTORIA

MINUTES OF THE PROCEEDINGS

OF THE

JOINT SITTING

OF THE HOUSES OF PARLIAMENT OF THE
STATE OF VICTORIA

TO RECOMMEND MEMBERS OF THE PARLIAMENT FOR APPOINTMENT TO
THE COUNCIL OF THE UNIVERSITY OF BALLARAT AND THE COUNCIL OF
THE VICTORIA UNIVERSITY OF TECHNOLOGY

19 APRIL 1994

*Held in accordance with the provisions of Section 7(2)(g) of the University of Ballarat Act
1993 (No. 107) and Section 7(2)(j) of the Victoria University of Technology Act 1990
(No. 21)*

MINUTES OF THE PROCEEDINGS
of the
JOINT SITTING
held in the
LEGISLATIVE ASSEMBLY CHAMBER

Tuesday, 19 April 1994

**COUNCIL OF THE UNIVERSITY OF BALLARAT AND THE COUNCIL OF THE
 VICTORIA UNIVERSITY OF TECHNOLOGY**

The Members of the Legislative Council and the Members of the Legislative Assembly having assembled in the Legislative Assembly Chamber pursuant to resolutions of the two Houses -

- 1 **ELECTION OF PRESIDENT** - The Honourable P.A. Gude, M.P. moved - That the Honourable Bruce Anthony Chamberlain, M.L.C., President of the Legislative Council be appointed President of this Joint Sitting which motion having been seconded by Mr K.J. Thomson, M.P., was resolved in the affirmative.

The Honourable Bruce Anthony Chamberlain, M.L.C., having expressed his acknowledgement of the honour conferred upon him by the Joint Sitting, then took the Chair.

- 2 **RULES OF PROCEDURE** - The President announced that section 7(2)(g) of the *University of Ballarat Act 1993* and section 7(2)(j) of the *Victoria University of Technology Act 1990* provided that the Joint Sitting shall be conducted in accordance with rules adopted for the purpose by Members at the sitting. Accordingly, the Honourable P.A. Gude, M.P. submitted the following rules of procedure for the consideration of Honourable Members, and moved - That these rules be the rules of procedure for this Joint Sitting:

1. On any debate arising the same shall be conducted according to Parliamentary usage.

2. A Member, addressing the President, shall propose a Member or Members to be recommended for appointment and any such proposal shall be duly seconded. When each Member is so proposed, the proposer shall state that such Member is willing to be so recommended for appointment, if chosen.

3. If no more than the required number of Members are proposed and seconded, the President shall declare such Members as having been chosen to be recommended for appointment.
4. If more than the required number of Members are proposed and seconded in respect of the vacancies the Members to be recommended for appointment shall be chosen by ballot in the manner prescribed by rules 5 to 8, inclusive.
5. In the ballot for the vacancies, the President shall announce the names of the Members proposed and shall cause each Member present to be provided with a ballot paper initialled by the Clerk of each House. Each Member shall write on such ballot paper the names of the Members that the Member voting wishes to be recommended for appointment; and if any ballot paper contains more than the appropriate number of names, it shall be rejected. Having marked the ballot paper as provided, the Member voting shall place it in a ballot box provided for the purpose.
6. The President shall appoint three Members to be scrutineers, who, with one of the Clerks, shall ascertain the number of votes for each Member. The Member reported to have the greatest number of votes shall, in the case of a single vacancy, be deemed to be duly chosen to be recommended for appointment. In the case of more than one vacancy, the required number of Members reported to have the greatest number of votes shall be deemed to be duly chosen to be recommended for appointment. In case of doubt arising through two or more Members having an equality of votes, the scrutineers, by drawing lots, shall determine which of such Members has been duly chosen to be recommended for appointment.
7. No informal vote shall be taken into account.
8. The President shall be entitled to a vote.
9. As soon as a ballot has been concluded the President shall declare -

"That has/have been chosen to be recommended for appointment to the Council of.....".
10. The President shall advise the responsible Minister of the Members chosen to be recommended for appointment to the various governing bodies.
11. The records of the proceedings and the ballot papers shall be retained by the Clerk of the Parliaments who shall be the custodian thereof and shall keep the ballot papers safely for one year and thereafter destroy them.

Mr K.J. Thomson, M.P., seconded the motion.

Question - put and resolved in the affirmative.

- 3 **COUNCIL OF THE UNIVERSITY OF BALLARAT** - The President announced that he was now prepared to receive proposals from Honourable Members with regard to the Member to be recommended for appointment to the Council of the University of Ballarat.

The Honourable P.A. Gude, M.P. proposed that the Honourable Richard Strachan de Fegley M.L.C.; the Honourable William Desmond McGrath, M.P.; and Mr Bruce Allan Mildenhall, M.P., be recommended for appointment to the Council, and stated that they were willing to be recommended, if chosen; which proposal was seconded by Mr K.J. Thomson, M.P..

The President asked if there were any further proposals and, there being no further proposals, thereupon declared that the Honourable Richard Strachan de Fegley M.L.C.; the Honourable William Desmond McGrath, M.P.; and Mr Bruce Allan Mildenhall, M.P., had been chosen to be recommended for appointment to the Council of the University of Ballarat.

- 4 **COUNCIL OF THE VICTORIA UNIVERSITY OF TECHNOLOGY** - The President announced that he was now prepared to receive proposals from Honourable Members with regard to a Member to be recommended for appointment to the Council of the Victoria University of Technology.

The Honourable P.A. Gude, M.P. proposed that the Honourable Licia Kokocinski, M.L.C., be recommended for appointment to the Council, and stated that she was willing to be recommended, if chosen; which proposal was seconded by Mr K.J. Thomson, M.P..

The President asked if there were any further proposals and, there being no further proposals, thereupon declared that the Honourable Licia Kokocinski, M.L.C. had been chosen to be recommended for appointment to the Council of the Victoria University of Technology.

The President declared the Joint Sitting closed.

A.V. BRAY
Clerk of the Legislative Council

J.G. LITTLE
Clerk of the Legislative Assembly

INVESTIGATION

INTO

BENDIGO

CITY

COUNCIL

OFFICE OF LOCAL GOVERNMENT
DEPARTMENT OF PLANNING AND DEVELOPMENT

**INVESTIGATION
INTO
BENDIGO
CITY
COUNCIL**

OFFICE OF LOCAL GOVERNMENT
DEPARTMENT OF PLANNING AND DEVELOPMENT

Ordered by the Legislative Council to be printed

MELBOURNE
L. V. NORTH, GOVERNMENT PRINTER
1993

REPORT ON AN INVESTIGATION INTO THE COUNCIL AND ADMINISTRATION OF THE CITY OF BENDIGO

1. SCOPE OF INVESTIGATION

In early 1992 the local Bendigo press carried reports of major problems in the relationship between the Council and the administration of the City of Bendigo. These reports, and the circumstances which gave rise to them, were raised with the then Minister for Ethnic, Municipal and Community Affairs. An attempt by the Office of Local Government to clarify the issues informally and seek a resolution between the parties was not successful.

On 11 March 1992 the Bendigo Council resolved:

"That for the peace, order and good government of the City of Bendigo and well being of the Community of Bendigo the Council requests the Minister for Ethnic, Municipal and Community Affairs The Honourable Caroline Hogg MLC, to appoint a suitably qualified person to undertake, as a matter of urgency, an inquiry into the performance of the Council's Chief Executive Officer and Town Clerk Mr Ray Burton, and the processes used by the Mayor and Council in reviewing Mr Burton's performance. The inquiry requested by this resolution is neither an inquiry under Section 100 of the Local Government Act consequent upon any proposal to remove Mr Burton from Office, nor an inquiry under Part 10 of the Act into matters relating to the affairs of the Council."

On 12 March 1992 the Minister announced an investigation into the City of Bendigo's Council and Chief Executive Officer and Town Clerk. The investigation commenced on 16 March 1992 and was conducted by Mr Ian Rumble, a designated Inspector of Municipal Administration.

On 16 March 1992, the Council resolved as follows to seek an investigation into an additional issue:

"That the Minister for Ethnic, Municipal and Community Affairs, the Honourable Caroline Hogg MLC be requested to investigate whether Councillors of the City of Bendigo have breached the pecuniary interest provisions of the Local Government Act 1989."

The terms of reference given by the Minister on the 12 March 1992 for the investigation were not confined to the matters requested by the Council. In addition, the Minister indicated that, without limiting the nature and scope of the investigation, particular attention should be given to:

- decisions and actions taken by the Council in relation to the Chief Executive Officer and Town Clerk;
- concerns expressed by the Chief Executive Officer and Town Clerk about those decision and actions; and
- possible breaches of the Local Government Act 1989 or any other legislation.

The Minister indicated that the purpose of the investigation was to determine whether any action was required in relation to possible breaches of legislation by individuals, and/or whether the Minister should institute any action under the Local Government Act 1989 in relation to the affairs of the Council as a whole.

The investigation was conducted along the following broad lines:

- i) An attempt was made to ascertain the precise nature of the concerns that some Councillors have had in the Chief Executive Officer and Town Clerk's performance.
- ii) A broad examination of all material to identify possible offences against the provisions of the Local Government Act.
- iii) A detailed examination was then conducted of those instances where the possibility of an offence existed to determine whether a recommendation for further action was warranted.
- iv) The sum total of the issues raised was reconsidered to see whether further action by the Minister under the Local Government Act 1989 was warranted in respect of the Council as a whole.

Following initial work, the Minister for Ethnic, Municipal and Community Affairs announced on 29 May 1992 some preliminary findings of the investigation. The Minister announced that while a number of specific issues were being pursued and the investigation was incomplete, there was much the Council could do now to bring about improved local government in Bendigo.

The Minister wrote to the Council stating, inter alia, that:

"It is evident that there has been a serious breakdown in communication between the Council and its officers. I note for example that the Council does not appear to have instituted a proper performance review process for the Chief Executive Officer and other senior personnel. In addition, it is apparent that the tensions between the Mayor and the Chief Executive Officer have arisen in part because of a lack of clarity regarding the respective roles and responsibilities of each in the administration and governance of the City of Bendigo.

In view of this breakdown, I needed to decide whether the relationship between the Council and its officers had so irreparably deteriorated as to warrant considering the options open to me under the Local Government Act. However, I have decided that the more appropriate course of action at this stage, is for the Council to be given an opportunity to set its house in order.

To this end I believe it is essential that the Council institute an immediate review of all aspects of the management of the municipality, covering not only the roles and responsibilities of its officers but also of its councillors. To this end I suggest that Council would benefit if it engaged the services of appropriate management consultants."

The Council was requested to report back within six months on the action it has taken to demonstrate that there was no need to take further action.

The Inspector of Municipal Administration undertaking this investigation has reported on the evidence that he has gathered. This material was referred to the Victorian Government Solicitor (VGS) for advice in accordance with the normal practice of the Office of Local Government.

2. **SPECIFIC MATTERS EXAMINED**

Following preliminary work, the following matters were identified for further detailed investigation in relation to the performance of the Chief Executive Office and Town Clerk, Mr Ray Burton, the Mayor, Cr James Douglass; the Director of Engineering and Technical Services, Mr Colin Campbell; and pecuniary interest issues pertaining to the Council.

The background and evidence relating to these matters is as follows:

Performance of the Chief Executive Office/Town Clerk

During the course of the investigation a number of aspects of the Chief Executive Officer's performance was raised by various parties. Those considered significant were:

- (a) The lack of a formal process and criteria to conduct the annual review of his performance.

Council entered into the contract with Mr Burton as Chief Executive Officer on 24 July 1989. Part of that agreement required Council to review, measure and assess the performance of its Chief Executive Officer and Town Clerk annually in light of the responsibilities, duties and functions he was required to perform. The first such review was presented on 26 November 1990 to the Committee of the Whole Council. At this time it was considered that the review process should be on an informal basis but with the intent of moving towards a more formal structured basis within a period of two years.

On 8 July 1991 a second performance review was presented to the Objectives, Policies and Evaluation Committee of Council. The recommendation which was passed by the subsequent Council meeting on the 22 July 1991 was that:

- (1) The Council is satisfied with the performance of the Chief Executive Officer for the year ended 30 June 1991.
- (2) The Chief Executive Officer present to Council a set of goals and objectives for his position for the next 12 months together with an outline of criteria upon which his performance can be measured.

To date, no goals and objectives for performance review of the Chief Executive Officer have been set. Whilst it may be argued that good management practice dictates that agreed performance measurement criteria are important in assessing a senior officer's performance, this matter is essentially one for the Council to resolve.

- (b) The manner in which the CEO dealt with the possible resignation of the Director of Corporate Services.

On 7 February 1992, the Director of Corporate Services, Mr David Stewart had what he claimed was a confidential discussion with the Chief Executive Officer about his future. During the course of that afternoon Mr Burton and Mr Stewart had three very short discussions. The first meeting was apparently somewhat heated. Shortly after that meeting Mr Burton went to Mr Stewart and asked for his resignation and indicated that he had already spoken to the Mayor and would raise the issue with the Council. At the third meeting with the Chief Executive Officer, Mr Stewart stated that he would not resign.

At the Executive Management Team Meeting on Monday 17 February 1992 Mr Burton advised Directors of Mr Stewart's comments and of his possible future resignation. He then asked Mr Stewart to leave the meeting for the Directors to decide how to run the organisation while Mr Stewart remained on the Council payroll. At the conclusion of a Council Meeting that same evening the Chief Executive Officer spoke to the Council in broad terms of his discussion with Mr Stewart. The following day the matter was in the hands of the media. It is believed that a Councillor had provided minute details of what had transpired to the Bendigo Advertiser, and TV8 had been contacted by a member of staff. The Mayor was contacted by the media for comment on the issue and the Investigating Officer was told that it took a good deal of negotiation to convince the paper not to run the story.

Crs Douglass, Long, Neiwand, Balsillie and Mulqueen all expressed concern to the Municipal Inspector that this matter had not been handled discreetly and had been deliberately forced into the public arena by the Chief Executive Officer in order to humiliate Mr Stewart to prompt his resignation.

That may be so, but nonetheless there is no apparent breach of the Local Government Act or other legislation. It is a matter for the Council to address.

- (c) The role of the Deputy Mayor.

It was alleged that when the Mayor was not in attendance at a meeting the Chief Executive Officer would call for nominations. On each occasion the Deputy Mayor was elected to act for the Mayor.

The Chief Executive Officer was of the view that the calling for nominations provided the mechanism to appoint an Acting Mayor. The concern expressed by Councillors was that there was a chance that the Deputy Mayor might not receive nomination or that another candidate might be elected to act. It was also suggested

that the Chief Executive Officer did not want to recognise the former Councillor Wilson when he was Deputy Mayor, but that he was more than happy to accept Councillor Murphy as Deputy Mayor. The Chief Executive Officer apparently did not call for nominations on the occasions when Councillor Murphy deputised for the Mayor.

The Victorian Government Solicitor has stated:

"An examination of Section 73(3) of the Local Government Act 1989 makes it quite clear that in the absence of the Mayor the Deputy Mayor is to be the Acting Mayor and therefore should take the chair at all meetings at which he or she is present but the Mayor is not. It is equally clear that there is no need for nominations to be called as suggested by the Chief Executive Officer in discussions with the Municipal Inspector. However, there is no evidence of an offence against the Act. If the process is incorrect it is up to the Council to put the matter right."

(d) Chinese Tea House

Councillor Douglass expressed concern that the Chief Executive Officer's handling of this matter cost the Bendigo Easter Fair Committee an additional \$2,000 and that the Building Department had delayed the issue of a permit to an extent that the building would not be in place in time for the Easter Fair.

The Melbourne International Festival donated "The Chinese Tea House" to the Bendigo Easter Fair Committee in October 1991. The Committee was to dismantle and transport the building from its location in the Queen Victoria Gardens where it had been a centre piece for the 1991 Melbourne Festival's horticultural presentation. The building is 26 metres long, 19 metres wide and 10 metres high. The Bendigo Easter Fair Committee proposed to exhibit the Tea House free to the public and to provide performances of traditional Chinese arts such as puppeteers, dancers, musicians, acrobats, magicians and martial arts. The total project - dismantling, transport and re-erection - was estimated by the Council's Building Surveyor to cost \$65,000. The Council resolved to contribute \$4,500 towards the transportation cost and to provide temporary storage (three months) in a warehouse in Andrew Avenue (a building the Council was anxious to lease for commercial purposes). The three months storage was to expire in January 1992. On the 4 December 1991 the Council advised the Committee that it would make available a site at Lake Weeroona for the Chinese Tea House.

The Executive Officer of the Committee was advised on 10 December 1991 that Council had leased the warehouse and that the Committee would be required to vacate the premises by the first week in January 1992. The Committee's Executive Officer, with the consent of the Chief Executive Officer, contacted the proposed lessee "Darrell Walker Printing Co." to ascertain a precise date the Company would need to have the building made available and was told 15 January 1992. The Committee's Executive Officer again contacted the printing company to advise that the warehouse was all but cleared. She was then told that he would not be taking up the lease. This was the first communication to the Committee that the lease was not being taken up. The cost to the Committee in moving the building was \$1,800.

Normal commercial practice should have ensured that the Council had a lease agreement signed and a bond lodged in advance of the lessee having occupancy. This would have ensured that the Council was aware of the lessee's (Darrell Walker Printing Co) changed intentions and may have saved the Bendigo Easter Fair Committee from the additional expense of removing the building materials stored at the warehouse.

The Chief Executive Officer's handling of the lease arrangements from the warehouse may well have been less than business like, but that is a matter for the Council.

The Victorian Government Solicitor has agreed with this conclusion and has stated:

"There is no offence against the Local Government Act."

The second aspect related to the claimed delay in the issue of building and planning permits. The relevant dates were:

- Application for planning permit lodged on 17 December 1991
- Permit issued 15 January 1992
- Application for building permit lodged on 20 December 1991
- Provisional permit issued on 14 February 1992

According to Council's Building Surveyor any delay in issuing permits was due to the quality, detail and accuracy of the plans which were submitted being less than acceptable. The building was originally designed and built for a street display which lasted only 10 days, but the re-located building was to be a permanent structure for which the building regulations imposed higher standards.

Given the legal obligations imposed by the Building Control Act, it was the responsibility of the Building Surveyor to see that the Chinese Tea House building did comply with conditions of the Building Control Act. *Under the circumstances the time taken to deal with the application would appear not to be excessive for an application lodged just prior to Christmas Eve.*

Conduct of the Director of Engineering and Technical Services

The Bendigo Council operates with a Corporate Management Structure that has an executive comprising the Chief Executive Officer and the four Directors of the Council's departments. Along with the Chief Executive Officer, each Director is on an employment contract which specifies annual performance review. Each Director is accountable through the Chief Executive Officer to the Council for the administration of the Department for which he has responsibility.

The matters below deal with the management of projects which were the responsibility of the Director of Technical Services, Mr C.C. Campbell.

(a) Garden Gully Reserve

Bendigo Gold Associates Pty. Ltd. entered into a formal arrangement with the Council to remove for reprocessing a large quantity of sand located on the Garden Gully Reserve. The agreement allowed the Company to remove the sand but required it on completion to reconstruct the Reserve's playing surface and to rebuild a toilet block to replace the one demolished during extraction operations. The whole project was expected to be carried through at minimal cost to the Council. The council agreed to the project subject to a bank guarantee being lodged for \$50,000 before commencement of any work. However, the Director of Engineering and Technical Services allowed Bendigo Gold Associates Pty Ltd access to the Garden Gully Reserve before receiving the bank guarantee required under the conditions of contract. In fact, the bank guarantee has never been lodged with the Council.

The Company is now reported to be in financial difficulties and the Council has commenced legal proceedings for the replacement cost of the toilet block, a cost of \$140,000 approximately. In addition, the Council has incurred considerable cost in making the playing fields operational.

The Director of Engineering and Technical Services was responsible for the administration of the Council's contract with Bendigo Gold Associates Pty Ltd and failed to deny the company access until it had lodged the bank guarantee required by the contract. There is no doubt that the Council's position now in recovering at least part of its costs on the Garden Gully Reserve would have been strengthened had the guarantee been obtained.

The Director was a shareholder in Bendigo Gold Associates Pty Ltd and had disclosed this on Council's Register of Interests. The Director's share holding in Bendigo Gold Associates Pty. Ltd is 2000 shares purchased from date of issue. Bendigo Gold Associates Pty. Ltd. merged with Brunswick Gold and have now consolidated the share holdings which has left the Director with 432 shares. The company has now been suspended from trading.

There is no record in the Council minutes that the Director had brought his interest in the company to the attention of Council. However, the Director and Chief Executive Officer state that it was drawn to the Council's attention at the first meeting at which it was discussed. It is also important to note that the Director was not placed under any positive duty of disclosure under the Act similar to those imposed on councillors.

On the face of it, this matter seems to be potentially serious, possibly even a criminal offence. It appears that the Director has, whilst a shareholder, allowed the Company to remove the sand (which would be of considerable financial value) and has not obtained from the company the guarantee.

At interview on this matter, the Director offered the explanation that his failure to collect the guarantee was simply an oversight on his part. This is far from a satisfactory explanation. *The matter was referred to the Victorian Government Solicitor for advice. At his request, further material is being gathered to enable him to form a view and prepare advice on this matter.*

(b) **Long Gully Industrial Estate**

The Long Gully area was subject to extensive mining and prior to 1970 was in a derelict state covered with mining tailings and mullock heaps. During the period 1973 to 1978 the land was progressively reclaimed by the Council. An industrial land study was commissioned for the site by the then Department of Industry, Technology and Resources and was submitted to Council in November 1985 with the recommendation that the land be developed as an industrial estate. Shortly after the Council was approached by Tiandra Nominees Pty Ltd with an offer to develop the land. The land was purchased from the Crown for \$95,245 and then sold to Tiandra Nominees for \$95,995 on the condition that the company was to meet all development costs.

The Director of Engineering and Technical Services assisted the company in applying for a grant towards the construction of the roads from the Department of Manufacturing and Industry; a grant of \$147,000 was received and the developer was to meet the balance of \$32,995. The project appeared to get into financial difficulty and the Council was approached by the developer to release titles to the land so that several of the blocks could be sold to provide funding for further road works. After some negotiation the Council agreed to the request, provided a bank guarantee was lodged with the Council.

The bank guarantee only covered roadworks still to be completed, and did not include the \$32,995 which was already outstanding. That amount has still not been paid by the developer. The negotiation of stage 2 of the project was undertaken by the Chief Executive Officer. The investigating officer was informed that the change in the negotiation role was due to a dispute between the principals of the Company, and found they were attempting to play one Council officer off against another.

The handling of this project was cited by complainants as an example of the Director's lack of negotiating skills. It was also alleged that the Director had failed to carry out his responsibilities with due diligence.

That may be so but is a matter for the Council which could be taken up as part of the Director's annual performance review.

There is no apparent breach of the legislation.

(c) **Methane Gas Extraction at White Hills Tip**

In May 1990 a formal proposal was received from Bendigo Brick Pty Ltd to extract methane gas from the former White Hills tip site and then use this gas to fire kilns in the brickworks. The proposal involved the Council employing a consultant to investigate likely gas quantities and quality at the site. The consultant's fee was funded substantially by a grant from the Department of Industry, Technology and Resources. The company expects to gain 12 to 15 years' gas supply from the tip, which will be carried by underground pipes about 1 kilometre to the company's Powell Street operation. The Council adopted the Director of Engineering and Technical Services' recommendation to allow the Bendigo Brick Company to develop, manage and control the extraction of methane gas free of charge on a continuing basis.

This project was also cited to the Inspector as an example of the Director's alleged poor performance in working in the best interests of the Council.

Again, there is no apparent offence and it is a matter for the Council.

Matters Relating to the Mayor

A series of allegations against the Mayor, Cr James Douglass were made regarding his eligibility to be a councillor, his conduct of meetings and possible offences against the Local Government Act.

(a) **Entitlement to Stand as a Councillor**

The right to be enrolled as a voter at municipal elections is contained in section 11 of the Local Government Act 1989. To be enrolled, a person must come within one or other of the specific categories prescribed in the legislation on what is known as entitlement date. For the August 1991 municipal elections, entitlement date was 1 May 1991. The legislative categories require a municipal voter to be:

- an elector for the Legislative Assembly; or
- a person who is over the age of 18 years and not a resident within the ward, but is the owner or occupier of property which is in the ward.

Section 28 of the Act sets out the qualification to be a Councillor. To be qualified for election as a Councillor a candidate must be entitled to be enrolled on the municipal roll and must continue to be entitled to be enrolled. Where a Councillor ceases to have a qualification to continue in office he or she has 30 days to obtain a qualification and to lodge a written statement with the municipal clerk specifying that qualification.

Section 66 of the Act provides that it is an offence, attracting a penalty of up to \$1000, to act as a Councillor or to continue to act while not capable or permitted to do so.

Cr Douglass does not live within the City of Bendigo. However, according to an undated lease provided to the Council in August 1988, Cr Douglass was the lessee of a "garage and premises" at 16 Bridge Street, Bendigo. The commencement date of the lease was 17 March 1988 for a three year term with an option for a further three year term. This lease to Councillor Douglass, of 16 Bridge Street, is the basis for his entitlement to be enrolled as an occupier of rateable land within the City of Bendigo and thereby also his qualification as a Councillor.

The Chief Executive Officer checked the Council's records some time after the date on which Notice of Candidature was received from Councillor Douglass for the 1 August 1991 council Election (i.e. some time after 2 July 1991) and noted that the Council had not been informed by Councillor Douglass of any extension to his lease beyond its March 1991 expiry date. Mr Burton advised Councillor Douglass of this the same day and was told that he (Councillor Douglass) had sub-leased part of the garage and was still leasing a part for the storage of his beehives.

On the 10 July 1991 the Chief Executive Officer received by hand a copy of a document signed by Councillor Douglass headed up "Exercise of Lease Option", requesting the further three (3) year term pursuant to the March 1988 lease. This document was signed and dated 10 February 1991, but there was no information about the date of its communication to the lessor.

Councillor Douglass supplied a copy of his current lease for the rear of 16 Bridge Street to the investigating officer. It is not clear whether a copy of this lease was shown to the Chief Executive Officer. The lease is for a five (5) year term to expire on 1 March 1996. It was stamped by the Stamp Duties Office Victoria on 8 October 1991. It is important to note that the fresh lease agreement is for a period in excess of the original three (3) year option and gives the distinct impression of being a new lease agreement. Not only has the term been altered but the area of the

building now leased has been reduced, to the rear half only of that building. The lease agreement for the front portion of 16 Bridge Street is to Mr W.K. Quint for five (5) years, to expire on 28 March 1996, and was stamped by the Stamp Duties Office, Victoria on 3 September 1991.

Councillor Douglass's entitlement depends on his being, and continuing to be, an occupier within the municipal district. Evidence of that occupation is adduced from lease documentation which, from dates on the documents themselves, appears to indicate continuous occupation of relevant premises by Councillor Douglass. The first lease runs up to 17 March 1991 and the second lease overlaps it by starting from 1 March 1991.

However there are unusual circumstances drawn out by the municipal clerk's routine checking of candidates' entitlements for the August 1991 Council elections. The evidence produced by Councillor Douglass in answer to Mr Burton's request in July 1991 was the "Exercise of Lease Option" document and not the second lease which had presumably been in operation since 1 March 1991. The option document refers to the original area of the Council's lease: the second lease to half that area.

One interpretation of these circumstances is that the second lease was not in fact in existence until much closer to the date on which it was stamped in the Stamp Duties Office in Melbourne on 8 October 1991.

If this were so, and the purported exercise of the option in the first lease was not communicated to the lessor by 17 March 1991, there is a possible lack of continuity in Councillor Douglass's occupier status. If Councillor Douglass was not an occupier within the City of Bendigo on entitlement date (1 May 1991), or at any time thereafter, he may have jeopardised his eligibility for office as a Councillor. The Act provides a procedure for a Councillor to cure any defect in his qualification but there is no indication that Councillor Douglass used this procedure.

Given the complexity of Councillor Douglass's lease arrangements, and the possibility of discontinuity in his tenure, the following questions arise:

- a) was Councillor Douglass entitled to be enrolled on the voter's roll for the City of Bendigo?
- b) was Councillor Douglass qualified to be a candidate for Council?
- c) did Councillor Douglass cease to be qualified to continue in office as a Councillor? and

- d) did Councillor Douglass cure any defect in his qualification within the time and by the means allowed by the Act so that he might continue in office as Councillor?

Advice from the Government Solicitor has indicated that more evidence is required to form an opinion on this matter.

(b) **Alleged Breach of Confidence**

In May 1991 the Chief Executive Officer informed a Committee of the Whole Council of highly sensitive information concerning lease arrangements for the Department of Agriculture's relocation of operations to Bendigo. The meeting was also given information on the lease arrangements involving another Government Department. Apparently it was stressed to the meeting that the information was provided to the Committee in the strictest of confidence and that any leak might jeopardise either proposal. The investigating officer was told that the Mayor sought Councillors' agreement not to divulge the information, but the minutes of the meeting do not record this.

The next day at a luncheon the Mayor discussed the information with a local businessman and another person from Sydney, and later that same day also discussed the matter with Bill O'Neil, Executive Officer for the Bendigo Regional Development Board. Mr O'Neil, who had been aware of the arrangements, rang the Chief Executive Officer to express concern over the Mayor's perceived breach of confidence.

Councillor Douglass maintains it was his job to promote Bendigo, and that the purpose of discussing the matter was to try to promote the taking up of additional office accommodation by Government Departments in the City of Bendigo.

Councillor Douglass did not have any additional authority as Mayor to publicly discuss confidential information provided to Councillors, and his actions could well have compromised the Council or run the risk of possible legal action had the release of information proved detrimental to the negotiations.

However, there is no evidence that Cr Douglas made improper use of any of the information for direct or indirect pecuniary gain. The Victorian Government Solicitor has advised that there is no evidence of an offence.

(c) **Undisclosed Interests**

[Charges have been laid in relation to alleged breaches of sections 81(8), 81(7)(2) and 81(7)(b) of the Local Government Act 1989.]

(d) **Proposed Bendigo-Baucau Sister City Relationships**

Some years ago Council established the Bendigo Sister Cities Community Committee, to consider applications for Sister City status. The group is made up of community groups involved in the arts and tourism, two former Councillors (Staltz and Curry) and one member from each of the Indonesia, Chinese and German Associations. When a proposal is received by the Council, the request is normally forwarded to the Bendigo Sister Cities Community Committee for comment. The Committee then seeks the view of the appropriate community groups before making its recommendation.

Councillor Douglass together with Mr Doug Cahill and Mr Dick Sandner visited Baucau in East Timor in the latter part of 1989. Following that visit, Councillor Douglass asked in February 1990 that a report be prepared for the Council promoting a Sister City link with Baucau. The report went to the Committee of the Whole Council on 19 February with a recommendation that:

1. In principle, Council supports the forming of Sister City ties with Baucau.
2. The Bendigo Sister Cities Community Committee be asked to comment on the proposal.

The recommendations were adopted. The Mayor was informed at that time that the Bendigo Sister Cities Community Committee would obtain the view of the appropriate community group. At this point the Mayor stated that he was part of a community group and nominated the following to be on that group Doug Cahill, Bernard O'Shannessy, Peter Morley (former Mayor) and himself. The Mayor also stated that the view of the group would be sufficient on this occasion. The Mayor wrote to all Bendigo region Rotary Clubs introducing Mr O'Shannessy as a member of the Investigative Committee known as the Sister City Sub-Committee for Baucau, and sought the support of the clubs for the relationship with Baucau.

When the Bendigo Indonesian Association became aware that Baucau had been recommended they strongly opposed the plan arguing that, in view of the continuing conflict and suffering in East Timor, arrangements like this were inappropriate and could only be interpreted in Indonesia's favour. Following the Dili massacre (which is close to Baucau), Council scrapped the proposal in favour of the City of Malang in East Java.

The allegation was made that Cr Douglass chose to ignore the Bendigo Indonesian community in favour of a self-appointed group of business people because he and that business group were seeking to exploit business opportunities in Baucau.

The Victorian Government Solicitor has advised:

"In my view there is no evidence at all to support any suggestion of pecuniary interest"

It is considered that the processes used by the Council to assess sister city proposals is a matter for it to determine.

(e) **Impartiality of Chairman**

It was put to the Municipal Inspector that Cr Douglass did not conduct Council meetings in an impartial matter because he:

- refused to take motions from certain Councillors and closed meetings. The Special Meeting of 5 March 1992 was cited as an example; and
- joined in debate while being in the chair. By way of example, at the Special Meeting of Council held on the 5 March 1992 Councillor Douglass, who was Chairman, had moved, or seconded motions and actively debated both for and against particular motions.

In the Victorian Council Meeting Handbook, Kenneth H Gifford Q.C. states:

"...the Chairman must at all times retain control of his meeting. Control can only be maintained effectively if the Chairman is impartial: the Chairman who joins in the hurly burly of the debate forsakes the strength of his position, and loss of control of the meeting is not an unlikely result. For the Chairman to remain impartial is desirable upon practical grounds, and it is also his legal duty:

'It is, of course, his duty to take care that the business... is conducted in a proper manner, but he must be equally careful in his capacity of Chairman to conduct himself 'impartially' Arcus v Castle (1954) N.Z.L.R. 122, at page 129".

It is also the case that a chairperson of a meeting is not empowered to terminate a meeting at his or her own will. In the instance of 5 March 1992 meeting cited above, if the councillors present believed the decision to close the meeting to be against the will of the meeting, it is arguable that the remaining councillors could have immediately appointed a substitute chairperson and continued with the business for which the meeting was convened so long as a quorum remained present. In addition, if a councillor believed that the chair had acted incorrectly, it is possible that a court might declare the meeting invalid if some person were to take legal action.

From the minutes of the meeting in question, the meeting was attended by the Mayor and eight councillors. If, as claimed, only three councillors were opposed to the closure of the meeting it seems likely that the other five councillors supported the Mayor's action and thus the termination could have been with the consent of the majority.

As to the matter of impartiality, it is without doubt undesirable that the Chairperson take part in moving and debating motions, which clearly indicates partiality, but courts have been reluctant to overturn a chairperson's decision.

The fact that the Mayor moved and debated motions does not itself involve a breach of the law, although it could in some circumstances give rise to a civil action.

These matters of meeting procedure are for the Council to resolve perhaps through an appropriate Local Law on meeting procedures.

3. CLAIM THAT THE COUNCIL ACTED ULTRA VIRES

It was alleged that at a Special Meeting held on 28 February 1993, the Council acted ultra vires in passing a resolution which was not consistent with the reason given in the notice calling the meeting.

At the request of the Mayor Councillor Douglass, a special meeting was called for Friday 28 February 1992 for the following:

"To discuss and review the performance of the Chief Executive Officer".

However, the Council meeting did not review or discuss the performance of the Chief Executive Officer per se, but instead passed the following resolution:

"That the Mayor be empowered to seek independent legal advice over concerns that some Councillors have in relation to the performance of the Chief Executive Officer and Town Clerk."

The Chairman elected to proceed with the motion after being advised by the Chief Executive Officer that the motion was ultra vires, in that it was not within the scope of the purposes for which the meeting had been convened, that is that proceeding with the motion would be beyond powers as set out in section 84 of the Local Government Act 1989.

With the business of the meeting as set out in the meeting notice, it does not seem unreasonable for the Council to resolve to seek legal advice in relation to the performance of the Chief Executive Officer.

The Victorian Government Solicitor has advised that:

"I am not convinced that such a resolution would be so far removed from the business described in the notice, that it would be held to be not relevant to that business".

4. PECUNIARY INTERESTS OF COUNCILLORS

The Council requested the Minister to examine whether councillors of Bendigo declared all relevant pecuniary interests in matters before the Council.

The investigation of the actions of councillors for the purpose of this aspect was done by an examination of the Returns of Interests lodged by councillors, their Disclosures of Pecuniary Interest, and the minutes of Council and Committee Meetings.

A declaration is generally made by a councillor at the commencement of the meeting and then again when the item of business in which he or she has an interest is raised. The nature of a councillor's interest in the matter is recorded in the minutes. The investigating officer's examination did not identify any failure of a councillor to observe his or her legal obligations.

However, the attention of the investigating officer was drawn to legal advice from Maddock, Lonie and Chisholm, (which the Chief Executive Officer had obtained in respect of a notice of motion to be put to a special meeting of Council on 5 March 1992) that inter alia:

"If the intention of the resolution is that the Mayor is to seek legal advice for the Council, ie. the body corporate, then the question of pecuniary interest may not arise. If the Mayor is being empowered to seek advice for those Councillors that have concerns, then it appears that both the Mayor and those Councillors would have a pecuniary interest in the proposed resolution in that they would not personally be liable to pay for the obtaining of legal advice in respect of a matter in which they have the concerns."

The wording of the motion as amended makes clear that the advice being sought was on behalf of the whole Council. The question is however, of the effect of the original motion which although not voted on was moved and seconded.

This matter was referred to the Victorian Government Solicitor who advised that:

"Under section 79(3) of the Local Government Act, it is an offence to move or second a motion in regard to a matter in which the councillor has a pecuniary interest....In my opinion a prosecution on this basis could not succeed and should not be commenced."

5. RETURNS OF INTEREST

Section 81 (2) of the Local Government Act 1989 requires that a primary return must be submitted within 30 days of making a declaration as Councillor or becoming a member of a special committee. Sub-section (4) provides that where Council nominates officers they must submit a return within 30 days of the resolution or within 30 days of their appointment to Council. Sub-section (5) provides that within 30 days of the 30 June a Councillor, member of a special committee or nominated officer must submit an ordinary return.

The lodgement of returns for the nine (9) Councillors elected or re-elected in August 1991 and eight (8) nominated officers were examined and the results of the dates of lodgement are summarised in the Appendix. An examination of the Council's file indicates that all councillors were advised each year that their ordinary return was due within 30 days of the 30 June.

On one or more occasions Councillors Douglass, Fyffe, Johnson, Murphy and Neiwand failed to lodge their return within the prescribed time. In 1986 Councillor Fyffe did not lodge a return at all, and in 1989 Councillor Douglass lodged his return prior to the 30 June, rather than after 30 June.

All eight nominated officers failed on one or more occasions to lodge their return by the prescribed time, and in 1989 Mr Stewart lodged his return prior to the 30 June.

The absence of a record of the date of lodgement of the return with the municipal clerk has been of some concern in this investigation, especially where the date of lodgement is of paramount importance in complying with the statutory requirements. However, assuming that the returns were lodged on or after the dates on which they were signed, as indicated by the dates shown on the returns, it is clear that those lodged outside time have been lodged in breach of section 81(5). Some of these are a few days late, others by longer periods.

The Victorian Government Solicitor has advised:

"Assuming the dates can be relied upon, it is clear that those lodged outside time have been lodged in breach of s. 81(5). Some of these are a few days late, others by longer periods. What is a significant period of lateness is a matter for judgement.

It should be noted that s. 26(4) of the Magistrates' Court Act 1989 provides that any action should be commenced not later than 12 months after the offence has been committed, except where otherwise provides. Section 232(2) of the Local Government Act 1989 (as from 8 May 1990) provides that proceedings for a summary offence may be commenced within three years after the commencement of the alleged offence."

The following are a number of the longer periods:

Cr Douglass 1991 - 60 days late

Mr Burton 1988 - 44 days late (but this offence probably out of time)

Mr Cameron 1990 - 51 days late

Mr Spence 1988 - 73 days late (out of time)

Mr Stewart 1990 - 33 days late

In the circumstances, it is recommended that no charges be laid with respect to the late lodgement of returns, but that each councillor and nominated officer be reminded of their obligations under the Act to lodge full, accurate Returns of Interest each year.

Appendix No. 1

Name of Councillor	Date of Lodgement of Primary Return	Date of Lodgement of Ordinary Return	Note
Cr. A.J. Balsillie	27 August 1991	N/A	
Cr. A.J. Douglass	5 September 1988	11 May 1989 13 August 1990 7 October 1991	B.D.D. Late
Cr. R.J. Fyffe	6 February 1984	22 August 1985 No Return 1986 10 August 1987 24 August 1988 20 July 1989 29 August 1990 12 August 1991	Late Late Late Late Late
Cr. L.J. Geri	3 April 1991	N/A	
Cr. D.J. Johnson	26 October 1989	6 August 1990 12 August 1991	Late Late
Cr. H.A. Long	29 August 1991	N/A	
Cr. D.M. Mulqueen	3 September 1991	N/A	
Cr. D.J. Murphy	26 August 1990	18 August 1991	Late
Cr. P.J. Neiwand	22 August 1990	12 August 1991	Late

Name of Councillor	Date of Lodgement of Primary Return	Date of Lodgement of Ordinary Return	Note	
Nominated Officers				
Mr R.J. Burton	7 April	1988		
			14 September 1988	Late
			7 July 1989	
			31 July 1990	
			12 August 1991	Late
Mr N.B. Cameron	6 April	1988		
			12 July 1989	
			21 September 1990	Late
			12 August 1991	Late
Mr C.C.Campbell	7 April	1988		
			19 August 1988	Late
			7 July 1989	
			30 July 1990	
			14 August 1991	Late
Mr R.P.Flavell	20 April	1988		
			No Return 1988	
			20 July 1989	
			31 July 1990	
			14 August 1991	Late
Mr G.N. Maguire	21 November	1989		
			30 July 1990	
			26 August 1991	Late
Mr G.D. Spence	26 April	1988		
			12 October 1988	Late
			10 July 1989	
			21 August 1990	Late
			12 August 1991	Late
Mr D.J. Stewart	Undated	1988		
			14 July 1988	
			10 April 1989	B.D.D.
			2 September 1990	Late
			30 August 1991	Late

Name of Councillor	Date of Lodgement of Primary Return	Date of Lodgement of Ordinary Return	Note
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Nominated Officers

Mr C.A. Wood	15 February 1989		
		11 July 1989	
		31 July 1990	
		12 August 1991	Late

Note

N/A - Not Applicable

Late - Received after due date

B.D.D - Received before due date

**INVESTIGATION
INTO
CAMBERWELL
CITY
COUNCIL**

OFFICE OF LOCAL GOVERNMENT
DEPARTMENT OF PLANNING AND DEVELOPMENT
MAY 1993

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Ordered by the Legislative Council to be printed

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EXECUTIVE SUMMARY

On 6 July 1992 the former Minister for Ethnic, Municipal and Community Affairs announced an investigation into various aspects of the administration of the City of Camberwell. This followed representations from many sources, but mainly from twenty two former councillors, and separately from five sitting councillors.

The matters to receive attention were summarised as:

- Administration/Management, including the effectiveness of corporate management, whether salary increases for senior executive officers were duly authorised, and alleged excesses in spending under various headings in the administration area.
- Industrial relations and personnel matters, particularly as a result of claims of the termination of the employment of a number of middle management officers.
- Allegations of breaches by councillors of the pecuniary interest requirements of the Local Government Act.

Pending the conclusion of Supreme Court action, the Podgor Camberwell Junction proposal and issues surrounding the Council's actions were put to one side.

The investigation into the Camberwell City Council has documented significant deficiencies in its administration and identified some practices which may have been in breach of the Local Government Act. The Victorian Government Solicitor has provided guidance in this regard and has indicated where he believes sufficient evidence is available to lay charges.

The findings of the Investigation are that:

- the Council allowed and did not take steps to correct certain failings in the administration of the City. Corporate management was less than fully effective because of personal conflicts and conflicts over the responsibilities of the Chief Executive Officer and the four Directors;
- the Council also appears to have failed to develop policies and to exercise due diligence in the following aspects:
 - apparently non-specific reserve funds were created (some \$1.75m as at 30 September 1991), the legality of which is open to question;

- there were significant increases in administrative costs with an increase of 76.6% between 1988 and 1991 when total expenditure of the Council increased only by 35%;
- Mayoral and Chief Executive Officer expense accounts were provided without clear guidelines for their appropriate use;
- the initial salaries of the senior executive staff were not authorised in a definitive manner. These concerns are heightened by the Council's action in retrospectively approving these salaries and subsequent increases; and
- there was a lack of performance appraisal of the Chief Executive Officer and the four Directors and no clear and agreed basis for the approval of the salary increments.

In addition, the Council and its corporate management pursued questionable personnel management practices and industrial relations as demonstrated by:

- the apparent anxiety, mistrust and divided loyalties at middle management levels which permeated through the whole administration in 1992;
- the unfair dismissal case brought by a former employee and the Industrial Relations Commission's criticism of the actions of senior Council staff on this matter;
- the circumstances surrounding the proposed transfer of an officer following pressure from a Councillor over action taken by that officer in performing his duties; and
- the declaring of positions as redundant in questionable circumstances, as an inducement for resignations, and the changing of Council records and advice to the Local Authorities Superannuation Board. The Sharpley case is notable.

It is recommended that the report should be referred to the Council for its advice before any further action is considered by the Minister for Local Government. Particular attention should be drawn to the deficiencies identified in the report and the advice of the Victorian Government Solicitor.

Former Mayors, Mr McCloskey and Cr Beattie have been requested to demonstrate that all the Mayoral expenses incurred by them were necessary in undertaking their duties. Should they fail to so demonstrate, consideration should be given to surcharging them under S232 of the Local Government Act.

Charges have been brought against Cr Beth Lee for pecuniary interest breaches of the Local Government Act.

INVESTIGATION INTO CAMBERWELL CITY COUNCIL

1. BACKGROUND

On 6 July 1992 the former Minister for Ethnic, Municipal and Community Affairs announced an investigation into various aspects of the administration of the City of Camberwell. This followed representations from many sources, but mainly from twenty two former councillors, and separately from five sitting councillors.

The matters to receive attention were summarised as:

- Administration/Management, including the effectiveness of corporate management, whether salary increases for senior executive officers were duly authorised, and alleged excesses in spending under various headings in the administration area.
- Industrial relations and personnel matters, particularly as a result of claims of the termination of the employment of a number of middle management officers.
- Allegations of breaches by councillors of the pecuniary interest requirements of the Local Government Act.

Pending the conclusion of Supreme Court action, the Podgor Camberwell Junction proposal and issues surrounding the Council's actions were to be put to one side.

During the course of the investigation, the Council's Chief Executive Officer, Mr Brian Jones died unexpectedly. His death meant that certain matters could not be pursued although overall the investigation was not unduly affected.

The Inspector of Municipal Administration undertaking this investigation has reported on the evidence that he has gathered. This material was referred to the Victorian Government Solicitor (VGS) for advice in accordance with the normal practice of the Office of Local Government.

The VGS's advice has now been received and the evidence assembled by the Inspector has been reviewed in the light of this advice. This report is the outcome of that review.

2. MAJOR FINDINGS

The evidence indicates that, during the period leading up to and following the resignation of the five councillors in early 1989, the Council allowed and did not take steps to correct certain failings in the administration of the City. Corporate management was less than fully effective because of personal conflicts and conflicts over the responsibilities of the Chief Executive Officer and the four Directors; the Management Review Working Group comprising the Mayor, two Councillors, the Chief Executive Officer and the Director of Finance and Administration, appears to have become a forum for examining matters outside its charter, including media relations, a review of the Camberwell Planning Scheme and the consideration of extensions to contracts of senior officers; and there developed certain practices which led to a considerable increase in the legal costs of the Council.

The Council also appears to have failed to develop policies and to exercise due diligence in the following aspects:

- apparently non-specific reserve funds were created (some \$1.75m as at 30 September 1991), the legality of which is open to question;
- there were significant increases in administrative costs with an increase of 76.6% between 1988 and 1991 when total expenditure of the Council increased only by 35%;
- Mayoral and Chief Executive Officer expense accounts were provided without clear guidelines for their appropriate use;
- the initial salaries of the senior executive staff were not authorised in a definitive manner. These concerns are heightened by the Council's action in retrospectively approving these salaries and subsequent increases; and
- there was a lack of performance appraisal of the Chief Executive Officer and the four Directors and no clear and agreed basis for the approval of the salary increments.

In addition, the Council and its corporate management pursued questionable personnel management practices and industrial relations as demonstrated by:

- the apparent anxiety, mistrust and divided loyalties at middle management levels which permeated through the whole administration in 1992;

- the unfair dismissal case brought by a former employee (J Hollister) and the Industrial Relations Commission's criticism of the actions of senior Council staff on this matter;
- the circumstances surrounding the proposed transfer of an officer following pressure from a Councillor over action taken by that officer in performing his duties; and
- the declaring of positions as redundant in questionable circumstances, as an inducement for resignations, and the changing of Council records and advice to the Local Authorities Superannuation Board. The Sharpley case is notable.

A number of allegations were made regarding possible pecuniary interest breaches by past and current councillors and a senior officer. There would appear, however, to be sufficient evidence to warrant further action in relation to only one case.

Ten matters were referred to the Victorian Government Solicitor for consideration. The detailed advice on these matters from the Victorian Government Solicitor is found in Section 4.

Although the Podgor Development was excluded from the investigation because of the legal action underway, the Council's handling of this matter is also cause for concern and cannot be ignored. Justice Teague in his judgement was critical of the Council over:

- the apparent influence of an outside body, Planning Watch, and the actions of certain councillors in divulging confidential Council decisions to that group;
- its attempt to mislead the Minister for Local Government regarding the Council's intentions and to give misleading responses regarding the directions of the Minister; and
- the behaviour of certain councillors and Council officers which would lead a reasonable person to conclude that the Council did not intend to meet its undertakings.

It should be noted, however, that the membership of the Council is now very different to that criticised by Justice Teague. The five councillors of whom he was most damning are no longer on the Council. In addition, the investigation has found no evidence of the Planning Watch group retaining undue influence over the current Council.

3. IMPLEMENTATION

The following actions should be undertaken as a result of the Investigation:

- (i) The Council be advised of the outcome of the investigation and be requested to provide a response to the Minister to the matters raised during the investigation.

The following matters should be drawn to the attention of the Council:

- a review of the administration and the steps necessary to appoint a new CEO and put in place new management arrangements should be undertaken as soon as possible;
- the circumstances surrounding the retrenchment of Mrs W. Sharpley are most unsatisfactory and there seems little doubt that what was intended was subterfuge. Whilst no legal action will be taken, the Council should examine its procedures in such personnel matters;
- the salary increase to the CEO purported authorised by the Mayor in March 1989 was at that time without power, and the back dating of salary increases to the CEO and Directors to 17 July 1989 were not authorised by the Council. All Councillors must take responsibility for ensuring that proper controls are in place;
- the payment to the CEO of the unexpended balance of the 1990/91 civic expenses budget allocation was illegal. The Council must examine its system of internal control and put in place the necessary procedures;
- the Mayoral Expenses system used in 1990/91 and 1991/92 was most unsatisfactory. The system at Camberwell which allowed uncontrolled expenditure by the Mayor without approval by anyone is contrary to the interests of the ratepayers;
- it seems likely that the expenditure on the 1992 Camberwell Eisteddfod was illegal and that although little can be done now to remedy that situation, the Council must ensure in the future that:

- all Councillors are aware that expenditure not in the approved budget can only be made during the year in the case of an emergency or with a duly approved revised Council budget; and
- minute keeping needs to be made more precise;
- the creation of non-specific reserve funds is illegal and any amounts still held in these reserves must be returned to the Municipal Fund;

In addition:

- (i) charges have been brought against Cr Beth Lee for pecuniary interest breaches of the Act;
- (ii) former Mayors McCloskey and Beattie have been requested to demonstrate that all the Mayoral expenses incurred by them were necessary in undertaking their duties. Should they fail to so demonstrate, consideration will be given to surcharging them;
- (iii) all the Councillors and senior officers should be reminded of their obligations under the Local Government Act regarding the lodgement of Interest Returns on time each year. No further action will be taken regarding the late returns of interest or the failure by the senior officers to lodge returns in 1991; and
- (iv) no further action be taken regarding the allegations against Mr W. Hewson as these were not able to be substantiated.

4. **ADVICE FROM THE VICTORIAN GOVERNMENT SOLICITOR**

The Victorian Government Solicitor has provided advice on ten specific matters in which there may have been breaches of the Local Government Act or other legislation. These matters and the VGS's advice are summarised as follows:

i) **The Sharpley Redundancy Case**

Mrs W. Sharpley was employed as Manager of the Balwyn Community Centre. She left the Council's employment formally in September 1991. It is unclear whether she left because of dismissal, retrenchment or resignation. There were two notices headed "Employment Change Form", both signed by Mr Tony McIlroy, Director of Finance and Administration and sent to the Local Authorities Superannuation Board (L.A.S.B.). One notice dated 10 September 1991 shows the reason for termination of employment as "resignation" whilst that on 18 September 1991 shows "retrenchment".

The Municipal Inspector interviewed Councillor Ingvarson (who moved the relevant motion at a Special Committee of Council on 9 September 1991), Mr McIlroy and Mr John Cleary, Director of Community Services. The explanation given of the confusion over the action taken was that McIlroy and Cleary disagreed as to what was resolved at the Special Committee but ultimately McIlroy's view prevailed and became the record.

The Government Solicitor has commented that:

"There seems that no doubt that the position itself was not "redundant", as Council on the same night and in the same resolution of 9 September 1991 in resolving that the position was redundant, immediately resolved that the position be filled by temporary appointment for 12 months..... On the face of it it would seem that the position was not redundant by way of being superfluous because indeed it still exists. It appears that the position was not superfluous; and it was merely desired to get rid of Sharpley."

He goes on to say:

"When the facts are reviewed there seems little doubt that what was intended was subterfuge - albeit unnecessary:

- The position was not redundant;

- At the direction of the CEO Sharpley was visited by Cleary to demand her resignation, offering to have it treated as a redundancy;
- Sharpley resigned - the paymaster created the first advice to L.A.S.B. correctly quoting resignation as the reason. There was "confusion" over what the Special Committee resolved with McIlroy's view prevailing. The Minutes (now confirmed) record redundancy of the position.
- McIlroy then sent an amended advice to the L.A.S.B. informing them that there had been a redundancy.

One might speculate as to why the CEO chose to force a resignation yet treat it as a redundancy, when the same result (as far as payment from the L.A.S.B.) would have been achieved by retrenching the officer. Whatever the reason the following applies:

- (a) Sharpley resigned (was not retrenched);
- (b) the resignation could be characterised under s. 3(b) of the L.A.S.B. Act as a voluntary termination by an employee which in the opinion of the Board is effected in anticipation of compulsory termination as referred in to s. 3(c). This of course would have required the Board to form an opinion, thus from the CEO's view, running the risk of the Board refusing to treat the resignation as a retrenchment.
- (c) On the facts, from the officer's point of view there is no doubt she was retrenched and the correct payment was received. Any result which caused the officer to be required to repay the amount would be unjust - if any repayment is required it should be by the Council. It seems however, that no action has been taken by the Board to recover, and in the end, in my opinion, Sharpley received the correct payout. From a strictly legal view Council has behaved incorrectly and the CEO has involved Council in a subterfuge."

In relation to the Sharpley case the Government Solicitor has advised that:

"No legal action is recommended as it seems that the CEO has achieved the correct result by the wrong track. Sharpley was in fact retrenched by means of being forced to resign. She was however, clearly retrenched and a resolution to that effect would have achieved the same result as a payout from the Board."

(ii) **The Authorisation of the Salaries of Senior Officers**

There are three distinct aspects of this matter which arise from the material provided to the Inspector and the further evidence that he collected:

- (1) Whether the starting salary of the contracts of service for the CEO and the four Directors were to be paid from 17 July 1989 or from 1 January 1990;
- (2) Following on from this whether the National Wage Increase and over-award payment to officers which came into operation in the period between those dates should have been added to the commencing salary of 1 January 1990; and
- (3) The question of the annual 5% increments to the officers based on performance under the contracts, how they were to be assessed and by whom.

Negotiations concerning these employment contracts appear to have extended over much of 1989. The matter arose at a meeting of the Council on 17 July 1989 when it resolved:

"That the contracts be agreed to in principle and be subject to finalisation of detail by the Review Working Group and that the Review Working Group be authorised to take appropriate action to finalise the contracts."

Although the Review Working Group did not meet between 10 July 1989 and 24 January 1990 (according to its Minutes) the contracts were entered into on the authority of a Council resolution of 18 December 1989. These contracts provide for the employment of the five senior officers (the CEO and four Directors) for five years from 1 January 1990 at specified salary levels. The contracts provided for those salary levels to be increased in accordance with future national wage increases and any Local Government Administrative Officers Awards increases.

There is no reference in the contracts to Award increases prior to 1 January 1990 and, in the opinion of the VGS, such increases were not relevant to the senior officers' contract salaries at 1 January 1990. However, on 21 December 1989, the CEO sent a memo to the Personnel Manager stating, inter alia:

"Please find enclosed an extract of each of the new contracts for the above (i.e. the CEO and the four Directors).

I would be pleased if you could arrange for the adjustments to be made by cheque tomorrow it being noted that the new salary levels are applicable from 17 July 1989 and therefore will be the subject to a 3% escalation and of course the 6% over-award payments."

A further matter in relation to the CEO's salary also arose and is relevant to his contract starting salary. Mr Brian Jones commenced with the Council as CEO late in 1988 following a council resolution on 28 November 1988 that

"Mr Jones be offered a one year contract as CEO on terms and conditions to be negotiated by the Mayor..."

and that the salary negotiated was \$76,000 per annum. It is then found that on 30 March 1989 (some four months later) the Mayor (then Cr J Stanley) wrote to Mr Jones confirming that his base salary was increased to \$79,916 from 20 March 1989. No authority whatsoever for this action appears in Council documents. The council had authorised the Mayor to negotiate a one year contract, which was done. There is an unexplained increase of \$3,916 per annum for which there is neither authorisation by the Council nor a report to it until the ratification of increases in May 1992. The VGS considers that at that time (i.e. 30 March 1989) the salary increase to the CEO granted by the Mayor was without power.

The Government Solicitor has advised that in his opinion there is nothing in the contracts to support the view that:

- (a) the salaries were to be backdated to 17/7/89; or
- (b) that the 3% and 6% increases were to be applied to them.

In relation to the CEO's salary, the VGS has commented:

"The CEO was appointed by resolution of Council on 28 November 1988 and the Mayor's letter of 8 December 1988 appears to set out the details of payment etc, (as no specific agreement other than this has been produced) at a salary of \$76,000 "to be reviewed annually". As described above this was increased by the Mayor on 30 March 1989 to \$79,916. In my view, either \$76,000 or at most \$79,916 should have been the salary of the CEO until some increase was approved by Council, until 1 January 1990 when the new agreement came into operation. Instead of this we see the 1.1.90 salary made retrospective to 17 July 1989, plus the increases of 3% and 6% respectively, on no other authority than the CEO's own instructions (to the Personnel Officer) to increase the CEO's salary.

Mr Jones appears to have formed the view that the Council meant to make the salary payable from 17/7/89 when the contract was "approved subject to finalisation of details".

"With respect I do not agree with Mr Jones' interpretation of the documents which in my view do not authorise payment of the 1.1.90 salary level from 17 July 1989 - indeed the agreement specifically refers only to events from 1.1.90, not from 17.7.89. Whatever may have been intended, it is clear that no retrospectivity is mentioned and the agreement refers to five years commencing from 1.1.90. It is therefore my view that the CEO was overpaid if his base salary was made retrospective to 17.7.89, as well as by the two increases based on that level, if they were paid. It may be argued that by its ratification resolution of May 1992, Council ratified all the past salary payments. This would indeed be so if Council had been fully informed of the facts but it is not clear that council was so informed. The resolution of Council on 11 May 1992 was -

"that Council affirm the variations to salary of executive officers paid from 17 July 1989, are authorised by Council, as detailed in the Government appointed Municipal Auditor's Report."

It is therefore necessary to examine the auditor's report which is an historical recitation of what was paid and starts with the proposition that the base salary at 17 July 1989 was \$89,500, which therefore does not address the question of whether that was the correct base salary at that time. If my view expressed above is correct, the CEO's base

salary at 17/7/89 was no more than \$79,916 (and perhaps \$76,500 - see my comments on Mayor's increase being beyond power) and the 3% and 6% increases were not relevant. Thus, it may be argued that the purported ratification of 11 May 1992 (which as regards some of the payments was approximately three years after the event) was not based on the correct facts and may therefore be ineffective."

The Government Solicitor continues:

"Be that as it may, as Mr Jones is now deceased it may not be desirable to endeavour to try to recover the overpayment. Although a reasonably significant overpayment of ratepayers' funds has occurred, the most important aspect is that the payment has been able to be made to the CEO on the order of the CEO, without the system providing any check and without the matter apparently being reported to Council. This should not be allowed to be repeated, representing a significant failure by Council to act to safeguard the ratepayers' funds. In my view, if there is to be a change in payments made to officers, especially senior officers and particularly the Chief Executive Officer, Council should be clearly informed and accorded the opportunity, as is its right, to know the details so that Councillors may voice their opinions. Indeed, in any matter of personal salary increase, professional ethics and sheer self protection would seem to call for the matter to be approved in advance by Council. That the system was such that these increases could go into operation without going to Council shows that proper safeguards to the ratepayers' funds did not exist."

On the question of the 5% annual increases based on performance, there are two memos from CEO to the Mayor:

23/11/90 - CEO to Mayor D McCloskey. "...I seek your concurrence in increasing the salaries of the Directors and myself by the agreed 5%, effective from 1 January 1991."

The signature of Cr McCloskey appears at the end of this document.

24/12/91 - CEO to Mayor L Beattie. "...I seek your concurrence to the proposed changes set out above and also seek to increase my salary by 5%, in accordance with the agreement, all increases to be effective from 1 January 1992."

This is signed at the bottom "approved Lorraine P Beattie 24/12/91".

On the face of these documents, the VGS considers that the performance of the group was not appraised, at least in any scientific way or by reference to achievement of any specified targets. Certainly, the memo of 1991 refers to an assessment of the Directors with the assistance of Mr Neale Percy, but no reference was made to how, if at all, the performance of the CEO was assessed.

In relation to this question of authorisation of senior officers' salaries, the Government Solicitor recommends that:

"Despite the opinions set out above, no legal action for recovery is recommended. Some of the events are now some years old and as against the costs in time and legal effort involved the amounts are not significant. What is required, in my opinion, is that this Council be made to understand that Councillors have a responsibility, that appropriate systems be instituted to allow proper internal controls to safeguard the funds of the ratepayers so that it cannot happen again. Further, these requirements need to be made manifest to all Councils and it is highly desirable that the current Local Government Act and its regulations be closely examined to see that proper controls are required by the law.

It also appears that neither the Civic Allowance or Civic Expense "bonus" appears on Mr Jones' tax group certificate. It would be appropriate to have the tax records examined to ascertain if correct records are maintained for all officers. It would seem that Mr Jones' income was understated. It may be of course that he declared the additional income in his income tax return, but if he did not, the position would exist that the Commonwealth was deprived of revenue by incorrect records for which the beneficiary was responsible."

(iii) **CEO Civic Allowance and Civic Expenses**

The contract with the former CEO, Mr Jones, provided for the payment of a civic allowance of \$6,000 per annum, indexed annually. This is not an unusual provision in Local Government.

The 1990/91 and 1991/92 Council budgets contain an additional provision in the CEO's program for Civic Expenses.

It is important to distinguish between the two - "Civic Allowance" is an amount akin to salary but paid in recognition of particular demands of the job. "Civic Expense" is a budget provision for payment of expenses actually incurred, and if applied to legitimate expenditure could hardly be questioned.

However, following the closure of the 1990/91 financial year, an amount of \$1724.42, described as the unspent balance of the allocation for that year of the CEO Civic Expenses budget, was paid to the CEO. In the opinion of the VGS, there was no power whatsoever for it to be paid to the CEO. The reporting of the payment to Finance Committee on 9 December 1991 and to the Council 16 December 1991 did not contain, in the view of the VGS, sufficient information to allow a Councillor to know the details.

On this matter, the Government Solicitor has advised that:

"In view of the above I regard this item of expenditure as improper and if the CEO was alive I would recommend that he should be surcharged under s. 133 and 134 of the Local Government Act.

However, it would difficult if not impossible to apply s. 133 to the Estate of the deceased officer, for the provisions of the s. 133 (2) which require the person to show cause why he should not be surcharged, clearly could not be met. The legal representative of the Estate of the person could respond by saying that the information could not be provided. It is perhaps possible that an amount wrongly paid could be recovered from the Estate by other legal action, but such a course would not be easy and would seem undesirable from a public policy aspect, particularly for a relatively small sum. Nonetheless the payment can be seen as no more than an extra salary or bonus but not thus named in the accounts of payment. I believe that the Council should be advised that such payments are considered illegal and that all other councils and Auditors should be advised of the principle involved.

A matter of further and perhaps more serious concern raised by the transaction is that of the principle involved. The system of internal control employed should be such as to highlight such payments. If the CEO is in a position to organise payments to himself without specific examination by Council, the system is deficient and must raise the question of how may such payments could be possible. In my opinion the system of internal control needs to be closely examined."

(iv) **Mayoral Allowance and Expenses**

In 1990/91, the Council introduced a revised Mayoral expenses system whereby the Mayor and his or her spouse were provided with Mastercard credit cards for purchases of a personal nature caused by holding the office of Mayor. On the evidence given at interview by the 1991/92 Mayor, Cr Lorraine Beattie, few if any guidelines were given for spending on the Mayoral expense account cards.

The Mayoral expense account was in addition to the Mayoral allowance paid direct to the Mayor. For the years 1990/91 and 1991/92, when the system in question operated, the Mayoral expenditure was as follows:

	1990/91	1991/92
Mayoral Allowance	\$15,000	\$16,200
Mayoral Expense Cards:		
Mayor	\$ 8,008	\$17,952
Spouse	\$ 7,447	\$140
Other expenditure against Mayoral expense account	\$17,276	\$14,748
Total Mayoral expenditure	<u>\$47,731</u>	<u>\$49,040</u>

The Local Government Act provides for a council to fix an allowance (not exceeding \$100,000) to be paid direct to the Mayor and to reimburse expenses "...for necessary out of-pocket expenses incurred while performing duties as a Councillor..." The Camberwell practice of paying an allowance to the Mayor plus providing an expense account is therefore in accordance with the Act.

However, there are two aspects of concern regarding the Mayoral Expenses system used by Camberwell in 1990/91 and 1991/92:

- (1) the practice of direct debiting from the Council's bank account to cover the monthly Mastercard accounts thereby circumventing scrutiny by the Council as a whole; and
- (2) the nature of some of the items charged to the Mastercards by the card holders.

To be reimbursed for expenses, they must have been "incurred while performing duties as a Councillor." It is therefore necessary that there be a clear and close nexus between the expense and the duty. It cannot in any way be seen as a licence for a councillor or a Mayor to charge against a council any expense remotely connected with their office. The expense must be a necessary out-of-pocket expense.

The Victorian Government Solicitor also considers that "...it is clearly necessary that the judgement of Council be applied to determining whether the expense is necessary." During 1990/91 and 1991/92 this did not occur at Camberwell. Rather the payments of the Mastercard accounts were done by direct debit of the Council's bank account without any authorisation or scrutiny by the Council. The only form of internal check was that Mr McIlroy on receipt of the monthly statement handed it to the Mayor who signed it by way of approval. Apparently, no proof of the nature of the expenses was provided other than the meagre outline provided in the Mastercard statement. The Mayors were not required to supply, nor apparently provided, any explanation of the nature of the items and in what way they were "necessary out-of-pocket expenses incurred performing duties as a Councillor."

The Government Solicitor has commented that:

"To the extent that the system in use at Camberwell allowed the Mayor to incur expenses and have them paid without demonstrating that they were necessary out-of-pocket expenses is completely unsatisfactory."

This lack of documentation explaining the expenses and the lack of scrutiny by the Council raises the question of accountability. The Mastercard statements provide little detail of the expense items and, in the view of the Government Solicitor, without a more detailed explanation it is not possible to conclude definitively that the items were legitimate expenses. The Mastercard transactions of Mayors McCloskey (1990/91) and Beattie (1991/92) and their spouses are summarised in Attachment of this report. Mayor Beattie did provide some explanation of the nature of the items shown on the statements of her year to the Municipal Inspector who conducted the investigation.

There may well be a satisfactory explanation as to why the expenses of Mayors McCloskey and Beattie were necessary in performing their duties, but on the face of it some doubts must be entertained.

In summary, in examining the system applied in 1990/91 and 1991/92, the Victorian Government Solicitor has advised that:

- "1. Method of dealing with payment of Mayoral expenses was entirely unsatisfactory and provided no safeguard for ratepayers' funds. Approval of Mayoral expenses by the Mayor is outrageous.
2. Consideration of the details of the items of Mayoral expenditure paid for by Council raises questions which require explanation.
3. In view of the above it would be open to the Director-General for Local Government to consider if any expenditure has been occurred in contravention of any Act or Regulation and if he so considers, to recommend to the Minister that Cr Beattie be surcharged under s. 133 of the Act. Under subsection (2) the Minister may by notice in writing require the Councillor to show cause why he/she not be surcharged. This would have the effect of allowing the Councillor to state the reasons why he/she incurred the expenditure and to allow the Minister to decide if the reasons are satisfactory. If not satisfactory the Minister may by notice in writing impose a surcharge which may be the subject of appeal to the Administrative Appeals Tribunal."

The Director of the Office of Local Government has written to Mr McCloskey and Cr Beattie requesting that an explanation of expenditure incurred under both the Mayoral Allowance and Mayoral Expenses account be provided, before there is consideration by the Minister for Local Government on whether surcharging should occur.

(v) **1992 Camberwell Eisteddfod**

During the investigation, it was claimed by certain parties that the funding of the 1992 Camberwell Eisteddfod was not authorised by the Council.

The course of events seems to be as follows:

- at the meeting of 16 December 1991 after a "Mayoral minute" which proposed the re-establishment of the Camberwell Eisteddfod, it was resolved that the Council appoint an advisory committee;

- At a Council Committee meeting on 24 February 1992, an officer's report requesting an allocation of funding of \$30,000 was considered. That report set out a proposed motion "that the recommendation be adopted" but the motion carried was "that the report be noted";
- on 2 March 1992, the Council meeting adopted the Committee's recommendation "that the report be noted."

This appears to an example of poor minute keeping. It is not clear whether it was the intention of the Committee that the officer's recommendation be simply noted, or whether the Committee and ultimately the Council were under misapprehension that the original officer's recommendation (i.e. that funding be approved) was being adopted. On the reading of the resolutions carried, the Council did not approve the officer's recommendation and therefore the expenditure was unauthorised.

There is also some doubt, in any case, as to whether the Council could authorise an expenditure of \$30,000 halfway through the financial year which had not been adopted at the start of the year. Councillors should be aware that such approvals except in the case of emergencies are beyond power unless a revised Council budget is duly advertised and approved.

The Victorian Government Solicitor has advised that:

- "1. If the expenditure on the Eisteddfod, at least in general terms was not included in the 1991/1992 budget I doubt Council's power to add the amount to the budget half-way through the year.
2. The Minutes do not make clear if Council so intended, and it seems necessary to interview Officers and councillors present to try to ascertain what was the intention.
3. Subject to the above, it seems likely that the expenditure was not authorised.
4. There seems little that can be done about the expenditure at this time, but with regard to the future, it would be highly desirable that -
 - (i) Council should be made aware that extra expenditure not in the estimates may only be made during the year in the case of an emergency; and
 - (ii) Minute keeping needs to be made more precise."

(vi) Creation of Reserve Funds

The investigation has identified the existence of non-specific reserves being held by the Council. As at 30 September 1991, non-specific reserves amounted to about \$1.75 million.

The Victorian Government Solicitor has advised that:

"It is in my opinion clear that the establishment of such reserves is incorrect. The amounts should therefore be restored to the Municipal Fund."

(vii) Property Purchases

During the investigation questions arose over the legality of the purchase of two properties by the Council:

- (1) "Frognall" in Mont Albert Road, Camberwell which was bought in 1986 ostensibly for the potential use as an arts centre and passive recreational facility. In 1986, the relevant legislation was the 1958 Local Government Act in which there was no general power to purchase land but there was power under specific provisions to acquire land for specified purposes such as art galleries, parks, etc.

The VGS has commented that:

"It is my view that under the 1958 Act Councils may only purchase properties for specific purposes for which specific power is given. Art galleries and passive recreation are purposes which are within power and on the face of the matter no difficulties exist with the legality of the purchase. However, it has been suggested to the Inspector that this was only the ostensible situation and the stated purpose may not have been the real purpose. If this was so the good faith of the transaction could be questioned. Much more evidence would be needed to justify such an allegation. However, the property has not been used for the purpose for which purchased. Questions of intent such as this are the type of questions best suited to being raised at a formal inquiry where evidence may be taken from those involved to allow a decision to be made as to the overall position. Without the taking of evidence as described it would be very difficult to determine the intent of Council at that time."

- (2) 551-555 Riversdale Road which was purchased in 1989/90 apparently under the provisions of the 1989 Act. The 1989 Act gives wider and more general powers than the 1958 Act although the Government Solicitor has commented that this "...cannot be taken as a 'blank cheque' and it is clear that any land purchase would need to be one which would fit within that broad framework" (of a Council having the power to do all things necessary to enable it to achieve its purposes and functions).

The investigation has not revealed the Council's reasons for the purchase of the property other than it considered this property to be a strategic site for the future development of Riversdale Road.

On the information to hand, the Victorian Government Solicitor was not able to give any view as to the legality of this property purchase.

(viii) **Pecuniary Interest Allegations Against Cr B. Lee**

[Charges have been brought alleging breaches of sections 79(1)(a), 79(4)(a) and 81 of the Local Government Act 1989.]

(ix) **Lodgement of Returns of Interest**

Under section 81 of the Local Government Act, councillors and prescribed officers are required to lodge primary returns of interest within 30 days of taking office and to lodge ordinary returns within 30 days of 30 June of each year.

An examination of the Council's register indicates that a number of returns were lodged outside the prescribed time (see Attachment B for details).

However, the VGS has commented that whilst those lodged outside time have been lodged in breach of section 81 "...Some of these are a few days late, others by longer periods. What is a significant period of lateness is a matter for the judgement of the Office of Local Government. It is no doubt a policy decision as to whether the offences should be prosecuted. If the information can be substantiated it is likely that a prosecution could succeed, but if the lateness is only by a few days it is difficult to predict that a Magistrate would take a serious view of the offence, bearing in mind the voluntary and public service position of the councillors. The attitude as regard the paid officers could be viewed differently but this too is difficult to predict."

A further matter relates to the officers' returns of interest for 1991. In that year all five nominated officers apparently failed to lodge returns. The Inspector requested a search be conducted to make sure that they were not misplaced but they have not been located.

Interviews with officers have produced the following responses:

Mr Jones is deceased.

Mr McIlroy believes the returns were overlooked.

Mr Cleary does not recall the return.

Mr Sutherland does not recall the return.

Mr Hewson states that his diary records that he completed the return on 26-7-91 (witnessed by his secretary M/s S. Bevan). He cannot locate a copy and cannot recall submitting the return.

The Government Solicitor has commented on this matter as follows:

"From this evidence I am of the opinion that the returns were not lodged. I have seen copies of the primary returns for all officers and their first ordinary returns lodged in 1991. S. 81(5) requires ordinary returns to be submitted within 30 days of 30 June in the relevant year. As no specific penalty is provided for not doing so recourse must be had to s. 240 of the Act: "(1) A person who is guilty of an offence against this Act for which a specific penalty is not provided is liable to a penalty not exceeding 20 penalty units." It appears that the four surviving officers are in breach of s. 81(5) and could be prosecuted.

Further, if the officers had any disclosable interests and did not lodge a return they may be seen to have committed an offence against sub-section (7) which requires that "a Councillor, a member of a special committee or a nominated officer must disclose in an ordinary return the following information. If the officers had disclosable information at that time and by not lodging a return have not disclosed the information it would be the case that they be in breach of sub-section (7) for which is prescribed a penalty of 50 penalty units.

In the case of both offences however some problems of evidence may exist. The Town Clerk/CEO at the time is deceased, and it seems likely that the present (acting) Town Clerk may not be able to say that the returns were not lodged. If it is decided that the offences should be prosecuted, this aspect will require further attention."

Additional information was sought and forwarded to the Victorian Government Solicitor.

Advice has been received which states:

"Further, you should consider if a prosecution would be in the public interest. On one hand the population of officers and councillors may be motivated to strict compliance with the law if some of their number are prosecuted. Against this should be considered the question of the seriousness of the offence and the likelihood of obtaining a conviction and of a penalty being imposed...

It may be that you may consider the public interest would be best served by an official letter of caution to the officers to ensure that all future returns are lodged and to the Council to ensure that a satisfactory system of recording returns is instituted and maintained. The practice of notifying all persons of the time for lodgement of returns, as is said to happen with Councillors returns, is perhaps to be recommended."

(x) **Allegations against Mr W. Hewson, Director of Development Control**

In the course of the investigation certain allegations were made against Mr Hewson:

- (1) That he failed to disclose an interest in the NMA Property Trust No 1 in his Primary Return of 1989. He did make this disclosure in his first ordinary return of 12 July 1990 and the investigation has established that Mr Hewson's investment in NMA was made in June 1990, that is after his Primary Return of 14 November 1989 was lodged. Accordingly, in the opinion of the VGS there is no offence;

- (2) That he lodged an incomplete return in 1992 in that, because the non-lodgement of a return in 1991 broke the link, his 1992 return should have again set out the information in full. The VGS has advised that:

"Even if it is the case that Hewson failed to submit his 1991 return I can see no offence relating to the 1992 return, based on the above argument. S. 81(8) states "...but he or she is not required to disclose any information already disclosed in a previous return." It should be noted that it does not say the previous return but uses the words "a previous return". It is therefore my view that a prosecution could not succeed."

- (3) That Mr Hewson breached the Act by attending certain meetings of Council at which matters relating to properties close to properties that are owned by the Trust in which he had an interest, and did not declare an interest at those meetings.

The VGS has advised that:

"In my opinion no offence against the Act occurred. Officers do not vote at Council meetings and are not covered by the provisions of s. 79 which relate to Councillors. An officer nominated by Council must submit a return of the interests prescribed by s. 81, but is not required (as Councillors are required by s. 79) to disclose an interest and leave the room etc."

- (4) That he committed the Common Law offence of misbehaviour or misconduct in a public office. The allegation is that the offences occurred by virtue of Hewson failing to disclose his interest at the Council meeting (as outlined above) and in preparing papers for Council meetings or formulating recommendations for the Council to bring pecuniary advantage to him (in relation to his investment in the NMA Property Trust).

The VGS has advised that:

"To succeed in a criminal action against him evidence would be required of mens rea - his state of mind must have been such that he could be said to have wilfully or maliciously acted to bring about an advantage to himself.... it would seem necessary to prove that the action was taken wilfully with the intent to dishonestly obtain an advantage for himself or others. I have seen no evidence that would tend to establish that and in the absence of such evidence I believe no further action is called for. This view is subject to reconsideration if further evidence is produced."

**MASTERCARD TRANSACTIONS DURING MAYORAL YEAR 1990-91
CR D McCLOSKEY AND MRS A McCLOSKEY**

1. Cr D McCloskey's Card

10.10.90	Ming Tak Restaurant, Black Rock	\$40.00
12.10.90	Fletcher Jones, Chadstone	\$199.10
15.10.90	Raymond Guest Hairdressing, Canterbury	\$20.00
17.10.90	Royal Botanic Gardens, Kew	\$72.91
18.10.90	Fletcher Jones, Camberwell	\$18.00
24.10.90	Church's Shoes, Nottingham	\$302.56
24.10.90	Dillons The Bookstore, Nottingham	\$19.89
24.10.90	Nataraj Restaurant, Hawthorn	\$86.00
25.10.90	Dickens & Jones, London	\$75.07
25.10.90	Dillons The Bookstore, Nottingham	\$34.90
26.10.90	Burton Tailoring, Nottingham	\$24.98
26.10.90	Liberty, London	\$172.88
26.10.90	Liberty, London	\$74.92
31.10.90	Pump Room Stall, Bath	\$16.37
02.11.90	Fine Textiles, London	\$283.93
02.11.90	London Trasprt Mus, London	\$99.69
05.11.90	Canton Duck, London	\$33.59
09.11.90	Dominex Pty Ltd, South Melbourne	\$306.00
20.11.90	Cool Moves, Richmond	\$180.00
21.11.90	Ako Bookshop Zuid, Schiphol	\$13.17
22.11.90	Baubridge N Kay, Sydney	\$45.00
10.12.90	Raymond Guest Hairdressing, Canterbury	\$20.00
11.12.90	The Chocolate Box, Camberwell	\$36.90
14.12.90	Raymond of South Yarra, South Yarra	\$78.00
17.12.90	Trent Nathan Gallery, South Yarra	\$340.00
27.12.90	Mountfords, Melbourne	\$170.00
28.12.90	London Mews (Vic) PL, Melbourne	\$157.50
31.12.90	Mountfords, Melbourne	\$170.00
02.01.91	David Jones, Melbourne	\$19.90

02.01.91	David Jones, Melbourne	\$39.95
02.01.91	David Jones, Melbourne	\$49.95
02.01.91	David Jones, Melbourne	\$96.40
02.01.91	David Jones, Melbourne	\$159.85
02.01.91	David Jones, Melbourne	\$169.90
08.01.91	David Jones, Melbourne	\$81.90
14.01.91	Red Bluff Hotel, Sandringham	\$78.40
18.01.91	Vic Tavern Hotel, Gisborne	\$57.00
29.01.91	Anika Rasa Restaurant, Burwood	\$29.20
30.01.91	Just Women's, Frankston	\$15.00
04.02.91	Dan Murphy Cellars, Prahran	\$28.94
05.02.91	Patee Thai Restaurant, Windsor	\$55.00
12.02.91	Sofias Pizza House, Camberwell	\$9.40
	K...an Bar-B-Q, East Bentleigh	\$145.00
	..hat Shop, Melbourne	\$39.50
	L'Homme, South Yarra	\$500.00
28.03.91	Chinois Cafe Bar, South Yarra	\$165.00
02.04.91	Sharp Cutz, Sydney	\$18.00
05.04.91	Egypt House Felfela, Carlton	\$10.00
12.05.91	Accessories Boutique, Glen Waverley	\$400.00
15.05.91	Dan Murphy Cellar P/L, Prahran	\$33.62
06.06.91	Remden Armadale, Victoria	\$110.00
12.06.91	Raymond Guest Hairdressing, Canterbury	\$20.00
19.06.91	Teds Camera Store, Camberwell	\$108.96
01.07.91	Oslo Sweater Shop, Oslo	\$110.57
01.07.91	Kreditkassen, Oslo	\$37.80
10.07.91	Forum Hotel, London	\$172.30
12.07.91	Firenze, Hong Kong	\$187.57
15.07.91	Mass Date Ltd, Hong Kong	\$22.55
15.07.91	Graceworth Ltd, Hong Kong	\$60.54
15.07.91	Duty Free Shops, Tullamarine	\$73.90
16.07.91	David Jones, Melbourne	\$9.95

17.07.91	Toys 'R' Us, Hong Kong	\$149.24
17.07.91	Crocodile Garments Ltd, Hong Kong	\$38.46
17.07.91	Myer Melbourne, Melbourne	\$650.70
18.07.91	Dennison Dry Clean, Camberwell	\$53.20
22.07.91	Prahran Perform S. Stn, Prahran	\$45.96
23.07.91	Alexanders, Camberwell	\$9.95
25.07.91	Julianos Restaurant, Camberwell	\$19.80
26.07.91	Raymond Guest Hairdressing, Canterbury	\$20.00
29.07.91	JB Hi-Fi Pty Ltd, Camberwell	\$600.00
29.07.91	Qantas, Hong Kong	\$50.62
30.07.91	Moda Moore, Armadale	\$100.00
02.08.91	Radisson President Ht, Melbourne	\$23.00
08.08.91	Linane Shirt Maker, South Yarra	\$40.00
		\$8008.34

2. Mrs A McCloskey's Card

20.09.90	Midas, Armadale	\$49.80
20.09.90	Hemden, Armadale	\$1020.00
26.09.90	Georges Australia Ltd, Camberwell	\$40.00
28.09.90	Carol Smith, Burwood	\$15.98
28.09.90	Raymond Guest Hairdressing, Canterbury	\$38.50
02.10.90	Lincraft Fabrics, Camberwell	\$55.65
02.10.90	Footrest Specialist, Camberwell	\$125.00
03.10.90	Lincraft Fabrics, Camberwell	\$13.48
03.10.90	Lincraft Fabrics, Camberwell	\$8.77
08.10.90	Sportsgirl, Chadstone	\$49.99
15.10.90	Raymond Guest Hairdressing, Canterbury	\$20.00
19.10.90	Dennisons Dry Clean, Camberwell	\$7.50
22.10.90	Angus & Robertson, Camberwell	\$15.98
24.10.90	Wittner Aus. P/L, Box Hill	\$80.00
24.10.90	Portmans, Camberwell	\$14.94
26.10.90	Lincraft Fabrics, Camberwell	\$99.12

30.10.90	Georges Australia Ltd, Camberwell	\$59.90
01.11.90	Raymond Guest Hairdressing, Canterbury	\$30.00
05.11.90	Dennisons Dry Clean, Camberwell	\$11.00
15.11.90	Elfriedes Boutiques, Camberwell	\$25.00
15.11.90	Target Australia P/L, Camberwell	\$33.42
16.11.90	Raymond of South Yarra, South Yarra	\$420.00
22.11.90	Broadway Gifts, Camberwell	\$77.95
27.11.90	Clothline, Richmond	\$25.00
30.11.90	Lincraft Fabrics, Camberwell	\$18.81
30.11.90	The Sherry Shop, Surrey Hills	\$25.94
05.12.90	Lincraft Fabrics, Camberwell	\$33.72
06.12.90	Barbaras House & Garden, Camberwell	\$25.95
14.12.90	Costume Factory, Croydon	\$45.50
24.12.90	Raymond Guest Hairdressing, Canterbury	\$39.50
27.12.90	Mountfords, Melbourne	\$280.00
31.12.90	Mountfords, Camberwell	\$70.00
31.12.90	David Jones, Melbourne	\$405.60
02.01.91	Hartnell Cellars, Hartwell	\$55.81
02.01.91	David Jones, Melbourne	\$184.00
03.01.91	Myer, Melbourne	\$17.40
03.01.91	Myer, Melbourne	\$7.95
03.01.91	Myer, Melbourne	\$45.00
03.01.91	Laura Ashley, Camberwell	\$104.95
04.01.91	Ecco-This Is It, Camberwell	\$59.00
08.01.91	David Jones, Melbourne	\$39.90
08.01.91	David Jones, Melbourne	\$59.00
08.01.91	David Jones, Melbourne	\$79.90
08.01.91	David Jones, Melbourne	\$129.90
11.01.91	Target Australia P/L, Camberwell	\$22.95
04.02.91	One-One O Designs, Canterbury	\$9.00
11.02.91	Myer, Melbourne	\$15.95
11.02.91	David Jones, Melbourne	\$125.85

12.02.91	Thomas Cook Bts/Cltng, Abbotsford	\$111.00
15.02.91	Raymond Guest Hairdressing, Canterbury	\$20.00
15.02.91	Raymond Guest Hairdressing, Canterbury	\$37.50
19.02.91	Thomas Cook Bts/Cltng, Abbotsford	\$59.00
28.02.91	Midas, Camberwell	\$228.00
05.03.91	Ooh La La Fashion Accessories, Camberwell	\$59.00
13.03.91	Lizzie Collins P/L, Armadale	\$178.00
15.03.91	L'Homme, South Yarra	\$40.00
28.03.91	The Lone Hydrange, Camberwell	\$29.00
09.04.91	Raymond Guest Hairdressing, Canterbury	\$37.50
15.04.91	Winter Garden, Mount Macedon	\$20.70
17.04.91	Fletcher Jones, Chadstone	\$17.00
17.04.91	Fletcher Jones, Chadstone	\$254.00
22.04.91	Dickory Dock, Camberwell	\$65.00
22.04.91	The Lone Hydrange, Camberwell	\$35.00
23.04.91	Raymond Guest Hairdressing, Canterbury	\$26.50
26.04.91	Fletcher Jones, Chadstone	\$14.50
03.05.91	David Jones, Melbourne	\$19.95
03.05.91	David Jones, Melbourne	\$99.90
03.05.91	Sportsgirl, Melbourne	\$89.95
08.05.91	Sizzlers Restaurant, Preston	\$50.50
09.05.91	Country Road, Melbourne	\$19.50
09.05.91	Country Road, Melbourne	\$99.00
14.05.91	Dennisons Dry Clean, Camberwell	\$7.50
14.05.91	Raymond Guest Hairdressing, Canterbury	\$20.00
22.05.91	Julianos Restaurant, Camberwell	\$75.00
27.05.91	Myer, Chadstone	\$7.99
27.05.91	Raymond Guest Hairdressing, Canterbury	\$47.55
31.05.91	Raymond Guest Hairdressing, Canterbury	\$20.00
11.06.91	Ron'z Malaysian Kitchen, Melbourne	\$35.00
27.06.91	Kapp-Ahl Oy, Helsinki	\$58.84
08.07.91	Galleri Kunst-Invest, Oslo	\$20.45

08.07.91	Galleri Kunst-Invest, Oslo	\$20.45
08.07.91	Kj@bmandsbanken, Oslo	\$369.27
08.07.91	Kj@bmandsbanken, Oslo	\$369.27
08.07.91	Kj@bmandsbanken, Oslo	\$184.63
11.07.91	London Trasprt Mus, London	\$23.44
12.07.91	Steen & Str@m, Oslo	\$54.12
12.07.91	Steen & Str@m, Oslo	\$3.24
15.07.91	The Science Museum, London	\$14.83
26.07.91	Raymond Guest Hairdressing, Canterbury	\$20.00
31.07.91	Myer, Melbourne	\$52.00
06.08.91	Myer, Chadstone	\$49.00
06.08.91	Myer, Chadstone	\$79.00
09.08.91	Raymond Guest Hairdressing, Canterbury	\$37.50
		<hr/>
		\$7447.19

GRAND TOTAL - BOTH CARDS \$ 15,455.53

**MASTERCARD TRANSACTIONS DURING MAYORAL YEAR 1991-92
CR L P BEATTIE**

1. Mr D Beattie's Card

03.10.91	The Lobby Shop, Cairns	\$140.00	Not Sure
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2. Cr L Beattie's Card

26.08.91	Phase Eight, Doncaster	\$278.00	Clothing
29.08.91	Midas, Doncaster	\$82.90	Shoes
04.09.91	Angus & Robertson, Camberwell	\$29.95	Books
04.09.91	Martin Moloney Menswear, North Balwyn	\$791.50	Clothes - Dinner Suit and Lounge Suit
04.09.91	Trussacoi Hair Design, North Balwyn	\$28.95	Hairdressing
06.09.91	Myer, Doncaster	\$60.00	Clothing
06.09.91	Myer, Doncaster	\$320.00	Clothing
06.09.91	Myer, Doncaster	\$189.00	Clothing
12.09.91	Dynasty Licensed Restaurant, East Doncaster	\$140.00	Dinner Meeting with Mayor of Doncaster
13.09.91	Flowers of Waverley, Mount Waverley	\$35.00	Flowers - Council Related
17.09.91	Dynasty Licensed Restaurant, East Doncaster	\$170.00	Dinner ...
18.09.91	Myer, Melbourne	\$239.00	Clothes
18.09.91	Myer, Melbourne	\$414.00	Clothes
18.09.91	Myer, Melbourne	\$280.00	Clothes
18.09.91	Styleking Menswear, Balwyn	\$50.00	Clothes Tie and Shirt
19.09.91	Trussacoi Hair Design, North Balwyn	\$32.00	Hairdressing
30.09.91	Arnups Florist, Sale	\$50.00	Flowers
01.10.91	Costa Moda the Pier, Cairns	\$160.00	Clothing
03.10.91	The Lobby Shop, Cairns	\$216.00	Not Sure
07.10.91	The Gallery Boutique, East Doncaster	\$220.00	Clothing
11.10.91	Fiorelli Bar/Restaurant, East Melbourne	\$72.00	Lunch Meeting
11.10.91	The Lobby Shop, Cairns	\$30.00	Not Sure

15.10.91	Trussacoi Hair Design, North Balwyn	\$18.00	Hairdressing
21.10.91	The Pacific Hotel, Cairns	\$1046.32	Accommodation
24.10.91	Sizzlers Restaurant, Geelong	\$32.05	Meal - Strategic Planning Seminar
25.10.91	The Cottage Chairs, Queenscliff	\$88.00	Strategic Planning Seminar
29.10.91	Myer, Melbourne	\$55.00	Clothing
04.11.91	Daimaru Australia, Melbourne	\$73.50	Clothes/Shoes
04.11.91	Menzies Fedpac, Melbourne	\$89.50	Lunch - Podgor Case
04.11.91	Trussacoi Hair Design, North Balwyn	\$43.95	Hairdressing
05.11.91	Myer, Doncaster	\$329.00	Clothing
07.11.91	Trevino, Doncaster	\$50.00	Menswear
07.11.91	Fletcher Jones, Doncaster	\$268.00	Clothing
08.11.91	Tokyo Teppanyaki Restaurant, South Yarra	\$229.20	Dinner after Official Function at Malvern
11.11.91	Trussacoi Hair Design, North Balwyn	\$38.00	Hairdressing
12.11.91	Trussacoi Hair Design, North Balwyn	\$18.00	Hairdressing
14.11.91	The Kowloon Restaurant, South Yarra	\$65.00	Dinner after Hawthorn Function
18.11.91	Trussacoi Hair Design, North Balwyn	\$18.00	Hairdressing
18.11.91	South Yarra Arms Hotel Restaurant, South Yarra	\$30.95	Lunch
19.11.91	Dynasty Licenced Restaurant, East Doncaster	\$180.00	Dinner - Council Related Meeting
26.11.91	Georges Australia Ltd, Melbourne	\$65.95	Mayoral Christmas Party
26.11.91	Georges Australia Ltd, Melbourne	\$69.00	Mayoral Christmas Party
27.11.91	Trussacoi Hair Design, North Balwyn	\$18.00	Hairdressing
27.11.91	Trussacoi Hair Design, North Balwyn	\$19.00	Hairdressing
29.11.91	Options Fashion, Balwyn	\$168.95	Clothing
02.12.91	Mon Bar and Bistro, Hawthorn East	\$70.00	Luncheon - Council Related
03.12.91	Dynasty Licenced Restaurant, East Doncaster	\$55.00	Luncheon - Council Related
05.12.91	Benassis Shoes, Toorak	\$250.00	Shoes

10.12.91	Dragon Boat Restaurant, Melbourne	\$135.00	Meal - Council Related
11.12.91	Trussacoi Hair Design, North Balwyn	\$87.00	Hairdressing
11.12.91	White Heather Boutique, Carlton	\$188.00	Clothing
13.12.91	Teds Camera Stores, Doncaster	\$71.98	Videos - Council Functions
13.12.91	Danielles Shoes and Accessories, North Balwyn	\$149.50	Shoes
16.12.91	Trussacoi Hair Design, North Balwyn	\$19.00	Hairdressing
17.12.91	Man to Man, Doncaster	\$164.99	Clothing
17.12.91	Myer, Doncaster	\$90.25	Clothing
18.12.91	K Mart, Doncaster	\$152.00	Gifts for Mayoral Christmas Party - Drivers, Secretaries etc
18.12.91	Country Road, Melbourne	\$135.00	Clothing
20.12.91	Trussacoi Hair Design, North Balwyn	\$19.00	Hairdressing
20.12.91	Francis Karl, Melbourne	\$45.00	Gifts
20.12.91	Priceline, Doncaster	\$36.65	Gifts
20.12.91	Edments, Doncaster	\$82.79	Gifts
24.12.91	Patricias Cards, Doncaster	\$16.15	Christmas Cards
24.12.91	Patricias Cards, Doncaster	\$57.00	Christmas Cards
24.12.91	Dontown Chemist, Doncaster	\$112.85	Gifts
24.12.91	Balwyn Sports Depot, Balwyn	\$44.90	Gifts
27.12.91	Balwyn Newsagency, Balwyn	\$96.95	Books - Donated to a School Library
30.12.91	Target Australia P/L, Box Hill	\$30.00	Christmas Wrapping
30.12.91	Basket Delights, Kew	\$57.00	Gifts
31.12.91	Trussacoi Hair Design, North Balwyn	\$19.00	Hairdressing
03.01.92	Lombardis, Queenscliff	\$63.00	Meal - Council Related
07.01.92	Mon Bar and Bistro, Hawthorn East	\$62.00	Meal - Council Related
07.01.92	Trussacoi Hair Design, North Balwyn	\$19.00	Hairdressing
07.01.92	Taggs, Ocean Grove	\$97.95	Clothing
07.01.92	Esplanade Hotel, Queenscliff	\$47.00	Meal - Council Related
08.01.92	Lombardis, Queenscliff	\$75.00	Meal - Council Related
08.01.92	Myer, Broadbeach	\$180.00	Clothing

09.01.92	Trussacoi Hair Design, North Balwyn	\$45.00	Hairdressing
09.01.92	Harp of Erin Hotel, Kew	\$74.10	Lunch Meeting
10.01.92	Broadmeadows Florist, Broadmeadows	\$39.50	Tribute
16.01.92	Gold Coast Visitors, Surfers Paradise	\$174.00	Entertainment with Councillor Acquaintances
22.01.92	Big Splash, Broadbeach	\$199.50	Clothing
24.01.92	Carla Zampatti, Surfers Paradise	\$250.00	Clothing
29.01.92	The Broadbeach Keg, Broadbeach	\$130.00	Meal
30.01.92	Tamari Bistro Restaurant, Surfers Paradise	\$42.00	Meals
05.02.92	Trussardi Hair, North Balwyn	\$33.00	Hairdressing
06.02.92	Scintilla Flowers, Canterbury	\$45.00	Tribute
10.02.92	Mon Bar and Bistro, Hawthorn East	\$98.00	Meal Meeting
20.02.92	The Melbourne Flower, North Balwyn	\$12.50	Tribute
25.02.92	Trussardi Hair, North Balwyn	\$33.00	Hairdressing
26.02.92	Bass Victoria, Melbourne	\$73.20	Theatre - by Invitation
26.02.92	The Melbourne Flower, North Balwyn	\$55.00	Tribute
26.02.92	Cheltenham Florist, Cheltenham	\$50.00	Tribute
27.02.92	Horse and Hound Tavern, Melbourne	\$24.40	Meal - Court Case
03.03.92	Fortuna Village, Melbourne	\$220.00	Meal - Council Related
05.03.92	Streets Theatre Bookings, Melbourne	\$204.40	Theatre Night - by Invitation
05.03.92	The Melbourne Flower, North Balwyn	\$13.80	Tribute
06.03.92	Australiana Book, Melbourne	\$128.95	Gifts
09.03.92	Trussardi Hair, North Balwyn	\$55.00	Hairdressing
12.03.92	Streets Theatre Bookings, Melbourne	\$146.00	Theatre Night - Council Related
12.03.92	Trussardi Hair, North Balwyn	\$19.00	Hairdressing
12.03.92	Esplanade Hotel, Queenscliff	\$60.00	Meal
17.03.92	Southern Cross/Palm Court, Melbourne	\$90.00	Meal - Council Related
18.03.92	Trussardi Hair, North Balwyn	\$29.50	Hairdressing
19.03.92	The Shoe Emporium, Melbourne	\$179.90	Shoes

26.03.92	Trussardi Hair, North Balwyn	\$25.00	Hairdressing
31.03.92	Myer, Doncaster	\$22.95	Clothing
01.04.92	Trussardi Hair, North Balwyn	\$19.00	Hairdressing
01.04.92	The Melbourne Flower, North Balwyn	\$50.00	Tribute/Gift
02.04.92	David Jones, Melbourne	\$85.95	Clothing
02.04.92	Trussardi Hair, North Balwyn	\$57.00	Hairdressing
03.04.92	Hiltons of Doncaster, Doncaster	\$30.00	Clothing
08.04.92	Associated Pharmacy, Sale	\$60.00	Gift
13.04.92	The Bra Shop, Doncaster	\$45.90	Accessories
13.04.92	Norman Brothers Pty Ltd, Doncaster	\$46.08	Stationery
14.04.92	Healthy Life, Doncaster	\$35.35	not sure
14.04.92	Midas, Doncaster	\$130.00	Shoes
15.04.92	Telecom-Cashier, Adelaide	\$357.93	Phone Largely due to Council Activity (not whole of a/c)
16.04.92	The Melbourne Flower, North Balwyn	\$50.00	Tribute
21.04.92	IL Cantuccio Restaurant, Carlton	\$40.00	Lunch
22.04.92	ACP Subscription Service, Sydney	\$98.50	Magazine Council Related "Professional Development"
23.04.92	Besley/Dalins, Doncaster	\$378.00	Spectacles as Advised by P R Firm
24.04.92	Manhattan Deli, Toorak	\$30.00	Lunch
29.04.92	The Melbourne Flower, North Balwyn	\$70.00	Tribute
30.04.92	Trussardi Hair, North Balwyn	\$97.95	Hairdressing
06.05.92	Spaghetti Tree, Melbourne	\$35.00	Lunch
06.05.92	Hyatt on Collins, Melbourne	\$60.00	Lunch - Court
07.05.92	The Melbourne Flower, North Balwyn	\$50.00	Tribute
12.05.92	Myer, Geelong	\$49.50	Clothing
14.05.92	Trussardi Hair, North Balwyn	\$33.00	Hairdressing
18.05.92	Myer, Doncaster	\$45.50	Clothing
18.05.92	Myer, Doncaster	\$45.00	Clothing
19.05.92	Fortuna Village, Melbourne	\$78.00	Lunch
19.05.92	Norman Brothers Pty Ltd, Doncaster	\$37.50	Stationery

20.05.92	Bob Stewart of Kew, Kew	\$68.95	Menswear
26.05.92	Trussardi Hair, North Balwyn	\$19.00	Hairdressing
28.05.92	The Melbourne Flower, North Balwyn	\$60.00	Tribute/Gift
01.06.92	Sportsgirl, Camberwell	\$409.90	Clothing
05.06.92	Streets Theatre Bookings, Melbourne	\$190.40	Theatre
10.06.92	Myer, Geelong	\$69.95	Clothing/Gift
10.06.92	Target Australia P/L, Geelong	\$131.80	Gifts
18.06.92	Trussardi Hair, North Balwyn	\$10.00	Hairdressing
22.06.92	The Melbourne Flower, North Balwyn	\$70.00	Tribute/Gifts
23.06.92	Target Australia P/L, Geelong	\$85.30	Gifts
24.06.92	Portmans, Geelong	\$69.95	Clothing
30.06.92	Dontown Chemist, Doncaster	\$36.60	Accessories/Gift
30.06.92	Wellington of Melbourne, Camberwell	\$129.00	Clothing
30.06.92	Wellington of Melbourne, Camberwell	\$49.00	Clothing
30.06.92	Brashs, Doncaster	\$34.95	Music for Function
01.07.92	K Mart, Doncaster	\$89.15	Clothing/Gifts
01.07.92	Trussardi Hair, North Balwyn	\$87.00	Hairdressing
01.07.92	Skintrition, Balwyn	\$149.00	Skin Care - TV Appearances etc
02.07.92	The Melbourne Flower, North Balwyn	\$50.00	Tribute/Gift
06.07.92	Mon Bar and Bistro, Hawthorn East	\$55.00	Lunch
08.07.92	Telecom-Cashier, Adelaide	\$252.40	Phone - Part Payment Re Extra Council Calls
08.07.92	Trussardi Hair, North Balwyn	\$19.00	Hairdressing
09.07.92	Collins Booksellers, Camberwell	\$59.90	Gifts
13.07.92	Mon Bar and Bistro, Hawthorn East	\$50.00	Lunch
14.07.92	Target Australia PL, Geelong	\$98.25	Gifts
15.07.92	Janne House of Fashion, Balwyn	\$196.00	Clothing
15.07.92	Jaqueline Eve, Geelong	\$59.00	Clothing
15.07.92	Rays Disposals, Geelong	\$50.95	Goods for Proposed Overseas Trip
15.07.92	Trussardi Hair, North Balwyn	\$19.00	Hairdressing
16.07.92	Fortuna Village, Melbourne	\$45.00	Lunch

14.07.92	Target Australia PL, Geelong	\$98.25	Gifts
15.07.92	Janne House of Fashion, Balwyn	\$196.00	Clothing
15.07.92	Jaqueline Eve, Geelong	\$59.00	Clothing
15.07.92	Rays Disposals, Geelong	\$50.95	Goods for Proposed Overseas Trip
15.07.92	Trussardi Hair, North Balwyn	\$19.00	Hairdressing
16.07.92	Fortuna Village, Melbourne	\$45.00	Lunch
16.07.92	Uptown Delie Bistro, Richmond	\$58.00	Lunch
17.07.92	A A & K J Horsham, Geelong	\$22.35	not sure
22.07.92	Trussardi Hair, North Balwyn	\$19.00	Hairdressing
24.07.92	Trussardi Hair, North Balwyn	\$19.00	Hairdressing
28.07.92	Match Box, Doncaster	\$22.95	Gifts
29.07.92	Trussardi Hair, North Balwyn	\$55.00	Hairdressing
30.07.92	Purple Sands Restaurant, Doncaster East	\$75.00	Meal
30.07.92	Trussardi Hair, North Balwyn	\$19.00	Hairdressing
05.08.92	Wittner Australia P/L, Box Hill	\$86.00	Shoes
05.08.92	The Chocolate Box, Box Hill	\$55.75	Gifts
05.08.92	Heritage Menswear, Balwyn	\$50.00	Clothing
05.08.92	Trussardi Hair, North Balwyn	\$19.00	Hairdressing
05.08.92	Trussardi Hair, North Balwyn	\$33.00	Hairdressing
07.08.92	The Melbourne Flower, North Balwyn	\$70.00	Tribute/Gift
28.08.92	Sudden Infant Death, Malvern	\$100.00	Donation
		<hr/>	
		\$17,736.99	

GRAND TOTAL - BOTH CARDS

\$17,876.99

Attachment B

TABLE: LODGEMENT OF RETURNS OF INTEREST**1. SITTING COUNCILLORS**

NAME OF COUNCILLOR	DATE OF LODGEMENT OF PRIMARY RETURN	DATE OF LODGEMENT OF ORDINARY RETURN	NOTE
L. P. Beattie	(Prior to 1989)	14 June 1989 09 July 1990 31 July 1991 30 June 1992	Early 1 day late
T. T. Brewer	5 August 1991	30 May 1992	Early
H. J. Cameron	7 September 1990	7 August 1991 1 June 1992	Late Late Early
J. M. Carey	5 March 1989	4 December 1989 2 August 1990 29 July 1991 28 July 1992	Late Late
C. E. Ingvarson	5 August 1990	1 July 1991 30 May 1992	Early
J. P. Jenner	(Prior to 1989)	13 June 1989 2 July 1990 16 July 1991 13 July 1992	Early
E. J. Lee	5 August 1991	30 June 1992	
W. N. Roebuck	5 August 1991	1 June 1992	Early
B. J. Steele	28 June 1989	28 June 1989 29 July 1990 06 August 1991 14 July 1992	Late Early Late
M. R. Van Assche	27 August, 1992		
K. Walter	12 August 1992		
D. M. Whelan	03 August 1992		

TABLE: LODGEMENT OF RETURNS OF INTEREST (cont)

2. RECENTLY RETIRED COUNCILLORS

NAME OF COUNCILLOR	DATE OF LODGEMENT OF PRIMARY RETURN	DATE OF LODGEMENT OF ORDINARY RETURN	NOTE
D. S. McCloskey	(Prior to 1989)	10 July 1989 05 July 1990 28 July 1991 30 June 1992	
J. A. Stanley	(Prior to 1989)	01 June 1989 30 June 1990 31 July 1991 30 June 1992	Early 1 day late
J. A. Wauchope	29 March 1989	6 June 1989 23 July 1990 19 July 1991 04 August 1992	Early Late

3. NOMINATED OFFICERS

NAME OF OFFICER	DATE OF LODGEMENT OF PRIMARY RETURN	DATE OF LODGEMENT OF ORDINARY RETURN	NOTE
B. Jones	12 December 1989	30 July 1990 26 June 1992	Late No return 1991? Early
A. McIlroy	31 January 1990	04 July 1990 30 June 1992	Late No return 1991?
J. W. Sutherland	15 November 1989	30 July 1990 15 June 1992	No return 1991? Early
J. E. Cleary	10 November 1989	3 July 1990 13 July 1992	No return 1991?
C. W. Hewson	14 November 1989	12 July 1990 01 July 1992	No return 1991?

- NOTES:
1. The dates listed above are either the date the return was received by the Municipal Clerk, or, where such date was not noted, the date on which the return was dated by the councillor or officer.
 2. No returns of nominated officers as at 30 June 1991 are contained in the register.
 3. Early lodgement of a return should be avoided because a person's interests could change between the date of lodgement and the date as at which the return is required to be completed.

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CITY
OF
SUNSHINE
GRANTS
PROGRAM

Office of Local Government
1993

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1993

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REPORT

INVESTIGATION INTO MATTERS IN THE CITY OF SUNSHINE

Background

On 11 August 1993, the Hon Licia Kokocinski MLC, Member for Melbourne West Province raised a matter related to the Council of the City of Sunshine in the Adjournment Debate in the Legislative Council.

The allegation was that the Council of the City of Sunshine had allocated itself "a \$300,000 slush fund" enabling each councillor to be able to distribute \$33,000 to "whichever organisation or hobbyhorse" the councillor wishes to pursue.

It was also stated that "the issue is even more sordid because one councillor has apportioned part of the slush fund to a group a member of which has an intimate relationship with the councillor. That surely is highly unethical. The availability of the slush fund is not advertised and groups that are not in the coterie of individual councillors do not know of its existence."

The Minister, the Hon Roger Hallam MLC responded that "she has asked me to investigate the circumstances and I will take her comments on board and investigate the matter. I will take account of the language she uses and note her description of "outrageous" and so on. It may well be that I will seek further details from her about some of the specifics, but I will certainly initiate the investigation she requests."

Investigation

The investigation as carried out by an Inspector of Municipal Administration in August 1993. Discussions were held with the General Manager of the City of Sunshine, Mr Alan Lee and an inspection of all relevant documents including those held at the Council and those supplied by Mrs Kokocinski was undertaken.

The following observations were made regarding the operation of the fund.

1. Purpose of the fund

Mr Alan Lee explained that the purpose of the fund is to "enhance and promote community spirit and neighbourliness within the community". This was undertaken through the provision of seeding grants and money for equipment or buildings to selected community groups.

It is contended that the biggest issue facing the Council was the lack of a strong community base and network in the municipality.

Mr Lee indicated that the municipality has the highest rate of unemployment, the lowest rate of household income and is comprised from some seventy ethnic groupings. Mr Lee went on to say that there had been a long history of the Council providing services which are traditionally provided by volunteers.

Mr Lee stated that most councils in Victoria have a similar type of grants program.

2. Allocation of the Fund

The fund has existed for many years. Records back to 1977 have been examined. Originally the fund was called the "Contingency Account" but three years ago was changed to the "Special Public Program Account". The funds are contained in the Municipal Fund.

In 1990/91 \$32,078 was allocated and in 1992/3 \$33,642 was spent.

On 11 November 1992 at the Special Meeting of Council held to discuss the Estimates for the Year 1992/3 it was moved by Cr White and seconded by Cr Brennan:

" That the amount allocated for ward distribution be \$99,000 [\$33,000 per ward] and that allocation of expenditure be by Council resolution and any unspent balance at the end of the financial year be carried forward as an allocation for the same ward in the following financial year."

Appendix 1

On 2 March 1993 at the meeting of the Committee of the Whole the matter of ward facilities upgrading was raised in General Business. It was moved by Cr White and seconded by Cr Nelson:

"That Council allocates \$100,000 to each ward from General Revenue to be used to enhance the upgrading and building of facilities in the respective ward and that administration of the allocation be by Council resolution."

On 16 March 1993 this resolution was considered at the Ordinary Meeting of the Council and was CARRIED. Appendix 2.

There are no background or agenda papers to support these resolutions and they were moved from the floor of the chamber by Councillors.

The effect of these two resolutions was that the three councillors in each ward had \$133,000 to allocate to community groups in 1992/3.

3. Distribution of the Funds

The distribution of the funds was undertaken entirely by the councillors acting in their ward groupings. The councillors compiled lists and these were submitted to the Committee and then the Ordinary meetings of the Council. The explanation given for this process was that:

"they ~~(the councillors)~~ like no one else in this municipality would have the best idea of which groups to support far better than I or my officers would and it is appropriate that they make these choices."

No submissions were called for from the community or interest groups. In fact the community would be unaware such a scheme existed or that funds were available unless they read the minutes of the meeting of 11 November 1992 and 16 March 1993 respectively.

The allocation was made on based on the councillors perceptions of which groups existed and which required assistance. Little or no assistance was sought from the staff on the costing of various items. The groups assisted range from state government departments [eg Victoria Police and a number of primary and secondary schools], statewide community groups [eg Salvation Army] to local community groups.

There are no detailed papers on each of the allocations. Indeed in the papers submitted to the council meetings contain no description of the item or a scant description in the following manner:

- . towards trophies
- . completion of building
- . landscaping of site
- . stationery
- . park facilities
- . PA equipment
- . Building or renovations etc

I am advised that a verbal description was provided by each councillor at the relevant meeting to explain the purpose for the allocation.

The allocation were resolved over a number of Committee and Ordinary meetings. Some of these meetings were held In Committee and the reports were confidential. A precis of the resolutions was compiled by the Council's solicitors Price Brent. This is attached as Appendix 3.

Some of the allocations, particularly the large allocations for works, were returned to the Council's funds. That is, redirected into the Building Account and the Parks and Gardens Account. It was intended that the council officers undertake the work on these projects. Examples of these works include:

- . completion of a building for the Western Suburbs Soccer Club - \$35,000 [Building Operations Account];
- . sprinkler system at Ardeer Soccer Club - \$15,000 [Parks and Garden

Account];

- . building or renovations for the North Sunshine Football Club - \$20,000;
- and
- . Robert Bruce Reserve Building Fund - \$25,000.

The funds were usually disbursed by cheque together with a letter from a relevant ward councillor that outlined the purpose of the grant. Examples are attached as Appendix 4. The General Manager was not able to provide all letters associated with the grants. There was no funding agreement required between the group and the Council nor any audit process established to ensure that the money was spent for the purposes for which it was given. Indeed the City Manager indicated that he would not require such an accountability process for amounts less than \$1,000.

The money was allocated over a period of months. There was often a lag between the decision to allocate the money and the cheque being forwarded to a group. In some cases by the time this was to occur the group had disbanded. In these cases the ward councillors had to reallocate the money to other groups.

The community would not have been aware of which groups had received funds unless they were a recipient or had heard about the donation by word of mouth. The only way a comprehensive picture of the program was available was through inspection of the Minutes at the Council which is not a source of information many people use on a frequent basis.

Indeed it was only after the matter was raised in Parliament that the Council published a list of grants in the local newspaper.

4. Monitoring of the Allocations

There is no formal program established to monitor the allocations. There are four issues arising from the absence of such a program.

[a] In the South Ward allocations were made in excess of the funding allocated to that ward. This will require an additional payment being made to that ward or a relocation of expenditure between groups. See Appendix 5;

[b] One group spent more than was given to them, resulting in an extra grant and a relocation of funds being required. See Appendix 6;

[c] Some groups received more than one grant, usually from different councillors. In some instances it is possible to clarify the differing nature of the grant - in others the allegation of "double dipping" could arise given the generality of the grant. and

[d] Some grants had to be stopped as the groups no longer existed at the time the cheque was to be forwarded. See Appendix 7.

Appendix 8 provides the status of the program at 9 August 1993

5. Allegations of Pecuniary Interest of Councillors.

At the request of some councillors the Council obtained legal advice on 25 May 1993 regarding the potential for breaches of the pecuniary interest provisions of the Local Government Act in relation to the distribution of grants.

That advice sought to clarify the role of a councillor who was a member of a community group which was given a grant or of a group where a spouse or de facto spouse was involved. The advice given indicated that in most cases the councillor's interest would be too remote to be within the requirements of the relevant section of the Act. See Appendix 9.

On several occasions councillors declared an interest and left the room before the vote was taken.

It has been alleged that one councillor had an intimate relationship with a member of a community group which received a grant. Mr Lee has indicated that the Councillor is Cr Jean Boles and that her husband is Treasurer of the North Sunshine Football Club.

At the meeting of 18 May 1993, Cr Boles and Cr Skidmore declared a pecuniary interest in relation to the River Ward allocations and did not vote on the matter. At this meeting \$1,000 was allocated from Cr Skidmore's allocation for 'building maintenance' and \$20,000 was allocated from Cr Boles allocation for 'building or renovations'. At the meeting of 20 July 1993 an additional \$5,000 was allocated to the Club for 'refurbishing'. None of the councillors declared an interest at this meeting.

This would be consistent with the advice which had been received on 25 May 1993 which set out the case for the declaration of an interest.

Findings

It appears that there have been no breaches of the Local Government Act 1989 or other legislation identified by the investigation.

However, the processes used by the Council for the City of Sunshine to run the grants program are highly unusual and lack accountability. A comparison has been made with grants programs run in three other municipalities - Caulfield, Preston and Broadmeadows.

The three schemes have the following attributes which are missing from the program in Sunshine:

- . There are published guidelines for the schemes which include the principles and aims of the scheme and eligibility criteria;
- . Information about the schemes is freely available; the availability of grants is advertised in newspapers and submissions are called for;
- . Criteria for evaluating submissions are clearly spelt out;
- . The programs are focussed on non profit community groups rather than statewide agencies or government departments;
- . The group must submit detailed information about the group itself and the purpose of the funds;
- . The group must be prepared to take part in an evaluation of the project and be accountable for the spending of the funds: and
- . Staff and the councillors are jointly responsible for evaluating submissions before they are submitted to the council.

Since the Investigation was announced the Council of the City of Sunshine has sought legal advice from the Council solicitors Price Brent on the program and has had the program audited by the Council auditors Rucker Mackenzie Proprietary.

Price Brent have stated:

"it does not seem to us that any problem arises, but, on the other hand, that Council has dealt properly with this matter.....

It would seem to us that the Council has acted legally in accordance with the Act in relation to these matters. Whilst it is noted that it has been the custom for monies which have been allocated in the way indicated above, to be disbursed to organisations under cover of a letter which might suggest that individual councillors are directly arranging for monies to be paid, that is not in fact the case..."

The auditors Rucker Mackenzie Proprietary offered the following comments:

" our review indicates that all contributions made to date have been in accordance with council resolutions."

The auditors made the following comments regarding the administration of the fund:

- "
- [a] An over allocation of \$800 is noted within the South Ward allocation.
 - [b] There is significant amounts of allocated funds within South Ward which have not yet been expended which, given that we are near the end of Council's financial year, may require to be carried forward as allocations in the following year. This indicates a need for closer monitoring of the progress of expenditure of approved allocations during the course of the year to avoid any possibility of allocations being overlooked.

Comments were also made on the allocation process:

[a] As an alternative to general allocations which can be perceived as "discretionary" in nature we suggest that specific allocations to individual groups be incorporated as part of the budget setting process. Council may further wish to include within this process a public advertisement to enable application for assistance to be lodged by interested eligible community groups as a prerequisite to any Council resolution.

[b] Where significant additional allocations are deemed necessary or appropriate during the course of a year, we recommend that similar procedures be adopted including advertising of Council's intention to make additional grants and contributions and requesting applications from interested groups and with a subsequent full public disclosure of successful grantees.

The Auditors also commented on the accountability issue:

" We note that council has no policy in respect of obtaining mandatory accountability or acquittal statements from groups who have received the benefit of council allocations. We see this as of particular concern given that the larger allocations are usually given conditionally for expenditure on specific purposes within that local group. Consistent with the accountability requirements attached to grants from other levels of Government, we believe there is a need for implementation of a system of accountability requirements for local groups.

It would be appropriate to consider a threshold at which this accountability is applicable. Such accountability should take the form of financial reports and acquittal statements signed by responsible officers/committee members of each community group certifying that monies contributed by Council have been spent in accordance with the terms and conditions of the grant. Where considered appropriate, independently audited statements may be requested."

The Council will consider these reports.

Conclusion

The investigation has found that there has been no breaches of the Local Government Act 1989 by the Council of the City of Sunshine.

The administration of the scheme leaves a lot to be desired and leaves the Council wide open to the kind of criticisms which have been made and which were quite legitimate.

The deficiencies in the program are obvious - when compared with programs run by other municipalities and at the specific level, those identified by the Council's auditors.

It is necessary to ensure that schemes run by councils are open to public scrutiny and can be evaluated against the stated objectives of the program. To ensure that this occurs in the future it is recommended that the Office of Local Government and the Municipal Association of Victoria draw up Guidelines for community grants programs.

**SUE MACLELLAN
MANAGER
INVESTIGATIONS AND OPERATIONS**

MINUTES OF THE SPECIAL MEETING OF THE COUNCIL OF
THE CITY OF SUNSHINE HELD IN THE COUNCIL CHAMBER, MUNICIPAL OFFICES,
ALEXANDRA AVENUE, SUNSHINE ON 11 NOVEMBER 1992 AT 7.25 PM

11/11/1992

M342

PRESENT:

North Ward : The Mayor, Cr Martin (in the chair), Crs White and Brennan
South Ward: Crs Nelson, Parnis and Hyett
River Ward: Crs Skidmore, Shand and Boles

IN ATTENDANCE:

Mr A Lee, City Manager/ Chief Executive Officer
Mr J Willaton, Acting Town Clerk
Ms J Norman, Director Administration Services
Mr V Szwed, Director Property Services
Mr G Bailey, Director Technical Services
Mr R Gill, Acting City Engineer

To consider and order upon:

ESTIMATES FOR THE YEAR 1992/93

1. Cr White moved, Cr Brennan seconded, "That the amount allocated for ward distribution be \$99,000 (\$33,000 per ward) and that allocations of expenditure be by Council resolution and any unspent balance at the end of the financial year be carried forward as an allocation for the same ward in the following financial year."
CARRIED
2. Cr Parnis moved, Cr Skidmore seconded, "That the final surplus balance for the financial year 1991/92 be transferred to a Capital Improvement Reserve for future capital works."
CARRIED
3. Cr Parnis moved, Cr White seconded, "That the savings accrued as a result of the industrial stoppage on 10 November, 1992 be transferred following the end of the next pay period to the Capital Improvement Reserve."
CARRIED
4. Cr White moved, Cr Parnis seconded, "That the City Manager and the Director Administration Services develop a strategy to reduce Council's debt burden through savings on recurrent expenditure, such savings to be transferred to Council's Capital Improvement Reserve."
CARRIED

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF
THE CITY OF SUNSHINE HELD IN THE COUNCIL CHAMBER, MUNICIPAL OFFICES,
ALEXANDRA AVENUE, SUNSHINE ON 16 MARCH AT 7.35 PM

16/3/1993
M715

8. *PRESENTATION OF REPORTS BY COMMITTEES*

8.5 WARD FACILITIES UPGRADING

That Council allocates \$100,000 to each ward from General Revenue to be used to enhance the upgrading and building of facilities in the respective ward and that administration of the allocation be by Council resolution.

8.6 BON THOMAS RESERVE (197 28)

That prior to any further expenditure at Bon Thomas Reserve, Council reviews potential future occupiers and consults with such occupiers to establish criteria of needs and that examination of the Reserve development includes input from residents.

8.7 PROPOSED LAND TRANSFER WITH MELBOURNE WATER

That Council opt out of the whole proposal to exchange land with Melbourne Water considered by Council on 11 February, 1992 and place the matter in the political arena.

Cr Nelson moved, Cr Skidmore seconded,

That the resolutions of the Committee of the Whole Council held on 2 March 1993 be ratified.

CARRIED

(PUBLIC QUESTION TIME)

There were no questions submitted.

Administration of Council Ward AllocationsExtracts from Minutes

1. At a special meeting of the Council on 11th November, 1992 a resolution was carried "that the amount allocated for Ward distribution be \$99,000 (\$33,000 per Ward) and that allocations of expenditure be by Council resolution and any unspent balance at the end of the financial year be carried forward as a allocation for the same Ward in the following financial year".
2. At a meeting of the Committee of the whole Council held on 2nd March 1993 a motion was carried "that Council allocates \$100,000 to each Ward from general revenue to be used to enhance the upgrading and building of facilities in the respective Ward and that administration of the allocation be by Council resolution".
3. This same resolution was passed (i.e. confirmed) at an ordinary meeting of the Council on 16th March.
4. At an ordinary meeting of the Council on 16th February 1993, a motion was carried in two parts "that Council supports the Rotary Club of Sunshine in its local business promotion with a donation of \$250.00 to its function on 24th February 1993 from the donations and contributions account" and "that a donation of \$2,200 from the North Ward Councillors allocation be distributed to the Polish Sporting Recreation and Community Association Inc. and the Deer Park Little Athletics Centre".
5. At a meeting of the committee of the whole Council on 6th April 1993 a motion was carried under the heading "South Ward Allocations", that \$126,500 be allocated for upgrading facilities in accordance with an attached list. The list indicated varying amounts and purposes for various Clubs and groups for such matters as building extensions, trophies, and equipment. At the conclusion of the list of allocations appears "\$7,000 to be allocated at some later stage".
6. This resolution was confirmed at the ordinary meeting of Council on 20th April.
7. At the same meeting of the 20th April, after receipt of the matter as urgent business, a motion was carried that \$82,300 be allocated in relation to the North Ward in accordance with a list provided. Again this was for

various groups and Clubs. Councillors Brennan and White declared an interest under Section 79 of the Local Government Act in relation to this matter and left whilst it was resolved.

8. At the meeting of the Council on 20th April, under the heading "Presentation of Reports by Committees" Item 8.8 was "that an allocation of up to \$1,200 be made to the Deer Park Toddlers Playgroup Inc. and the funds be made available from Councillor White's Ward allocation".
9. On 22nd April a memo was forwarded to Councillor Phillip Nelson from the Council Administration Services Division reading as follows:-

"Philip,

John Willaton has passed on your request for cheques to be drawn for various groups in relation to the South Ward allocations. Accordingly, we enclose the following cheques:-

(4 cheques are then set out each corresponding to items in the South Ward allocations referred to earlier)

Your further request for \$35,000 which has been set aside for completion of building works at the Western Suburbs Soccer Club has been actioned and the monies transferred to John Lotanro's Building Account. (This item also appears in the list)".

10. A further memorandum of 22nd April 1993 was forwarded from the Director Administration Services to the Manager Accounts reading as follows:-

1. As you are aware, the North and South Ward Councillors have now resolved to allocate funds to various groups within their respective Wards. As a consequence there may be a requirement to have cheques raised promptly to enable Councillors to make presentations at functions, etc.

2. \$35,000 has been set aside for completion of building works at the Western Suburbs Soccer Club and. Councillor Nelson has requested that this money be transferred to John Lotanro's Building Account. Would you please oblige".

11. At the ordinary meeting of Council on 18th May an item of

- 3 -

urgent business was admitted and a resolution passed that \$61,000 be allocated as the River Ward allocations in accordance with a list produced. This list was one of similar groups, Clubs, etc., and was in two groups one under the heading of "Councillor Charlie Skidmore" and the other under of "Councillor Jean Boles". Both those Councillors declared an interest in relation to this matter and were absent whilst it was dealt with.

12. At the meeting of the Committee of the whole Council held on 1st June 1993 a motion was carried under the heading "South Ward allocations", "that the confidential attachment detailing South Ward allocations be approved", This apparently refers to a total of \$6,010 to be allocated to 7 groups.
13. At the meeting of the Council on 15th June a resolution was carried that the matter in relation to North, South and River Ward allocations be accepted as a item of urgent business and on the motion of Councillor Skidmore, seconded Councillor Parnis a resolution was carried that the three Ward allocations be accepted as per the attached confidential schedule. The schedules showed \$35,500 for North Ward allocations, \$7,000 for South Ward allocations and \$42,000 under the heading "Councillor Irene Shand for River Ward allocations" as well as \$45,000 under the heading "Councillor Charlie Skidmore for River Ward allocations". Councillor White declared an interest in relation to this matter.
14. At the ordinary meeting of the council on 20th July an item of urgent business was accepted and a resolution carried on the motion of Councillor Skidmore seconded Councillor Brennan, that further North and River Ward allocations be made as per attached lists and they were for \$1,950 for the North Ward allocations and \$12,800 for the River Ward allocations.
15. On 1st July 1993 the Director Administration Services brought to the attention of all Councillors that there was an outstanding amount owing to Council by the Western Suburbs Soccer Club (apparently in relation to their ground rental) which Club had received \$35,000 from the South Ward Councillors allocation.
16. There then follow in the papers presented to us various listings of amounts spent, and copies of letters prepared for various Councillors most of which read as follows:-

"It gives me great pleasure to present a specific purpose cheque for \$ to your group.

It is very pleasing to be able to support our community and we hope that the enclosed cheque

will assist your Committee to purchase some very needed equipment.

Sincere best wishes for the remainder of 1993.

Yours sincerely*.

City of Sunshine

127 04 CS:KH.

6 August 1993

The Principal
Sunvale Primary School
Neil Street
SUNSHINE 3020

Dear Sir

It gives me great pleasure to present a specific purpose cheque for \$1,000.00 to the Sunvale Primary School.

It is very pleasing to be able to support our school community and I hope that the enclosed cheque will assist you to purchase some very needed equipment.

Sincere best wishes for the remainder of 1993.

Yours sincerely

CR CHARLIE SKIDMORE
Deputy Mayor

No 0000346

City of  Sunshine

 **National**
Australia Bank

National Australia
Bank Limited

Sunshine - 290 Hampshire Road Vic

PAY THE SUM OF

TO THE ORDER OF

DATE

AMOUNT

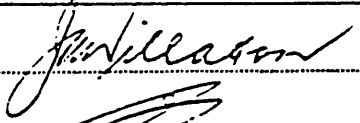

ONE THOUSAND DOLLARS.

SUNVALE PRIMARY SCHOOL

4.8.93

\$1000.00

FOR AND ON BEHALF OF THE CITY OF SUNSHINE
GENERAL ACCOUNT

⑈000346⑈ 083⑈437⑈51558⑈93⑈0⑈

A/C.
PAYEE ONLYNOT
NEGOTIABLE

City of Sunshine

127 04 MM:KH.

6 August 1993

Mr M Calandrella
65 Birchwood Boulevard
DEER PARK 3023

Dear Michelangelo

On behalf of the North Ward Councillors, Cr Clare Brennan, Cr Geoff White and myself it gives me great pleasure to present a specific purpose cheque for \$300.00.

It is our pleasure to support Sunshine's youth in sport and we note the excellent endeavour and personal commitment given to aspire to this level of competition.

I congratulate you on your selection in the Victorian Secondary Schools Soccer Team travelling to Darwin later this month and take this opportunity to extend our sincere best wishes to you. Good luck!

Yours sincerely

CR. MARION MARTIN
Mayor

№ 0000

A/C.
PAYEE ONLY

City of  Sunshine



National Australia
Bank Limited

Sunshine - 290 Hampshire Road Vic

PAY THE SUM OF

TO THE ORDER OF

DATE

AMOUNT

THREE HUNDRED DOLLARS.

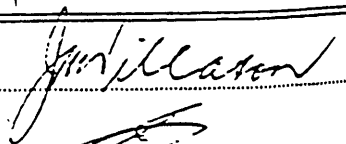

MICHELANGELO CALANDRELLA

4.8.93

\$300.00

FOR AND ON BEHALF OF THE CITY OF SUNSHINE
GENERAL ACCOUNT

NOT
NEGOTIABLE

⑈000339⑈ 083⑈437⑈51558⑈9360⑈

City of Sunshine

127 04 CS:KH.

4 August 1993

«name»
«address1»
«address2»

Dear Sir/Madam

On behalf of the North Ward Councillors, Cr Clare Brennan, Cr Geoff White and myself, it gives me great pleasure to present a specific purpose cheque for \$«figure».

It is very pleasing to be able to support our community and we hope that the enclosed cheque will assist your Committee to purchase some very needed equipment.

Sincere best wishes for the remainder of 1993.

Yours sincerely

CR MARION MARTIN
Mayor

**FROM THE OFFICE OF THE MAYOR,
COUNCILLOR MARION MARTIN**

Municipal Offices, Alexandra Avenue, Sunshine, Victoria, 3020
PO Box 70, Sunshine, Victoria, 3020
Telephone: B.H. (03) 313 3302; A.H. (03) 363 7301 Fax: (03) 313 3559

CITY OF THE FUTURE

City of Sunshine

127 04 IS:KH.

4 August 1993

«name»
«address1»
«address2»

Dear Sir/Madam

It gives me great pleasure to present a specific purpose cheque for «figure» to your organisation.

It is very pleasing to be able to support our community and we hope that the enclosed cheque will assist your Committee to purchase some very needed equipment.

Sincere best wishes for the remainder of 1993.

Yours sincerely

CR IRENE SHAND

ADMINISTRATION SERVICES DIVISION

CONFIDENTIAL

J M Norman:KH.

26 July 1993

TO: ALL COUNCILLORS
CITY MANAGER

FROM: DIRECTOR ADMINISTRATION SERVICES

RE: WARD ALLOCATIONS

Attached for your information is the current status of River, South and North Ward Allocations.

In summary -

The <i>River Ward</i> has raised cheques to the value of	79,700
Cheques yet to be raised	<u>39,500</u>
	\$119,200

Balance of Ward Allocation	\$13,800
----------------------------	-----------------

The <i>South Ward</i> has raised cheques to the value of	60,490.25
Cheques yet to be raised	<u>75,160.00</u>
	\$135,650.25

Potentially, the South Ward has overspent their allocation by \$2,650.25.

The <i>North Ward</i> has raised cheques to the value of	105,617.64
Cheques yet to be raised	<u>13,013.56</u>
	\$118,631.20

Balance of Ward Allocation	\$14,369
----------------------------	-----------------

In the North Ward deliberations there are four clubs that are in question as to whether the Ward Councillors wish to proceed with the allocation of these funds or not. It is important to note the attached lists have been ratified at various Council meetings.

This has been a very difficult area to manage and it would be appreciated if all Ward Councillors would direct the raising of the cheques to Mrs Kerry Hewson, my personal assistant, who keeps a running record and maintains the cost centre for accounting purposes.

JEANETTE M. NORMAN
Director Administration Services

Att.

MINUTES OF THE SPECIAL MEETING OF THE COUNCIL OF
THE CITY OF SUNSHINE HELD IN THE COUNCIL CHAMBER, MUNICIPAL OFFICES,
ALEXANDRA AVENUE, SUNSHINE ON 2 AUGUST 1993 AT 5.51 PM

2/8/1993

M979

PRESENT:

North Ward : The Mayor, Cr Martin (in the chair), Crs White and Brennan
South Ward: Crs Parnis and Hyett
River Ward: Crs Skidmore and Boles

APOLOGIES:

Apologies were tendered on behalf of Crs Shand and Nelson and leave of absence was granted.

IN ATTENDANCE:

Mr A K Lee - City Manager/Chief Executive Officer
Ms J Norman - Director Administration Services
Mr D Dalton - Director Community Services
Mr J Willaton - Manager Central Services/Town Clerk

To consider and order upon:

BUDGETARY ALLOCATIONS

PRAYERS

Prayers for this Special Meeting of Council were led by the City Manager Mr A K Lee.

Cr Skidmore moved, Cr White seconded,

That \$1,000 be allocated to Sunvale Primary School from Cr Skidmore's River Ward allocation.

CARRIED

Cr Brennan moved, Cr White seconded,

That \$71 be transferred from the North Ward allocation previously allocated to Albanvale Residents' Association and \$62 be reallocated to Albanvale Pre-school Centre and \$9 to Albanvale Children's Play Group.

CARRIED

ADMINISTRATION SERVICES DIVISION

J M Norman:KH.

29 July 1993

TO: COUNCILLOR CLARE BRENNAN
FROM: DIRECTOR ADMINISTRATION SERVICES
RE: WARD ALLOCATIONS

Clare,

Further to my memorandum of 28 July 1993, listed hereunder is an itemised account of all expenditure relating to the Albanvale Kindergarten, Playgroup and Albanvale Residents' Association.

Albanvale Residents' Association Allocated \$5,000 - Council Meeting 20/4/93

Purchases:-

Photocopier	3,339.00
Alarm System	900.00
	\$4,239.00

*Albanvale Kindergarten and
Albanvale Playgroup*

Allocated \$1,200 - Council Meeting 20/4/93

Playgroup purchases:-

Multi-purpose seating booth	175.00
Swing frame	375.00
Toddler swing	59.00
	\$609.00

Kindergarten purchases:-

Multi-purpose seating booth	175.00
Rebounder	157.50
Jouncing Board	159.00
Lightweight Plank	89.00
Horizontal Tyre Swing	33.70
Rope Ladder - heavy duty	47.50
	\$661.70

As can be seen, the Albanvale Kindergarten and Playgroup have overspent their allocation by \$70.70. You will need to either transfer funds from another source (eg. Albanvale Residents' Association) or make a further allocation to compensate for this amount at next Monday's meeting.

JEANETTE M. NORMAN
Director Administration Services

MINUTES OF THE SPECIAL MEETING OF THE COUNCIL OF
THE CITY OF SUNSHINE HELD IN THE COUNCIL CHAMBER, MUNICIPAL OFFICES,
ALEXANDRA AVENUE, SUNSHINE ON 2 AUGUST 1993 AT 5.51 PM

2/8/1993
M980

Cr Brennan moved, Cr White seconded,

That the following allocations be granted from the North Ward allocation:

Deer Park Girl Guides	\$500	
Deer Park Scouts	\$500	
St Albans Scouts	\$500	
Deer Park West Primary School Parents and Friends	\$500	to be spent on equipment replacement
Kathy Mitchell and Kelly Mitchell	\$500	each
Michelangelo Calandrella	\$300	
		CARRIED

Cr Martin moved, Cr Parnis seconded,

That the donation previously awarded to the following:

Maltese Senior Citizens Club	\$500
North Sunshine Soccer Club	\$1000
St Albans Football Club	\$1,500
Dutch Senior Citizens Club	\$500
St Albans Cricket Club	\$1,000

be reimbursed to the Ward Allocation Account on the basis that the groups no longer exist.

CARRIED

Cr Boles moved, Cr White seconded,

That \$2,000 from Cr Boles' River Ward allocation be donated to the Salvation Army Christmas Hamper Fund to be added to the Sunshine Businessmen's Christmas Hamper Distribution Fund.

CARRIED

MEETING CONCLUDED: 6.11 PM

Confirmed: _____
Mayor

NORTH WARD ALLOCATION

CHEQUES RAISED OR ORDERS PLACED AS AT 30/7/93

Albion Cricket Club	5,000
Glenmaggie Drive Reserve (playground equipment)	1,233
"	3,845
"	3,630
" (crushed rock)	96.18
Albanvale Residents' Assoc. (photocopier)	3,339
" (alarm system)	900
Deer Park Little Athletics (head phones)	219.86
"	1,377
Deer Park Senior Citizens	500
Deer Park Netball Association	30,000
Sassella Park Little Athletics	1,200
Deer Park Cricket Club	1,000
Highway Softball Group	2,000
Sassella Park (curtains)	1,606.90
" (floor surfacing)	3,235
Deer Park Toddlers (play equipment)	1,181.20
Spanish Senior Citizens Group	500
Sunshine Swimming & Life Saving Club	1,000
Sunshine Cricket Association	2,000
Robert Bruce Reserve Building Fund	25,000
Albanvale Football Club	1,500
Westvale Soccer Club	2,000
Filipino Senior Citizens Group	500
Turkish Senior Citizens Group	500
Macedonian Senior Citizens Group	500
Deer Park Football Club	2,000
Polish Senior Citizens Group	500
Deer Park Community Information Centre Playgroup	1,000
Sunshine Helping Hand	450
Sunshine Police Station	500
Deer Park Nursing Home	1,000

Porter Walkway	4,940
St Albans South Playgroup	500
CHEQUES RAISED OR ORDERS PLACED AS AT 30/7/93	
St Albans Community Youth Club Playgroup	500
Westerngate Playgroup	500
Deer Park Children's Centre	500
Orama St Child Care Centre	500
Rosslare Pde Child Care Centre	500
Rhodes St Child Care Centre	500
Deer Park Kindergarten	500
Deer Park West Kindergarten	500
Epalock Cres Kindergarten	500
Welwyn Pde Kindergarten	500
Westgate Kindergarten	500
Sunshine Park Kindergarten	500
Willis St Kindergarten	500
Kathy Mitchell	500
Kelly Mitchell	500
Michelangelo Calandrella	300
Deer Park West Primary School Parents & Friends	500
1st St Albans Scout Group	500
1st Deer Park Scout Group	500
Deer Park Girl Guides	500
	\$

MONIES ALLOCATED BUT NOT YET PAID

Albanvale Residents' Assoc. (residual)	
Polish Sporting Recreation and Community Association and	
Deer Park Little Athletics (already allocated \$1,596.86)	
(residual)	603.14
Porter Court Playground (residual)	60
City Pride Competition	1,000
Glenmaggie Drive/Denton Ave. (residual)	1,195.82

Maltese Senior Citizens Group	500
Nortli Sunshine Soccer Club	1,000
St Albans Football Club - Errington Res.	1,500
St Albans Cricket Club - Errington Res.	1,000
Dutch Senior Citizens Group	500

** Items shaded, monies to be withdrawn.

RIVER WARD ALLOCATIONS

CHEQUES RAISED AS AT 9/8/93

Albion North Primary School	1,000
Braybrook Youth Club	1,000
Braybrook Primary School	1,000
Braybrook Football Club	1,000
"	2,000
Sunshine Community Chest	2,000
"	2,000
Christmas Hampers to needy citizens (Cr J Boles)	400
Sunshine Swimming Pool (equipment)	1,000
Dorothy Carlton Kindergarten	1,000
Howard Kingham Lodge	2,000
Sunshine Ladies Benevolent Society	1,000
"	2,000
Maidstone Primary School	1,000
Maribyrnong Primary School	1,000
Maribyrnong Youth Centre	1,000
Mercy Hospice Care	2,000
"	2,000
North Sunshine Primary School	2,000
North Sunshine Kindergarten	1,000
North Sunshine Football Club	20,000
"	1,000
"	5,000
Salvation Army	2,000
"	3,000
Sunshine City Band	1,000
Sunshine East Primary School	1,000
Tottenham Primary School	1,000
Uniting Church Axis Outreach	2,000
Uniting Church	2,000
Sunshine YCW Sports Club	7,000
Christ the King College	1,300

CHEQUES RAISED AS AT 9/8/93

Maribyrnong RSL (monies transferred to the Plant Replacement Account - Club allocated a trade-in mower) Allocated \$3,000 towards cost of mower, however only cost \$2,400; therefore \$600 to go back into Ward Allocation monies.	2,400
Neighbourhood Watch (6 groups) @ \$500	3,000
Sunshine Kindergarten Inc.	1,000
The Dobson Kindergarten Inc.	1,000
Cherry Cres. Pre-School Inc.	1,000
Braybrook Youth Centre	1,000
Maribyrnong Youth Centre	1,000
Braybrook Maidstone Community Health Centre	1,000
Living Museum of the West	1,000
Friends of the Maribyrnong	200
Braybrook Secondary College	2,000
Maribyrnong Secondary College	2,000
Sunshine Secondary College, (North Sun. Campus)	2,000
Christ the King Secondary College	2,000
Chisholm College	2,000
St John's College	2,000
1st Sunshine Scouts Parents Ctee	200
7th Sunshine Scouts Parents Ctee	200
1st North Sunshine Scouts Parents Ctee	200
5th-6th Sunshine Scouts Parents Ctee	200
Neighbourhood Watch (River Ward, to be divided equally)	500
Sunvale Primary School	1,000
Salvation Army Christmas Hamper Fund	2,000
\$102,600	

MONIES ALLOCATED BUT NOT YET PAID

Pollard Gardens (S Thorpe)	1,000
" (S Thorpe)	500
Festive Display, Christmas Decorations (R Gill)	10,000
River Ward Newsletter (I Shand)	7,500

Albionville Residents' Association (crushed rock) 5000

CHEQUES RAISED OR ORDERS PLACED AS AT 9/8/93

Albion Cricket Club	C'1 11/9 20.4.93	5,000
Glenmaggie Drive Reserve (playground equipment)	} C'1 11/9 20.4.93	1,233
"		3,845
"		3,630
" (crushed rock)		96.18
Albanvale Residents' Assoc. (photocopier)	} C'1 11/9 20.4.93	3,339
" (alarm system)		900
Deer Park Little Athletics (head phones)	} C'1 11/9 16.2.93	219.86
"		1,377
Deer Park Senior Citizens	C'1 11/9 15.6.93	500
Deer Park Netball Association	C'1 11/9 20.4.93	30,000
Sassella Park Little Athletics	} C'1 11/9 20.4.93	1,200
Deer Park Cricket Club		1,000
Highway Softball Group		2,000
Sassella Park (curtains)	} C'1 11/9 20.4.93	1,606.90
" (floor surfacing)		3,235
Deer Park Toddlers (play equipment)	C'1 11/9 20.4.93	1,181.20
Spanish Senior Citizens Group	C'1 11/9 15.6.93	500
Sunshine Swimming & Life Saving Club	C'1 11/9 20.4.93	1,000
Sunshine Cricket Association	C'1 11/9 20.4.93	2,000
Robert Bruce Reserve Building Fund	C'1 11/9 15.6.93	25,000
Albanvale Football Club	} C'1 11/9 20.4.93	1,500
Westvale Soccer Club		2,000
Filipino Senior Citizens Group	} C'1 11/9 15.6.93	500
Turkish Senior Citizens Group		500
Macedonian Senior Citizens Group		500
Deer Park Football Club	C'1 11/9 20.4.93	2,000
Polish Senior Citizens Group	C'1 11/9 15.6.93 20.4.93	500
Deer Park Community Information Centre Playgroup	C'1 11/9 15.6.93	1,000
Sunshine Helping Hand	} C'1 11/9 20.4.93	450
Sunshine Police Station		500
Deer Park Nursing Home		1,000
Albanvale Kindergarten	C'1 11/9 2.8.93 & 20.4.93	661.70
Albanvale Playgroup	} C'1 11/9 15.6.93	609
Porter Walkway		4,940

CHEQUES RAISED OR ORDERS PLACED AS AT 9/8/93

St Albans South Playgroup	500
St Albans Community Youth Club Playgroup	500
Westerngate Playgroup	500
Deer Park Children's Centre	500
Orama St Child Care Centre	500
Rosslare Pde Child Care Centre	500
Rhodes St Child Care Centre	500
Deer Park Kindergarten	500
Deer Park West Kindergarten	500
Epalock Cres Kindergarten	500
Welwyn Pde Kindergarten	500
Westgate Kindergarten	500
Sunshine Park Kindergarten	500
Willis St Kindergarten	500
Kathy Mitchell (donation : sport)	500
Kelly Mitchell (donation : sport)	500
Michelangelo Calandrella (donation : sport)	300
Deer Park West Primary School Parents & Friends	500
1st St Albans Scout Group	500
1st Deer Park Scout Group	500
Deer Park Girl Guides	500

\$115,823.84

MONIES ALLOCATED BUT NOT YET PAID

Albanvale Residents' Assoc. (residual)	690
Polish Sporting Recreation and Community Association and Deer Park Little Athletics (already allocated \$1,596.86) (residual)	603.14
Porter Court Playground (residual)	60
City Pride Competition	1,000
Glenmaggie Drive/Denton Ave. (residual)	1,195.82
Sassella Park Hall (residual)	2,558.10

\$6,107.06

11.06.93 / 103 road 20.7.93 \$1,000.00

SOUTH WARD ALLOCATIONS

CHEQUES RAISED AS AT 9/8/93

Ardeer Soccer Club	Cheque 15.6.93	1,000
Kate Barnard (donations towards athletics trip)	Cheque 11.2.92	300
Croatian Dawn Folk Dance Group	Cheque 15.6.93	1,000
Croatian Senior Citizens	}	6,000
Macedonian Club		2,000
Polish Club (Ardeer)		1,500
Ainsworth Reserve - Sunshine Heights Football Club (hire of Portacom module, May-August 1993)		1,000
** Note: Cost to hire module is \$263.45 per month Club to be invoiced for hire exceeding \$1,000		
St Paul's Youth Group	}	450
Sunshine Beautification Group		300
Sunshine Little Athletics		2,750
Sunshine Cricket Association	Cheque 6.4.93	2,000
Sunshine Heights Tennis Club	Cheque 15.6.93	500
Western Region Maltese Community Club	}	500
Western Region Maltese Comm. Club Women's Group		500
Polish Youth Group		500
Western Suburbs Soccer Club (Transferred to John Lotauro's building account)	}	35,000
Empress Court - park		4,940
Ardeer Soccer Club (Sprinkler System-S Thorpe)		<u>15,000</u>
		\$75,240

MONIES ALLOCATED BUT NOT YET PAID

Sunshine Heights Junior Soccer Club	}	1,000
Albion Football Club (Transfer to J Lotauro's building fund)		56,500
Sunshine Park Tennis Club		500
Ukrainian Senior Citizens		500
Empress Court - park (S Thorpe) (residual)		<u>60</u>
		\$58,560

overspent 800#

P R I C E B R E N T



S O L I C I T O R S

500 Bourke Street, Melbourne, VIC 3000.
DX 427 Melbourne. Fax: (03) 246 5111.
Tel: (03) 246 5000

City Manager
City of Sunshine
DX 30315
SUNSHINE

CITY OF SUNSHINE
RECEIVED
28 MAY 1993
CM/CEO
128 11 x 17 005
230362

OUR REF: 04/CIT053/135
DIRECT LINE: 246-5175
ENQUIRIES: Colin Barlow
YOUR REF:

Attention: Mr. Lee

Dear Sir

25th May 1993

Re: Pecuniary Interest of Councillors
- Community Organisations

We have your letter of 19th May. We note that you require advice as to whether pecuniary interest may arise, in Councillors, where the Council is involved in contracts or arrangements or other discussions as to the making of donations to community groups, and where a Councillor or the Councillor's spouse may be a member and/or office bearer of such a community group which may become in receipt of monies from the Council. We do not think any pecuniary interest problem arises in those circumstances, unless very particular problems arise which we will touch on towards the conclusion of this advice.

The classic statement as to what is a pecuniary interest so far as Councillors are concerned, is that set out in the case of Downward v. Babington, 1975 VR 719, where the term was defined by reference to an interest which might give rise to an expectation of gain or loss which was not too remote or speculative. No doubt it could be said, that if a grant of money from your Council to a particular community group were made, and a Councillor were a member of that community group, then there might be some prospect of gain to him/her because the grant might possibly result in him/her not having to contribute funds to that group as he/she might otherwise be required or wish to do. In our view, however, such a proposition falls within the phrase "too speculative or remote" and would be highly unlikely to be classified as a pecuniary interest.

In any event, it seems to us that Section 78(1) of the Local Government Act 1989 addresses this issue. It is Section 79 which imposes a duty on Councillors and members of committees to declare pecuniary interests, and not to vote on affected matters, but Section 78 indicates a number of situations where that Section 79 does not apply. The Section indicates that that Section does not

MELBOURNE
PARTNERSHIP
C. M. Barlow
M. Pruden
D. S. Abraham
P. L. Abrahams
C. R. Taylor
D. A. Timmock
C. R. Tesoro
R. F. Abrahams
R. J. Hobday

A. D. Cookes
M. H. Lanyon
L. A. Fox
G. N. Katz
E. A. Anderson
G. H. Peake
M. S. Dwyer
J. M. Hogan

CONSULTANT
J. P. Brent

ASSOCIATES
S. A. Strimpton
D. J. Wells
C. McG. Lane
S. C. M. Greene
L. Webb
R. R. Evans
K. M. Meyers

D. G. Weil
J. P. Danton
C. R. McOmish
Y. S. Baker
C. Nilou

SYDNEY
PARTNERSHIP
T. J. Eakin
C. H. McCaffery
K. A. Garing
S. C. Jiriacis
J. R. Cox
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apply in the following case:-

- "(h) Only as a member of a local community body, club, union or other organisation which is a non-profit organisation if no personal gain to the Councillor or member of a special committee or his or her spouse or de facto spouse is involved."

The latter words of this paragraph would apply, in our view, to financial interest on a Councillor if the result of the grant to the community body was a direct gain, or loss to that Councillor. As an example, if there were a community body interested in relieving persons in needy circumstances and that body had in mind relieving the needy circumstances of the family of a Councillor, then a proposal for a grant of money by Council to that community group would give rise to personal gain to the Councillor and would be a matter upon which that Councillor would have a financial interest. Apart from any remote circumstances such as that, it would seem to us that this paragraph (h) would operate to ensure that, in ordinary circumstances, a Councillor would not have a financial interest where Council was considering whether or not to make a grant to a non-profit organisation within the community of which he was a member or in which he was interested.

Yours faithfully
PRICE BRENT

Per: 

REPORT OF AN

INVESTIGATION INTO

SENIOR STAFF EMPLOYMENT

CONTRACTS AND APPOINTMENTS

IN VICTORIAN MUNICIPALITIES

OFFICE OF LOCAL GOVERNMENT
DEPARTMENT OF PLANNING AND DEVELOPMENT
MAY 1994

REPORT OF AN

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OFFICE OF LOCAL GOVERNMENT
DEPARTMENT OF PLANNING AND DEVELOPMENT
MAY 1994

INVESTIGATION

CONTRACTS FOR SENIOR COUNCIL STAFF

BACKGROUND

On Thursday 28 October 1993 the Local Government (Miscellaneous Amendments) Bill was introduced into the Legislative Council.

The legislation contained a package of measures which removed the requirement for a certificate of qualifications for senior officers, removed the concept of designated officers and introduced the requirement for senior council officers to be placed on limited tenure, performance based contracts. All new contracts for senior officers were to be for not more than 5 years and were to specify performance criteria. Except in certain circumstances existing written employment contracts would not be affected.

The Bill also imposed new requirements regarding Chief Executive Officers. As from 1 October 1995, all councils were to have a Chief Executive Officer. From the date the Act received Royal Assent a Council must also externally advertise for applications before appointing a Chief Executive Officer.

The Local Government (Miscellaneous Amendments) Bill was subsequently passed by the Parliament and received Royal Assent on 7 December 1993. The provisions relating to senior officer contracts also came into effect on that date.

Immediately prior to the new requirements taking effect a number of councils either entered into contracts with their senior officers and Chief Executive Officers or appointed a Chief Executive Officer without advertisement. The apparent haste with which this was done led to a number of complaints being made to the Minister for Local Government and the Office of Local Government.

On 28 December 1993, the Minister indicated that an investigation would be made into the contracts for senior officers entered into at the City of Waverley, Borough of Eaglehawk and the Rural City of Marong.

Appointments of Chief Executive Officers were also made in the Cities of Ballarat, Benalla, Box Hill and Horsham and the Shires of Benalla, Gordon, Mirboo, Numurkah and Charlton. These appointments were all made without advertisement and entitled the persons to contracts of varying periods. These appointments and contracts have also been examined. In addition some of these councils sought to put senior officers on contract.

PROCESS

The contracts and council minutes and resolutions in relation to these matters have been examined by an Inspector of Municipal Administration. The focus of the examination has been on the **appointment** and the terms and conditions of the employment contracts in relation to the requirements of the legislation, rather than the financial elements, and on the **procedures** used by the Councils in entering into the contracts.

Discussions were held with the relevant officers of the Councils. All freely provided the information which was requested from them.

REPORT

1. City of Waverley

Until December 1993 no staff at the City of Waverley were on written contracts setting out all employment terms and conditions. The staff were employed on the basis of an exchange of letters.

At the Policy Committee Meeting on Tuesday 16 November 1993, Cr Holding raised the matter of employment contracts at the end of the meeting. Cr Holding had a copy of the Local Government (Miscellaneous Amendments) Bill and informed his colleagues of the proposed provisions of the Bill which required contracts for staff with remuneration of more than \$60,000.

On 17 November 1993, Cr G Frecker who had been present at the Policy Meeting gave notice that he intended to move a motion to provide for new written contracts for the CEO and senior staff at the next Ordinary Meeting or at a Special Meeting whichever came first. A copy of the motion is attached as Appendix A.

The motion refers to an agreement by the Council to contract with the existing Chief Executive 'in terms of the document circulated "written contract, for the position of Chief Executive Officer"'. At that time no document had been prepared. In fact, the Chief Executive Officer advised that he and Cr Frecker agreed to draft such a document that morning.

On 18 November 1993 the Mayor, Cr Cotton, called a Special Meeting of the Council pursuant to section 84 of the Local Government Act. The meeting was to be held on Tuesday 23 November 1993. Notice of this Special Meeting was given in 'The Age' on 19 November 1993 (Appendix B).

Cr Olin has complained that the Special Meeting was not held in accordance with the provisions of the Local Government Act and that notice of the meeting was too short.

The requirements of section 84 in relation to the calling of the Special Meeting and those of section 89 in relation to the giving of public notice appear to have been met. The Act requires "reasonable notice" to be given to the public and 4 days notice would satisfy this requirement. In relation to what notice must be given to individual councillors the Act is silent, as is the Council's local law on meeting procedure. Councillors apparently received individual notice on the Friday, 20 November, which again would appear reasonable.

The Special Meeting was held on 23 November 1993. Two Councillors, Crs Hannan and Olin were not present at the meeting. The meeting carried unanimously the resolution which had been previously circulated on the contracts. (Appendix C).

It was proposed that contracts be offered to 18 not 19 staff as has been reported in the press. One staff member who was to retire on 29 December 1993 was not offered a contract. All staff offered the contracts apparently subsequently entered into their contract prior to 7 December 1993. The contracts entered into differ to the draft which was circulated.

The contracts are attached at Appendix D. The contracts were drafted "in house" and no legal advice was sought on the matter. The contracts for senior staff other than the CEO are identical in terms and conditions (with the exception of salary information). The contract for the Chief Executive Officer differs to those of the staff in that it contains the key management functions and performance criteria.

A memorandum was sent to each senior officer on 23 December 1993 outlining proposed performance criteria for senior staff. A typical memorandum is attached at Appendix E.

An examination of the contracts indicates that if they had been entered into after the date the new requirements came into operation, they would have failed to meet the requirements of the legislation in the following areas:

- (i) There are no performance criteria in the contracts signed by staff, other than the CEO. The contracts therefore do not conform to the Act which requires that "specific performance criteria for the purpose of reviews" be included in the contract. The contracts state:

"The performance of the Senior Officer will be measured by the Chief Executive in accordance with results, objectives, aims and tasks which have been agreed between the parties at the date of this contract or set in place by other appropriate and reasonable action".

No agreements on performance criteria existed in December 1993 at the time the contracts were signed.

- (ii) The majority of contracts are more than 5 years. The contracts therefore do not conform to the Act which requires senior officer contracts to be for a term of less than 5 years.

Each contract states:

"This is a specific term contract and is to expire upon the date the appointee attains the age of sixty five".

An examination of the payroll details has provided information on the ages of those who have entered contracts. Appendix F provides the calculation of the length of time each individual contract, which is summarised in the following table. Only one staff member by virtue of his age has a contract within the five year period specified in the Act for new contracts. The longest contract is for 32 years. The majority are for 10 - 25 years.

YEARS OF THE CONTRACT	NUMBER OF STAFF
0 - 5	1
5 - 10	2
10 - 15	5
15 - 20	2
20 - 25	4
25 - 30	2
30+	2

It may also be noted that, while as a general principle the amendments to the legislation preserve existing written senior officer contracts in their entirety, a contract already entered into but which does not "specify when it is to end by reference to a date or a definite period of time", is deemed to expire on 30 September 1995. There is an issue whether the contracts under consideration fall within this exception and terminate on that date.

As noted above the specific date on which each contract expires is not contained in the contract and as information on birth dates is also not included, the term of the contracts cannot be readily calculated. While this may be undesirable, the term of each contract can be calculated with precision and for this reason would not appear to fall within the exception and be affected by the Act.

Because of the length of the contracts under investigation, the Office decided to seek legal advice in relation to the contracts.

The Office was also concerned because the terms and conditions of the contracts entered into did not appear to accord with either:-

- . the terms of the resolution passed by the City of Waverley at its 23 November 1993 Special Meeting which authorised the contracts; or
- . the sentiments expressed in the press release issued by the City of Waverley issued on 28 January 1994 which states:

"The new employment contracts for Waverley Council's senior officers would not stand in the way of any future local government restructuring", Waverley's Mayor, Cr. Patricia Cotton said today.

Cr. Cotton was replying to comments by the Minister for Local Government, the Hon Roger Hallam MLC, that the savings from restructuring would be jeopardised if a restructured council inherited staff on lengthy contracts.

"Unfortunately, some ratepayers have claimed that Waverley's new contracts are for life. This is totally wrong, as they can be terminated by either the council or the officer at two months notice, and at no additional cost" Cr Cotton said.

"The same people are arguing that Council should have adopted fixed-term contracts, say for 5 years, even though they are more expensive. Fixed term contracts could inflate salaries by 10-15% and include large compensation payments for early termination - running as high as two years salary.

"To say that ratepayers or future councils would be better off with expensive fixed-term contracts is a nonsense", said Cr. Cotton.

"Cr. Cotton said the decision to introduce the new contracts was a difficult one, particularly knowing that the Government was legislating for fixed-term contracts."

A copy of the press release is attached as Appendix G.

The legal advice is now to hand. As to whether the contracts simply formalise existing arrangements, A J Macken and Co has advised that if one assumes that the contracts were validly entered then:

(A) the replacement contracts do not formalise existing arrangements between the City of Waverley and the persons named and materially depart from existing arrangements;

(B) each replacement contract is expressed to be "a specific term contract of employment (which) is to end upon the date the appointee ... reaches sixty-five years of age" (in the case of Mr. Wilson) or "attains the age of sixty-five years" (in every other case);

(C) the subsisting contracts, in contrast, were written contracts of service silent as to term and in consequence were terminable at law by reasonable notice with what is reasonable to be established by reference to all relevant circumstances (in practice, subject to salary seniority and length of service, in the range six to twelve months: the authorities are referred to in Macken, McCarry & Sappideen Law of Employment, Third Edition, LBC, pages 156-158) or on shorter or no notice in the case of dismissal for cause;

(D) the replacement contracts are clearly expressed to be specific term contracts of employment for the working life of the senior officers named and if valid purportedly cannot be terminated before the respective senior officer attains the age of sixty-five years without his/her consent except on the grounds of his/her misconduct or relevant want of capacity or performance when two month's notice must nonetheless be given;

(E) if the City of Waverley terminated the employment of the senior officer other than with his/her consent or on the grounds of his/her misconduct or relevant want of capacity or performance the City of Waverley could (if the applicable replacement contract is valid) face a claim for substantial damages for wrongful dismissal the measure of which would be the unexpired term of the specific term contract of service times the gross remuneration which the officer would have earned in that period, less the earnings (if any) received by the officer in mitigation of his/her damages subsequent to his/her dismissal."

The legal advice also canvasses the "possible want of authority" to enter the contracts and comments on the discrepancy between the earlier form of the contract which was circulated prior to the Special Meeting and that which was eventually signed after the Special Meeting.

"The replacement contracts do not formalise existing arrangements but relevantly and materially displace them to the potential disadvantage of the City of Waverley and its ratepayers."

"The resolution further refers to a document circulated with the heading "Written contract, for the position of Chief Executive Officer" and says of

it that "the document contains no significant variation of existing conditions and simply formalises the existing arrangements": if this is intended as a reference to the form of contract later purportedly entered into with the Chief Executive Officer and other senior managers it is not correct: and if it was intended to refer to some other document the resolution did not authorise the form of contract which was purportedly made."

The advice also canvasses the unreasonability and possible lack of bona-fides of the Council in this matter.

" It would appear that a reason for the evident haste in the consideration and approval of the replacement contracts was the desire to take advantage of ss.95B(6) of the [Vic] Local Government Act 1989 ("the Act") as introduced by the [Vic] Local Government (Miscellaneous Amendments) Act 1993 assented to 7 December 1993 which relevantly provided:

"(6) Nothing in section 95A of the Local Government Act 1989 affects any written contract between a senior officer and a Council that is in force on the day this section comes into operation."

But for ss.95B(6) of the Act the contracts of the senior officers of the City of Waverley would have arguably been affected by ss.9B(4) of the Act which relevantly provided:

"(4) If a senior officer of a Council is employed under a written contract with the Council on the date this section comes into operation that does not specify when it is to end by reference to a date or a definite period of time, the contract is deemed to specify that it ends on 30 September 1995."

As it was open to a Council (if acting reasonably and bona fide) to take advantage of the statutory exclusion of written contracts in force on the day ss.95B(6) came into operation it would not appear to deprive the action of a Council of bona fides that it merely acted to do so.

However to seek to do so by creating specific term contracts for the working life of the senior officers concerned in circumstances where, in two cases, the term sought to be created was in excess of 30 years and in eight cases (including those two) in excess of 20 years and in fifteen cases (including those ten) in excess of ten years would not appear to be defensible as a reasonable decision (in terms of the principle applied in *The Council of the City of Parramatta -v- Pestell* (1972-1973) 128 CLR 305) or as a bona fide exercise of the powers committed to Council (in terms of the principle applied in *Bromley London Borough City Council -v- Greater London Council* [1983] 1 AC 768, i.e. as being a decision that, looked at objectively, is so devoid of any plausible justification that no reasonable body or persons could have reached them) to employ and from time to time to vary the conditions of employment of staff.

The assumption which would appear to have been made as the basis of the decision recorded in Resolution 801 is that employment to normal retiring age or continuous employment for an indefinite term (which would describe the subsisting contracts) is at law the same as employment under specific term contracts of employment expressed to end upon the date the appointee attains the age of sixty five years, which is the position sought to be created by the replacement contracts.

The assumption is not correct. The correct position is that the subsisting contracts were always terminable by reasonable notice. The latter however are contracts for life long service which, if valid, and if terminated prior to the officer attaining sixty five years of age, would give rise to an action for damages for wrongful dismissal the measure of damages being (subject to earnings in mitigation) the gross remuneration which might have been earned in the unexpired term.

The applicable statement of law is that in *McClelland -v- Northern Ireland General Health Services Board* [1959] 2 All ER 129 per Lord Goddard at 133:

"That an advertisement offers permanent employment does not in my opinion mean thereby that employment for life is offered. It is an offer I think of general as distinct from merely temporary employment, that is that the person employed would be on the general staff with an expectation that, apart from misconduct or inability to perform the duties of his office, the employment would continue for an indefinite period. But, apart from a special condition in my opinion a general employment is always liable to be determined by reasonable notice."

and by Lord Keith of Avonholm at 139:

"It would need the clearest language to convince me that a contract of personal service was intended to be a contract for life or a contract to endure till a servant has qualified for a full retirement pension...the law would be slow to hold for obvious reasons that a servant is bound to give life long service, or a master to afford a life long employment."

Findings

The contracts entered into by the Council and the staff of the City of Waverley do not comply with the requirements of the Local Government Act in that they do not contain performance criteria and are for terms in excess of 5 years. However, the contracts were entered into before the new requirements came into effect.

Legal advice obtained from A J Macken and Co confirms that the contracts entered do not simply formalised existing arrangements as has been claimed by the Council but that they substantially alter pre-existing staff entitlements.

Further, the advice questions both the authority to enter into the contracts and if indeed there was such an authority, whether it was a reasonable decision in

law or a bona fides exercise of the powers of the Council.

2. City of Ballaarat

A complaint was made by Neil Henderson, Industrial Officer with the Australian Services Union regarding contracts entered into by staff of the City of Ballaarat. An examination has been made of these contracts.

On 16 March 1992 the Council authorised the Chief Executive to enter into contracts with senior staff. Negotiations over these contracts took fifteen months and the last contract was signed in August 1993.

The allegation made by Mr Henderson is that:

"well over 10 senior managers were on deals providing job security for the lesser of either a four year period or two years after any amalgamation.

These contracts were signed at various times when each officer was employed... some were definitely made with knowledge that there was going to be municipal restructuring".

The provision regarding the period of service states:

"Period of Service

Subject to this Agreement the Officer's period of service will commence on the __ day of ____ 1993 and shall continue for whichever is the lesser of-

- (a) A period of four years; or
- (b) A period of two years after the coming into operation of an Order in Council either abolishing the Council or materially altering its municipal boundaries".

The length of these contracts was at the time they were entered into 1997 or 1996 if amalgamation in the Ballarat region proceeded in 1994.

The contracts cover a period less than the maximum specified in the Act and the terms are consistent with the Award. However, the contracts do not contain performance criteria and in that respect are deficient in terms of the legislation.

The contracts contain many outmoded concepts, such as provisions for designated officers, which clearly demonstrate that they were prepared in

the absence of any knowledge of the proposed legislation.

Findings

The contracts for the senior officers do not comply with the requirements of the Local Government Act in so far as they do not contain performance criteria. However, they were entered into before the new requirements came into effect and there is no suggestion that they were entered into to avoid the new requirements.

3. Borough of Eaglehawk

The Chief Executive Officer, Mr Barry Secombe has been employed on a contract since his employment commenced in the municipality on 11 September 1989. The contract was for five years with a review after four years.

On 15 October 1992, Council passed a resolution that

"the review timetable for the Chief Executive Officer's Contract be amended to July 1993."

This brought the review forward by two months. This review took place on 29 July 1993. The following resolution was passed:

"that following recent consultation with the Chief Executive Officer in relation to his contract, Council now sign and seal the Contract for the Chief Executive Officer to be employed by the Borough of Eaglehawk".

This contract was executed on 16 September 1993.

The contract:

- . is for a period of 4 years with an extension of one year if a contract is not renewed in year 4;
- . contains responsibilities and functions;
- . requires performance criteria to be developed by 30 March 1994;
- . requires an annual performance review;
- . specifies benefits related to leave and sickness benefits, the car, telephone expenses, overseas study trips etc; and
- . provides termination rights and benefits.

On 25 November 1993 the Council resolved:

"that Mr Ron Watts, Borough Engineer and Mr Bruce Macumber, Assistant Town Clerk be placed on five year performance based contracts and furthermore, Council's Performance Appraisals sub committee be convened to draw up such contracts for signing and sealing at Council's next Ordinary Meeting".

No rationale is contained in the documents provided, for this action.

The reference to the Local Government Board for the review of the Bendigo region was made on 10 September 1993 and the legislation for contracts for staff with remuneration in excess of \$60,000 had been tabled in Parliament on 28 October 1993. The Interim Report of the Board was released on 3 December 1993 the same day the matter was again considered by the Council and a number of changes to the contracts submitted for consideration were made. The Council resolved:

"that subject to the inclusion of alterations/amendments as discussed and resolved upon at this meeting, together with the following additions:

- "1. Clause 4.4 be amended to read "In the absence of reappointment or redeployment to another position, the employee's employment terminates on and from 2 December 1998."
2. The process will allow for the Chief Executive Officer to review the remuneration as described in Schedule D and to make a recommendation to Council as a result of the outcome of the annual Performance Review."

that the five year contract of employment with Mr Ronald Watts and Mr Bruce Macumber be signed and sealed, subject to that contract receiving satisfactory scrutiny by Council's Solicitors"

The contracts were executed on 3 December 1993 (Appendix H).

The contracts:

- . are for a period of five years;
- . contain performance criteria;
- . require an annual review of performance;

- . specify benefits related to existing salary packages, leave entitlements and benefits such as overseas study trips; and
- . provide termination rights and benefits.

Findings

The contract for the Chief Executive Officer does not comply with the requirements of the Local Government Act in so far as it does not contain performance criteria - although it does provide for such criteria to be developed. However, the contract was entered into before the new requirements came into effect and there is no suggestion that it was entered into to avoid the new requirements.

The contracts for the other senior officers comply with the requirements of the Local Government Act although they were entered into before the new requirements came into effect. However, the timing of the negotiations and execution of the contracts reflects adversely on the Council at that time.

4. Rural City of Marong

On 17 November 1993, the Council considered a confidential report from the Chief Executive Officer on the Local Government (Miscellaneous Amendments) Bill 1993 (see Appendix I).

The most pertinent part of the report is as follows:

"The Bill requires Council to employ Senior Officers (including C.E.O.) whose total employment cost exceeds \$60,000 on contract on or before 1st October, 1994.

Each are deemed to be automatically on contract until 30th September, 1994.

This is where I believe the concern arises for the four Managers. At this date the Bill is not law, but it is expected to be passed by parliament in the near future.

Each Manager now has no security in that there is no protection as a designated officer (except for Mr. Paul in so far as he is partly employed as Environmental Health Officer) and will automatically have a contract which ends on 30th September, 1994.

Should there be a new Council or Councils formed as a result of the Review by the Local Government Board the four Managers could well find themselves unemployed on 1st October 1994 and not eligible for any redundancy payments.

This is not fair, as all other staff are still entitled to the Redundancy Agreement recently approved by Council and the Industrial Relations Commission.

The proposed new Section 95B of the Act in Sub-section 4 states:

"Nothing in Section 95 of the Local Government Act 1989 affects any written contract between a senior officer and a Council that is in force on the day this section comes into operation".

I judge this to mean that Council could at any time prior to the Bill being passed by Parliament enter into a contract with a senior officer.

I have come to the conclusion that Council should immediately enter into a contract with each of the four Managers for a period similar to the period provided in the Redundancy Agreement, namely three years.

The Contract to provide for the same terms and conditions under which each of the four Managers is currently employed.

Before Council makes a decision on these matters, and for it to be effective the decision needs to be made on 17th November, 1993. I would appreciate the opportunity to discuss the contents of this report and also my position as Chief Executive Officer privately. Ideally this should be with the Council Staff Committee prior to the Council meeting or towards the end of the Council meeting.

Because it is important that Council decide regarding the four managers on 17th November 1993, any Councillor who requires further information or has questions is encouraged to contact me prior to 17th November so that the information can be provided".

Mr Elvey did not know at this time that an amendment to the Bill was being prepared which would extend the period for entering a contract until 30 September 1995.

The Council subsequently resolved:

"That contracts be drawn up for the five Managers and further that Council set the date of the contracts as at today. The term of the contract be 5 years and is not to exceed existing terms and conditions in the first year.

Council is to engage Terry Bramham of Holme, Wilkinson & Lowery to draw up the contracts and further that a sub-committee of Council, one Councillor from each ward and the Mayor be set up with proper delegated powers be put into place to deal with the matter. They have power to act."

On 29 November 1993 a Special Committee of Council was held and this meeting endorsed and executed contracts for Messrs Elvey, Noonan, Paul and Miss Lee.

Mr Alford did not wish to sign a contract and subsequently Mr Elvey did not sign a contract.

The contracts:

- . are for a period of five years and provide at termination for payments similar to the redundancy payments contained in the Award;
- . require an annual review of performance but do not contain explicit performance criteria;
- . specify benefits related to existing salary packages, leave entitlements and study leave; and
- . contain a provision stating that award provisions override the contract.

Findings

The contracts for the senior officers do not comply with the requirements of the Local Government Act in so far as they do not contain performance criteria. However, while they were entered into before the new requirements came into effect, the timing of the negotiations and execution of the contracts reflects adversely on the Council of that time.

5. Shire of Benalla

On 22 November 1993, the Council considered a report from its senior officers on the Local Government [Miscellaneous Amendments] Bill and the requirement to appoint a Chief Executive Officer. The report sets out the requirements for a CEO and sets out options for the Council to

appoint a CEO. [See Appendix J]

It was resolved that:

"That the decision be deferred until the February meeting or until Council received relevant correspondence from the Minister and the two Senior Officers continue to act with full support until that time."

The Council held a Special Meeting on 6 December 1993 "in camera" to discuss personnel matters. A report was put to the Council which contained a number of options. These are summarised below:

- "[1] If Council wants to appoint a CEO before September 1995 it will have to advertise, interview and select the successful applicant.
- [2] If Council does not appoint a CEO now, then the new Act provides that the present Municipal Clerk is deemed to have been appointed to exercise the powers and perform the duties referred to for a period of three months from Assent.
- [3] Within the three month period Council must then authorise a person to exercise the powers and perform the duties and functions conferred on the CEO by legislation.

This authorisation can only continue until September 1995 by which time Council must have appointed a CEO only after having advertised the position, interviews etc.

It is my understanding that the person authorised would only be to carry out the functions previously designated to the Municipal Clerk and would not be the "Chief Executive Officer" in the true sense of the intentions of the new provisions."

Following debate, the council resolved that:

"That the Council appoint a Chief Executive Officer and the selection be made by secret ballot."

The secret ballot was held at the meeting and the Shire Secretary was appointed Chief Executive Officer. No contract was entered into at the meeting.

A contract was signed on 28 March 1994. The contract:

- . is for a period of five years;

- . contains performance criteria;
- . requires an annual review of performance;
- . specifies benefits related to existing salary packages, leave entitlements and benefits; and
- . provides termination rights and benefits.

Findings

The appointment of the Chief Executive Officer on 6 December 1993 does not comply with the requirements of the Local Government Act in so far as applications for the position were not called for by advertisement. However, the appointment was made before the new advertising requirement came into effect. Nevertheless the timing of the appointment reflects adversely on the Council.

Further it is considered that the position should have been advertised prior to the stage a contract was entered into with the person in the position.

6. Shire of Numurkah

The Council resolved on 16 November 1993 that:

" the Shire Secretary be appointed Chief Executive Officer of the municipality for the remaining period of his existing employment contract."

There is no supporting background paper in relation to this issue and the motion was dealt with in the Finance Section of the Agenda.

The contract of the Shire Secretary runs until 30 June 1997 and does not conform to the requirements of the legislation. The contract does not contain performance criteria, is cast in outmoded terms including provisions for designated officers and contain no provisions in relation to termination.

Findings

The appointment of the Chief Executive Officer on 16 November 1993 does not comply with the requirements of the Local Government Act in so far as applications for the position were not called for by advertisement. However, the appointment was made before the new advertising requirement came into effect. Nevertheless, the timing of the appointment reflects adversely on the Council.

7. Shire of Charlton

A meeting of the Council was held "in committee" on 30 November 1993 to discuss the position of the CEO.

It was resolved:

"that Council create the position of Chief Executive Officer and that Mr G Larmour be appointed to the position for an interim period of eight {8} months, that the appointment be reviewed at that time with the view of determining pay and conditions associated with the drawing up of formal contracts for the position."

No contract has been entered into at this time and the Council has resolved to defer any action until after the review of the Local Government Board.

Findings

The appointment of the Chief Executive Officer on an interim basis on 30 November 1993 does not comply with the requirements of the Local Government Act in so far as applications for the position were not called for by advertisement. However, the appointment was made before the new advertising requirement came into effect. Nevertheless, the timing of the appointment reflects adversely on the Council.

8. City of Box Hill

The Council considered a report from the Town Clerk at its Ordinary Meeting of 6 December 1993. This report canvassed a number of matters associated with the Bill and concluded:

"As the Bill transfers all responsibility vested in the Municipal Clerk to the CEO [or to the person assigned to the CEO's duties] from the date the Bill receives Royal Assent [probably 7 December] and as the Council will be obliged to advertise the position of CEO externally from that same date, the opportunity can be taken by the Council should it so wish, at its meeting on 6 December to make the appointment of a CEO. A Council decision of 6 December would alleviate the necessity to advertise the position externally and would allow the Council to proceed without delay to the creation of a corporate structure which is a natural progression from the adopting of a Corporate Plan, currently in the course of preparation."

The Council resolved:

"That the Town Clerk, Mr Ian Port, be appointed Chief Executive Officer of the City of Box Hill on a three year performance based contract, effective from this date, viz 6th December, 1993."

No contract has been entered into at this time and the Chief Executive Officer is considered to be on a deemed contract which will expire on 30 September 1995.

Findings

The appointment of the Chief Executive Officer on 6 December 1993 does not comply with the requirements of the Local Government Act in so far as applications for the position were not called for by advertisement. However, the appointment was made before the new advertising requirement came into effect. Nevertheless, the timing of the appointment reflects adversely on the Council.

9. City of Horsham

The Council held a Special Meeting on 22 November 1993 which considered, amongst other things "various matters resulting out of possible amendments to the Local Government Act by the Local Government [Miscellaneous Amendments] Bill 1993.

At this meeting a lengthy officers' report was considered together with a confidential options paper. [See Appendix K]

It was resolved that:

"the Council, subject to legal opinion, enter into five year employment contracts with:

1. Mr R.A Marshall based on existing conditions of employment and detailed performance measures based on standard administrative financial parameters.
2. Mr L.S Campbell based on existing conditions of employment and detailed performance measures based on standard administrative financial parameters.
3. Mr M Duncan based on existing conditions of employment and detailed performance measures based on standard administrative financial parameters.
4. Mr A.W Fischer based on existing conditions of employment and detailed performance measures based on standard administrative financial parameters."

The Council also resolved:

"That Council in accordance with section 94[2] of the Local Government Act 1989:-

1. Appoint RA Marshall as Chief Executive Officer for Council and Deputy Chief Executive Officer for Water with delegated responsibilities to be determined by Council.
2. Appoint LS Campbell, Chief Executive Officer for Water and Deputy Chief Executive Officer for Council with delegated responsibilities to be determined by Council.
3. Appoint M Duncan, Manager Administrative Services with delegated responsibilities to be determined by Council.
4. Appoint AW Fischer, Manager Technical Services with delegated responsibilities to be determined by Council."

Contracts were entered into on 9 May 1994. These are currently being discussed with the Council in light of the Minister's announcement on 6 May 1994 that an Order would be made preventing contracts being entered into which had terms longer than 30 September 1995. It is believed that Councillors who attended the meeting were aware of the announcement at the time the contracts were entered into.

Findings

The timing of the appointment and the execution of the contracts reflects adversely on the Council. The contracts are still being reviewed by the Office of Local Government.

10. City of Benalla

In July 1993, a performance appraisal of all senior executive officers was undertaken by a committee comprised of two councillors from the City of Benalla and two members of the Benalla Water Board.

This Committee made a number of recommendations to the Council including the review of performance appraisal, salary review and the implementation of a Corporate Management Structure including the appointment of a CEO.

The recommendations of this review were adopted by the Council on 16 August 1993. It was agreed to move to a Corporate Management Structure from 1 March 1994. It was also agreed that the position of the CEO be advertised internally.

On 29 November 1993 the Council again considered a report on the Corporate Management Structure and resolved:

" That the Evaluation Committee be requested to meet at an early date to:-

- [i] Determine the position descriptions for all positions;
- [ii] Appoint the CEO; and
- [iii] Assist the CEO in the subsequent appointment of the Deputy CEO and Managers."

The positions were subsequently advertised internally on the staff noticeboard and the appointment of the CEO was made on 1 December and other staff on 2 December 1993.

No contracts have been entered into at this time.

Findings

The appointment of the Chief Executive Officer on 1 December 1993 does not comply with the requirements of the Local Government Act in so far as applications for the position were not called for by external advertisement. However, the appointment was made before the new advertising requirement came into effect. Nevertheless, the timing of the appointment reflects adversely on the Council.

Further, to ensure "fair and open competition" it is considered that the positions for the other senior managers should have been externally advertised prior to appointments being made.

11. Shire of Gordon

In November 1993 the Council considered a report from the Shire Secretary on the Local Government [Miscellaneous Amendments] Bill. A Special Meeting of the Council was subsequently held on 6 December 1993 to discuss:

- "1. Consideration of staff arrangements; and
- 2. Municipal restructure."

The Council carried the following resolutions

"That Council resolve to enter into contract arrangements with T.H. Forbes and G.W. Hall for employment purposes, on the basis that such arrangements are applicable from 6th December, 1993, with employment to be on the basis of existing terms and conditions."

"That the Council resolve to appoint Trevor Henry Forbes as Chief Executive Officer/Manager Administrative Services for a period of five years from the date of this meeting, 6th December 1993, until 6th December, 1998, at the annual salary and conditions currently being paid to him by the Council in consideration of that Officer undertaking the role of Chief Executive Officer/Manager Administrative Services, of the Shire for that period, with the right to renegotiate the contract at the end of the specified period."

"That Council resolve to appoint Graham William Hall as Manager of Technical Services for a period of five years from the date of this meeting, 6th December 1993, until 6th December, 1998, at the annual salary and conditions currently being paid to him by the Council in consideration of that Officer undertaking the role of Manager, Technical Services, of the Shire for that period, with the right to renegotiate the contract at the end of the specified period."

"That the minutes of this meeting be taken as a written indication of the Council's decision to contract with Trevor Henry Forbes and Graham William Hall and of the basis of the agreement with those persons."

"That the Staff Committee appointed by Council, namely Crs. Sawers, Leed, Barnes and Hercus be appointed and be delegated power to develop the formal written contracts with the Chief Executive Officer/Manager Administrative Services and the Manager of Technical Services embodying the terms of the contracts referred to in the first two resolutions passed by Council at this meeting and the performance criteria for the purposes of review of the two officers and the reporting relationships of those officers having regard to the intention that the Chief Executive Officer/Manager Administrative Services is to generally responsible for:-

- [a] Ensuring that the decisions of the Council are implemented without undue delay; and
- [b] the day to day management of the Council's operations in accordance with the Council's Corporate Plan; and
- [c] providing timely advice to the Council; and
- [d] appointing, directing and dismissing the Council's staff; and
- [e] ensuring that staff are appointed in accordance with the organisational structure approved by the Council and to complete that task within three weeks."

"That authority be granted to fix the council seal to the contracts developed on the basis outlined and in accordance with the delegation given."

Contracts were entered into on the same day that is 6 December 1993. The contracts:

- . are for a period of five years;
- . contain performance criteria [which are more detailed for the CEO];
- . specify benefits related to existing salary packages, leave entitlements; and
- . provides termination rights and benefits.

Findings

The appointment of the Chief Executive Officer on 6 December 1993 does not comply with the requirements of the Local Government Act in so far as applications for the position were not called for by advertisement. However, the appointment was made before the new advertising requirement came into effect. Nevertheless, the timing of the appointment reflects adversely on the Council.

The contract for the other senior officer complies with the requirements of the Local Government Act although it was entered into before the new requirements came into effect. However, the timing of the negotiations and execution of the contract reflects adversely on the Council.

12. Shire of Mirboo

On 25 November 1993 the Council considered a report prepared by the Victorian Employers Chamber of Commerce and Industry on the review of the organisational structure of the Shire and its operations.

This report recommended a new organisational structure for the Council including the appointment of a Chief Executive Officer. A summary of the recommendations is contained in Appendix L.

At the same meeting the following resolution was passed:

"That Rodney Leslie Gregg be appointed to the position of Chief Executive Officer Elect/Shire Secretary as from 25 November 1993 and that subject to satisfactory negotiation of an employment contract between the Council and Mr Gregg, the terms and conditions of the employment contract be back dated to 25 November 1993."

On 24 January 1994 the Director of the Office of Local Government wrote to the Shire President requesting that legal advice be sought on the appointment of a Chief Executive Officer without advertisement.

The Council sought legal advice from the Municipal Association of Victoria [MAV]. In the advice in support of the appointment of the Shire Secretary as the CEO it is contended that:

". the consultants recommended a position of chief executive officer /shire secretary be created;

. inherent in the adoption of any such recommendation, is the requirement that the present occupant of the shire secretary position occupy the redesignated position, occupy some other position or be dispensed with;

. in the context of the recommendations, any other position would involve a demotion (it is presumed) or a dismissal;

. in the context of section 95[1][c] the shire secretary is entitled to receive fair and equitable treatment in all aspects of personnel management etc.;

. in the context of paragraph 95[1][e] "council staff should be used efficiently and effectively";

. paragraph 95[1][g] requires that "council staff should be protected against arbitrary action, personal favouritism and coercion;

. if therefore, the council considers that person to be a person who has effectively and efficiently discharged his duties and one whom it considers has appropriate attributes to undertake the functions which have been transferred from the municipal clerk to the chief executive officer as well as any functions currently or in future required of the chief executive officer:

- it would be acting contrary to paragraph 95[1][g] to dismiss or demote the shire secretary;
- there is no room in the consultant's recommendations to retain that person in his existing role;
- the impact of section 95B[2] would at least initially deem a senior officer not employed under a written contract to be employed under a contract with council that expires on September 30, 1995;
- it would not amount to efficiently and effectively utilising staff to leave that person without functions; and
- compliance with section 95[1] would appear to call for the

promotion and advancement of that person to the chief executive officer/shire secretary position (at a time when there is no requirement to comply with the subsequently enacted section 94[4])."

Comment was also provided in the advice on the need for advertisement of positions:

. it will be appreciated that the word "appointments" is not used in section 95;

. the words "fair and open competition" are used in paragraph 95[1][a] which only relates to recruitment and paragraph 95[1][b] relating to promotion and advancement;

. in the context of paragraph 95[1][a], the council did not see the need for recruitment;

. the relevance of paragraph 95[1][b] needs to be considered in the light of paragraphs (f) to (i) above;

. in terms of section 95[2], it would appear that the council has not really been faced with any vacant full-time council staff position. There has been no proposal to increase the number of positions and no decision to render vacant any existing position. It would seem therefore that section 95[2] has no application in the current situation (and was not written with any such circumstances in mind).

For the above reasons, it would appear that council both complied with the letter and the intent of the Act and has done so in a way which allows for both efficiency and effectiveness by minimising cost and avoiding unnecessary advertising and selection processes."

The advice which has been received is not supported by logic.

The tenuous argument that no newly created position can be advertised for fear that the person who held the "old" position might not be appointed, is demoted or is redundant is unusual.

In addition, it is argued concurrently, that while the provisions of the new legislation did not apply to advertising of the newly created position of CEO as the appointment was made before the legislation was proclaimed, it applied to deem the Shire Secretary to be on contract.

Findings

The appointment of the Chief Executive Officer on 25 November 1993 does not comply with the requirements of the Local Government Act in so far as applications for the position were not called for by advertisement. However, the appointment was made before the new advertising requirement came into effect. Nevertheless, the timing of the appointment reflects adversely on the Council.

CONCLUSIONS

It appears that most of the appointments and contracts entered into by councils prior to 7 December 1993, the day on which the requirements relating to senior officer contracts came into effect, were undertaken so as to avoid the new requirements of the legislation including the advertising of positions, the need for performance criteria and contract terms limited to 5 years.

The exceptions are the contracts at the City of Ballarat and the CEO of the Borough of Eaglehawk.

In the case of the Borough of Eaglehawk and the Rural City of Marong another motivating factor for contracts appears to be the then imminent review by the Local Government Board.

Under existing legislation, there is no action that the Minister or Office of Local Government can take in relation to any of the contracts entered into prior to Royal Assent of the new legislation. However, the timing and speed of the appointments and/or execution of contracts bring no credit on the Councils and were clearly intended to frustrate the Government's intentions either in relation to the new legislation on senior officer contracts or the restructure in the Bendigo region.

In the case of Waverley there is the additional issue of the effect of the contracts entered into. The contracts do significantly vary pre-existing entitlements and therefore the ratepayers have been misled and the Councillors also appear to have been under a misunderstanding of the contract they authorised. The authority under which the contracts were entered into may also be called into question.

In the case of the City of Horsham and the Shire of Benalla appointments made prior to the legislation were confirmed by contracts made after the legislation was proclaimed and there is doubt as to whether the actions of the Council conform to the legislation.

Legal advice has been received that it is possible to introduce legislation to retrospectively alter contracts which do not comply with the new requirements relating to senior officer contracts. Action on this advice is a matter for Government.

RECOMMENDATIONS

It is recommended that:

- . it be noted that many of the contracts for the senior officers which were investigated do not comply with the requirements of the Local Government Act. However, they were entered into before the new requirements came into effect. Nevertheless, the timing of the negotiations and execution of the contracts reflect adversely on the Councils concerned;
- . it be noted that the appointments of the Chief Executive Officers investigated did not comply with the requirements of the Local Government Act in so far as applications for the positions were not called for by advertisement. However, the appointments were made before the new mandatory advertising requirement came into effect. Nevertheless, the timing of the appointments reflects adversely on the Councils concerned;
- . that the City of Waverley has misled its ratepayers as to the nature of the contracts entered into with its senior officers and has seriously disadvantaged its ratepayers;
- . that the City of Waverley be required to advise the Minister for Local Government of the action it proposes to take in the light of the legal advice outlined in this report concerning the validity of the contacts entered into with its senior officers; and
- . that the subject of senior officer contacts be kept under review.

OPERATIONS AND INVESTIGATIONS BRANCH

APPENDIX A

21 Atheldene Drive
GLEN WAVERLEY 3150

17 November 1993

The Town Clerk
City of Waverley
P O Box 1
GLEN WAVERLEY 3150

Dear Mr Webster

I hereby give notice of my intention to move at the next meeting of the Council of the City of Waverley, either the next Ordinary Meeting or at a Special Meeting convened for the purpose - whichever first occurs:

That whereas the Council has a Chief Executive Officer (Chief Executive) and other Senior Managers employed on the basis of mutual agreement, in order to formalise existing arrangements it is now desired to:

enter into a written contract of employment with the Chief Executive and such other senior officers as designated below;

That the Council:

- i) with respect to the Chief Executive Officer position hereby resolves and agrees to contract with the existing Chief Executive, Ian Wilson, in terms of the document circulated "Written contract, for the position of Chief Executive Officer", noting that the document contains no significant variation of existing conditions and simply formalises the existing arrangements; and that the Mayor be authorised to execute the contract on the Council's behalf.
- ii) delegates to the Chief Executive the function of contracting on Council's behalf on similar terms with:

Mrs S.I. Bradley,
Messrs D.A.S. Cameron, J.N. Halford, J.N. Webster, A.R. Coster,
C.P. Cullino, C.S. Emerton, R.M. Gales, R.T. Jones, M.J. Kent,
R.W. Lear, A.C. Miller, A.D. Oliver, J.W. Price, M.D. Ramsay,
R.G. Whitting and K. Williamson

all of whom are senior officers and Managers."

Yours sincerely



CR G B FRECKER

AGE 19/11/93

CITY OF WAVERLEY MEETING
SPECIAL COUNCIL MEETING
23RD NOVEMBER, 1993
Notice is hereby given that a
special meeting of the Council will
be held in the Council Chamber,
Civic Centre, 293 Springvale Rd.,
Cremorne, Waverley, at 8:00 pm on
Tuesday 23rd November, 1993.
The purpose of the meeting will be
to consider the continuation of
existing conditions of employment
contracts for Senior Officers.
Wardler
Town Clerk



City of Waverley

**SPECIAL
COUNCIL MEETING
23 NOVEMBER 1993**

21 Howell Drive
MOUNT WAVERLEY 3149

18 November 1993

The Town Clerk
City of Waverley
P O Box 1
GLEN WAVERLEY 3150

Dear Mr Webster

Pursuant to Section 84 (1) of the Local Government Act 1992⁸⁹, I hereby call a Special Meeting of the Council of the City of Waverley to be held in the Council Chambers, Civic Centre, Springvale Road, Glen Waverley at 8.00 pm on Tuesday 23 November 1993 for the purpose of considering the following Notice of Motion submitted by Cr G B Frecker:

That whereas the Council has a Chief Executive Officer (Chief Executive) and other Senior Managers employed on the basis of mutual agreement, in order to formalise existing arrangements it is now desired to:

enter into a written contract of employment with the Chief Executive and such other senior officers as designated below;

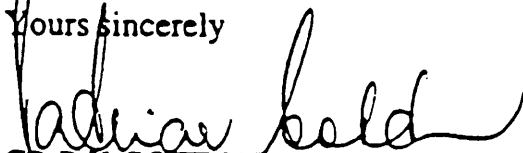
That the Council

- i) with respect to the Chief Executive Officer position hereby resolves and agrees to contract with the existing Chief Executive, Ian Wilson, in terms of the document circulated "Written contract, for the position of Chief Executive Officer", noting that the document contains no significant variation of existing conditions and simply formalises the existing arrangements; and that the Mayor be authorised to execute the contract on the Council's behalf.
- ii) delegates to the Chief Executive the function of contracting on Council's behalf on similar terms with:

Mrs S.I. Bradley,
Messrs D.A.S. Cameron, J.N. Halford, J.N. Webster, A.R. Coster,
C.P. Cullino, C.S. Emerton, R.M. Gales, R.T. Jones, M.J. Kent, R.W. Lear,
A.C. Miller, A.D. Oliver, J.W. Price, M.D. Ramsay, R.G. Whitting
and K. Williamson

all of whom are senior officers and Managers."

Yours sincerely


CR P K COTTON
Mayor

WRITTEN CONTRACT

FOR THE POSITION OF CHIEF EXECUTIVE OFFICER

PREAMBLE:

This is a written contract of employment as CEO between the Waverley City Council and Ian Wilson. This contract defines the nature and responsibility of the position to which the said Ian Wilson is appointed.

1. ORGANISATION RELATIONSHIPS

- 1.1 The Chief Executive Officer is responsible to the Council. The Chief Executive Officer shall act according to the principle that his responsibility is to the Council as a Body and not to individuals or groups within that Body.
- 1.2 The Chief Executive Officer is the head of the Council's paid service and has authority over all Council Staff so far as is necessary for the efficient management and execution of the Council's functions.

Staff reporting direct to the Chief Executive Officer are:

Group Manager	-	Technical Services
Group Manager	-	Administrative Services
Group Manager	-	Resources
Manager	-	District Centre Development
Manager	-	Corporate Development

2. KEY MANAGEMENT FUNCTIONS

2.1 Policy Development

To be the Council's Principal Adviser on matters of general policy. As the leader of the Council Staff, to provide and co-ordinate advice on policy from the staff and when considered necessary or expedient to recommend policies, and to ensure that the Council's policies are fully understood by the staff.

2.2 Implementation of Council Decisions

To arrange for the efficient and effective implementation of the Council's programs and policies and to ensure that the resources of the Council are most effectively deployed towards these ends.

2.3 Administration

To develop and to maintain an effective Administration which is progressive in outlook, professional in approach and courteous to the public, and to implement to the Council any changes considered necessary in the interests of overall effective Management.

2.4 Personnel

To ensure that effective and equitable manpower policies are developed and implemented throughout all Divisions in the interest of the Council and the staff, and to ensure that the human resources of the Council are developed in the interests of cost efficiency and job satisfaction for staff at all levels.

2.5 External Relations

To foster and maintain sound communications and good external relations with residents, government and other sections of the community with whom the Council is directly or indirectly associated.

3. SPECIFIC POSITION RESPONSIBILITIES

3.1 Policy Development

3.1.1 To advise Council of Legislation changes or other exterior developments which may require the creation of new policies or the review of existing policies.

3.1.2 To interpret, counsel and advise the Council and its Committees on their statutory powers and limitations and generally on their existing and proposed policies.

3.1.3 As the leader of the staff, to arrange for the presentation of advice from specialist professional officers within the Council's paid service and to co-ordinate such advice for presentation to Council.

3.1.4 To advise Council on the overall financial planing of the City's resources.

3.1.5 To be responsible for the preparation and submission of the Annual Budget and to ensure that such budgets when submitted reflect current Council policies.

3.1.6 To be responsible for the review of Council's Forward Plan and Capital Improvement Program and to ensure that the staff fully understand these documents.

3.2 Implementation of Council Decisions

- 3.2.1 To ensure that all Divisions operate in accordance with and give effect to Council's Policies.
- 3.2.2 To ensure that Council directions, orders and resolutions are executed properly and efficiently.
- 3.2.3 To ensure that as far as practical, all programs and works provided for in Budgets approved by Council are carried into effect and that such activities are carried out within the agreed Budget.

3.3 Administration

- 3.3.1 To ensure that the Administration of all Divisions and Departments is effective, efficient and economic.
- 3.3.2 To fill vacancies which may occur from time to time in the Council staff below Line Manager level, provided that the level of staff for the Division or work area affected, does not exceed that approved and budgeted for by the Council, and provided that no such vacancy shall be filled if Council has, or does, resolve to the contrary.
- 3.3.3 To delegate authority and provide resources to Line Managers and other staff as necessary to enable the decisions of Council to be carried into effect and to monitor such delegated authority and take a corrective action as is necessary.
- 3.3.4 To be the sole channel through which the Council deals with, or issues directives to, other staff in any matters of importance.
- 3.3.5 To control communications between the Council and its staff and ensure that staff are kept informed of Council Policies, Orders and Resolutions.

3.4 External Relations

- 3.4.1 To facilitate the free flow of communications between the Council and external sources and to be the sole channel of communication between the Administration and external sources on all matters of importance.
- 3.4.2 To represent the Council at Deputations, Conferences and other meetings as required and in such a manner as is to the City.

4. GENERAL FUNCTIONS

- 4.1 To observe the requirements of all Acts and Regulations which are administered and enforced by the Council and to ensure that all the statutory duties of the Statutory Officers are carried out.
- 4.2 Wherever practical, to attend all meetings of the Council and its Standing Committees unless directed by the Council to the contrary.
- 4.3 To ensure that all Council Agendas and Minutes are adequately and properly prepared and distributed and that adequate staff support is provided for the efficient conduct of the Business of the Council and its Committees.
- 4.4 To oversee the purchase of materials, supplies and equipment provided for in the Annual Budget or generally or specially approved by the Council.
- 4.5 To ensure that the Accounting Records are accurate and up to date in accordance with the Municipal Accounting Regulations and other Legislation, and that Council funds are managed in the best interests of the Council.
- 4.6 To generally give direction to ensure enforcement of any Laws and the like pertaining to or adopted by the Council and all lawful decisions of the Council.
- 4.7 To undertake any lawful duty delegated by the Council.

5. PERFORMANCE

The performance of the Chief Executive Officer will be measured primarily by:

- 5.1 Adherence to the Local Government Act and other Legislation.
- 5.2 The extent to which Council Policies, Programs, Decisions and Plans are actioned efficiently and promptly by Council staff.
- 5.3 The quality and completeness of Corporate Documents (including the Policy Manual, Overall Organisational Manual, Forward Plan and Capital Improvement Program) and the extent to which they are understood and adhered to by Council staff.
- 5.4 Adherence to the approved Annual Budget including agreed increases in cost effectiveness and productivity of all resources.
- 5.5 The extent to which time schedules are adhered to for major projects, including the introduction or extension of services and for the presentation of special reports to Council!

- 5.6 The extent to which regular Management Reports are available to Councillors by the agreed deadline and the quality of reporting.
- 5.7 The level of team work in all facets of Council operations and the extent to which formal and informal internal communications are enhanced.
- 5.8 The incidence of valid complaints and reasons therefore, including letters of appreciation, and the speed of response to Councillor and public requests and complaints.
- 5.9 The quality of professional advice given to the Council and Council Committees.
- 5.10 The development of Council staff in their level of professional, managerial skills and competence.
- 5.11 The extent of which the image of Council is enhanced with ratepayers, residents the media, government departments, suppliers of goods and services, contractors and the public.
- 5.12 The extent to which the Administration is progressive in outlook, professional in approach and courteous to the public.
- 5.13 The extent to which the Objectives and Strategies under the Council's Forward Plan are achieved.
- 5.14 The performance measures described are subject to review and amendment as appropriate and as approved by the Council.

6 CONDITIONS AND BENEFITS

Generally in accordance with the Local Government Authorities (Victoria) Interim Award. Salary (including allowances and benefits), changes and review thereof, to continue on the basis existing at the date of this contract.

7. REVIEWS

Council must review performance as indicated above on an annual basis.

8. EXPIRY

This contract of employment is to expire upon the appointee, Ian Wilson, attaining normal retirement age of sixty-five years.

9. TERMINATION

This contract may be terminated by:

- **either party by mutual consent.**
- **by a decision of the Council subject to two months notice.**

Such termination to sever all future rights and entitlements without regard to whatever period to the date of expiration that may apply.

**MINUTES OF SPECIAL MEETING OF THE COUNCIL OF THE CITY OF
WAVERLEY HELD IN THE COUNCIL CHAMBERS SPRINGVALE ROAD
GLEN WAVERLEY ON TUESDAY 23 NOVEMBER 1993 AT 8.00 PM.**

PRESENT: The Mayor, Cr. P K Cotton (Chairman), Crs G W Clare, G B Frecker, I I Findlay, T M Heffernan, T J Holding, B P Lydon, T G Morrissey, T R Richards and B M Thompson.

1. **APOLOGIES** - Crs. R D Hannan and D R Olin.

Moved Cr. Thompson seconded Cr. Clare 800

That the apologies from Crs Hannan and Olin be received and leave of absence granted.

CARRIED

2. **PURPOSE OF MEETING**

The Town Clerk advised that the meeting had been called by the Mayor pursuant to Section 84 (1) of the Local Government Act 1989 for the purpose of considering a Motion on Notice submitted by Cr. G. B. Frecker.

3. **MOTION ON NOTICE** - By Cr G. B. Frecker

Employment of Chief Executive Officer and Senior Officers

Moved Cr. Frecker seconded Cr. Heffernan 801

That whereas the Council has a Chief Executive Officer (Chief Executive) and other Senior Managers employed on the basis of mutual agreement, in order to formalise existing arrangements it is now desired to enter into a written contract of employment with the Chief Executive and such other senior officers as designated below

That the Council:

- i) with respect to the Chief Executive Officer position hereby resolves and agrees to contract with the existing Chief Executive, Ian Wilson, in terms of the document circulated "Written contract, for the position of Chief Executive Officer", noting that the document contains no significant variation of existing conditions and simply formalises the existing arrangements; and that the Mayor be authorised to execute the contract on the Council's behalf.

3. CONTINUED

- ii) delegates to the Chief Executive the function of contracting on Council's behalf on similar terms with:

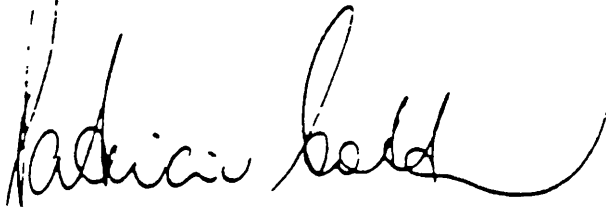
Mrs S.I. Bradley,
Messrs D.A.S. Cameron, J.N. Halford, J.N. Webster,
A.R. Coster, C.P. Cullino, C.S. Emerton, R.M. Gales,
R.T. Jones, M.J. Kent, R.W. Lear, A.C. Miller, A.D. Oliver,
J.W. Price, M.D. Ramsay, R.G. Whitting and K. Williamson

all of whom are senior officers and Managers.

CARRIED UNANIMOUSLY

The meeting closed at 8.10 pm

CONFIRMED THIS THIRTIETH DAY OF NOVEMBER 1993



CHAIRMAN

WRITTEN CONTRACT

FOR THE POSITION OF CHIEF EXECUTIVE OFFICER

PARTIES:

The parties contracted by this agreement are the City of Waverley and Ian Wilson.

PREAMBLE:

This is a written contract of employment as Chief Executive Officer between the Waverley City Council and Ian Wilson. This contract defines the nature and responsibility of the position to which the said Ian Wilson is appointed and is entered into and agreed upon by both parties on 23 November 1993.

1. ORGANISATION RELATIONSHIPS

- 1.1 The Chief Executive Officer is responsible to the Council. The Chief Executive Officer shall act according to the principle that his responsibility is to the Council as a Body and not to individuals or groups within that Body.
- 1.2 The Chief Executive Officer is the head of the Council's paid service and has authority over all Council Staff so far as is necessary for the efficient management and execution of the Council's functions.

As at the date of Contract and pursuant to the Organisational Structure, Staff reporting direct to the Chief Executive Officer are:

Group Manager	-	Technical Services
Group Manager	-	Administrative Services
Group Manager	-	Resources
Manager	-	District Centre
Manager	-	Corporate Development

2. KEY MANAGEMENT FUNCTIONS

2.1 Policy Development

To be the Council's Principal Adviser on matters of general policy. As the leader of the Council Staff, to provide and co-ordinate advice on policy from the staff and when considered necessary or expedient to recommend policies, and to ensure that the Council's policies are fully understood by the staff.

2.2 Implementation of Council Decisions

To arrange for the efficient and effective implementation of the Council's programs and policies and to ensure that the resources of the Council are most effectively deployed towards these ends.

2.3 Administration

To develop and to maintain an effective Administration which is progressive in outlook, professional in approach and courteous to the public, and to implement for the Council any changes considered necessary in the interests of overall effective Management.

2.4 Personnel

To ensure that effective and equitable staff policies are developed and implemented throughout all Divisions in the interest of the Council and the staff, and to ensure that the human resources of the Council are developed in the interests of cost efficiency and job satisfaction for staff at all levels.

2.5 External Relations

To foster and maintain sound communications and good external relations with residents, government and other sections of the community with whom the Council is directly or indirectly associated.

3. SPECIFIC POSITION RESPONSIBILITIES

3.1 Policy Development

3.1.1 To advise Council of Legislation changes or other exterior developments which may require the creation of new policies or the review of existing policies.

3.1.2 To interpret, counsel and advise the Council and its Committees on their statutory powers and limitations and generally on their existing and proposed policies.

3.1.3 As the leader of the staff, to arrange for the presentation of advice from specialist professional officers within the Council's paid service and to co-ordinate such advice for presentation to Council.

3.1.4 To advise Council on the overall financial planning of the City's resources.

3.1.5 To be responsible for the preparation and submission of the Annual Budget and to ensure that such budgets when submitted reflect current Council policies.

- 3.1.6 To be responsible for the review of Council's Corporate Plan and to ensure that the staff fully understand directions and Policies deriving therefrom.

3.2 Implementation of Council Decisions

- 3.2.1 To ensure that all Divisions operate in accordance with and give effect to Council's Policies.
- 3.2.2 To ensure that Council directions, orders and resolutions are executed properly and efficiently.
- 3.2.3 To ensure that as far as practical, all programs and works provided for in Budgets approved by Council are carried into effect and that such activities are carried out within the agreed Budget.

3.3 Administration

- 3.3.1 To ensure that the Administration of all Divisions and Departments is effective, efficient and economic.
- 3.3.2 To fill vacancies which may occur from time to time in the Council staff, provided that the level of staff for the Division or work area affected, does not exceed that approved and budgeted for by the Council, and provided that no such vacancy shall be filled if Council has, or does, resolve to the contrary.
- 3.3.3 To delegate authority and provide resources to Line Managers and other staff as necessary to enable the decisions of Council to be carried into effect and to monitor such delegated authority and take a corrective action as is necessary.
- 3.3.4 To be the sole channel through which the Council deals with, or issues directives to, other staff in any matters of importance.
- 3.3.5 To facilitate communications between the Council and its staff and ensure that staff are kept informed of Council Policies, Orders and Resolutions.

3.4 External Relations

- 3.4.1 To facilitate the free flow of communications between the Council and external sources and to be the sole channel of communication between the Administration and external sources on all matters of importance.
- 3.4.2 To represent the Council at Deputations, Conferences and other meetings as required by the Council and in such a manner as is of benefit to the City.

4. GENERAL FUNCTIONS

- 4.1 To observe the requirements of all Acts and Regulations which are administered and enforced by the Council and to ensure that duties are carried out.
- 4.2 Wherever practical, to attend all meetings of the Council and its Standing Committees unless directed by the Council to the contrary.
- 4.3 To ensure that all Council Agendas and Minutes are adequately and properly prepared and distributed and that adequate staff support is provided for the efficient conduct of the Business of the Council and its Committees.
- 4.4 To oversee the purchase of materials, supplies and equipment provided for in the Annual Budget or generally or specially approved by the Council.
- 4.5 To ensure that the Accounting Records are accurate and up to date in accordance with Regulations and other Legislation, and that Council funds are managed in the best interests of the Council.
- 4.6 To generally give direction to ensure enforcement of any Laws and the like pertaining to or adopted by the Council and all lawful decisions of the Council.
- 4.7 To undertake any lawful duty delegated by the Council.

5. PERFORMANCE

The performance of the Chief Executive Officer will be measured primarily by:

- 5.1 Adherence to the Local Government Act and other Legislation.
- 5.2 The extent to which Council Policies, Programs, Decisions and Plans are actioned efficiently and promptly by Council staff.
- 5.3 The quality and completeness of Corporate Documents and the extent to which they are understood and adhered to by Council staff.
- 5.4 Adherence to the approved Annual Budget including agreed increases in cost effectiveness and productivity of all resources.
- 5.5 The extent to which time schedules are adhered to for major projects, including the introduction or extension of services and for the presentation of special reports to Council.
- 5.6 The extent to which regular Reports are available to Councillors by the agreed deadline and the quality of reporting.

Page 5

- 5.7 The level of team work in all facets of Council operations and the extent to which formal and informal internal communications are enhanced.
- 5.8 The incidence of valid complaints and reasons therefore, including letters of appreciation, and the speed of response to Councillor and public requests and complaints.
- 5.9 The quality of professional advice given to the Council and Council Committees.
- 5.10 The development of Council staff in their level of professional, managerial skills and competence.
- 5.11 The extent to which the image of Council is enhanced with ratepayers, residents, the media, government departments, suppliers of goods and services, contractors and the public.
- 5.12 The extent to which the Administration is progressive in outlook, professional in approach and courteous to the public.
- 5.13 The extent to which the Objectives and Strategies under the Council's Corporate Plan are achieved.

The performance measures described are subject to review and amendment as appropriate and as approved by the Council.

6. CONDITIONS AND BENEFITS

In accordance with the Local Government Authorities (Victoria) Interim Award except insofar as the parties have agreed at the date of this contract. Salary and benefits as agreed and varied from time to time, any changes and reviews thereof, to continue to be carried out according to the basis existing and agreed between the parties at the date of this contract.

7. REVIEWS

Council will review performance as indicated in 5. above at least annually.

8. TERM OF CONTRACT AND EXPIRY

This is a specific term contract of employment and is to end upon the date the appointee, Ian Wilson, reaches sixty-five years of age.

9. TERMINATION

This contract may be terminated by mutual consent.

Subject to two months notice this Contract may be terminated by Ian Wilson.

Subject to a period of two months notice, the Contract of Employment may be terminated by Council by reasons of the employee (Ian Wilson):

- being declared bankrupt or insane
- being convicted of any indictable offence
- failing to comply with the reasonable directions of Council and the performance standards of this Contract
- being guilty of any misconduct in carrying out and performing his powers, authorities, functions and duties as an officer of the Council.

10. DATE

.....

11. PARTIES SIGNATURES

Employee

.....
IAN WILSON, Chief Executive Officer

Mayor

.....
CR PATRICIA COTTON,

on behalf of the Council of the
City of Waverley and pursuant
to Resolution of the Council on
23rd November 1993

DRAFT AS APPLICABLE IN (III) OF THE RESOLUTION**WRITTEN CONTRACT****FOR THE POSITION OF GROUP MANAGER/MANAGER**

PARTIES: The parties contracted by this agreement are the City of Waverley and
.....

PREAMBLE:

This contract is for the employment of to the position of Group Manager/Manager and is entered into and agreed upon by both parties on 23 November 1993.

1. ORGANISATION RELATIONSHIPS

The Group Manager/Manager is responsible to the Chief Executive/Group Manager for the effective performance of his/her role.

2. KEY MANAGEMENT FUNCTIONS

The Officer shall continue to perform as agreed by the parties at the time of this Contract and as varied from time to time by such management processes as then apply.

3. SPECIFIC POSITION RESPONSIBILITIES

As agreed and as may be amended from time to time by the parties.

4. GENERAL FUNCTIONS

To be as agreed between the parties and outlined in arrangements already existing with respect to the appointment as a Group Manager/Manager.

5. PERFORMANCE

The performance of the Senior Officer will be measured by the Chief Executive in accordance with results, objectives, aims and tasks which have been agreed between the parties at the date of this contract or set in place by other appropriate and reasonable action.

6. CONDITIONS AND BENEFITS

In accordance with the Local Government Authorities (Victoria) Interim Award except in so far as the parties have agreed at the date of this contract. Salary and benefits as agreed and varied from time to time any changes and reviews thereof to continue to be carried out according to the basis existing and agreed between the parties at the date of this contract.

7. REVIEWS

The Chief Executive must review performance as indicated in 5. above on an annual basis.

8. TERM OF CONTRACT AND EXPIRY

This is a specific term contract of employment and is to expire upon the date the appointee,, attains the age of sixty five years.

9. TERMINATION

This contract may be terminated by mutual consent.

Subject to two months notice this contract may be terminated by

Subject to a period of two months notice, the Contract of Employment may be terminated by Council by reasons of the employee (.....):

- failing to comply with the reasonable directions of Council and the performance standards of this Contract

In addition this contract may be terminated by the Chief Executive on behalf of Council upon the employee:

- being declared bankrupt or insane
- being convicted of any indictable offence
- being guilty of any misconduct in carrying out and performing his powers, authorities, functions and duties as an officer of the Council.

10. **DATE**

.....

11. **PARTIES SIGNATURES**

Employee

.....

Chief Executive

.....

on behalf of the Council of the City of Waverley
and pursuant to Resolution of the Council on
23rd November 1993

CITY
OF

WAVERLEY

MEMO TO: Mr Jon Halford
Group Manager Resources

MEMO FROM: Chief Executive

FILE: IW:JO:

DATE: 23 December 1993

SUBJECT: PERFORMANCE REVIEW

Consequent upon our adoption of contracts prior to, but consistent with the provisions of the Local Government Miscellaneous Amendments Act 1993, it is necessary that I formally engage in a review of your performance at least annually.

I intend to undertake this task in conjunction with Council's review of my own performance which I am aiming to do late July annually. That time is chosen as it is both the conclusion of a Council year and a substantial part of the financial period and additionally is the time we have always undertaken for a review under the previous and existing systems.

For review purposes, I have already submitted to Council the KRA's that we decided upon that ought to be applicable for the 1993/94 period and those particular key results will form part of the performance requirement. The difference this year will be that Council Committee will only involve itself with the Chief Executive Officer in terms of the conditions of our respective contracts.

More generally, the review of your position will be confirmed in writing after it has been undertaken and will address, in addition to the previously mentioned KRA's, general issues of performance in relation to what might reasonably be considered, mutually agreed objectives.

From my point of view, these will involve:-

- a) - **Interpersonal skills - including:-**
- motivating and developing subordinates
 - communication
 - listening
 - understanding and empathising
 - negotiating
 - persuading
 - convincing
 - and leading and promoting the Council's, your departmental goals at other levels in the organisation and externally as necessary.



WAVERLEY

- b) - **Problem solving and decision making skills:-**
The articulation of potential problems especially strategic problems, the resolution through the practical application of both lateral and pragmatic approaches
- c) - **Management skills:-**
Planning, monitoring and control of activities, the initiation development of necessary policies and practices and the design and development appropriate mix and skill experience among staff.
- d) **Professional technical skills:-**
In the processes of management and in the functions of your department to an extent necessary to assist me and Council to determine and articulate its objectives and strategies and for the organisation to implement those in a professional way.
- e) **Computer Literacy:-**
The ability to interact with a range of established software sufficient to understand how EDP can be used to resolve problems.
- f) **Financial management:-**
Budget preparation, expenditure control and performance.

Over and above these specific performance requirements all relating to your individual responsibility, an over-riding requirement is that you contribute to the "corporate whole" in a productive, co-operative and professional manner in respect of all duties and responsibilities properly deriving from your position.

All of the above is of course discussable with me if you feel you either wish to add or vary what I've put here. You may like the opportunity of discussing it or writing: neither is compulsory. To some extent we are in new territory, I understand the Institute of Municipal Management is going to promulgate suggested appropriate draft performance measures for use of both Chief Executive and Senior Officers. Maybe when we have more access to fuller and wider contributions we should seek to re-enter this discussion.

In the meantime, as we're obliged under law to do, I have in place this process.

I ask that you undertake a similar process for Managers under your control.

IAN WILSON

APPENDIX F

CITY OF WAVERLEY - TERM OF CONTRACT

<u>NAME</u>	<u>CONTRACT PERIOD</u>
. Mr I Wilson	14 years (2007)
. Mr J Webster	10 years (2003)
. Mr D Cameron	14 years (2007)
. Mr J Halford	7 years (2000)
. Mr R Coster	5 years (1997)
. Dr M Kent	26 years (2019)
. Mr R Lear	14 years (2007)
. Mr C Culliano	22 years (2015)
. Mrs S Bradley	23 years (2016)
. Mr R Whitting	25 years (2018)
. Mr J Price	13 years (2006)
. Mr C Emerton	16 years (2009)
. Mr A Oliver	21 years (2014)
. Mr K Williamson	31 years (2024)
. Mr M Ramsey	32 years (2025)
. Mr R Jones	12 years (2005)
. Mr A Miller	26 years (2019)
. Mr R Gates	18 years (2011)



WAVERLEY

MEDIA RELEASE

WAVERLEY'S CONTRACTS NO THREAT TO LOCAL GOVERNMENT RESTRUCTURING

The new employment contracts for Waverley Council's senior officers would not stand in the way of any future local government restructuring', Waverley's Mayor, Cr Patricia Cotton, said today.

Cr Cotton was replying to comments by the Minister for Local Government, the Hon Roger Hallam MLC, that the savings from restructuring would be jeopardised if a restructured council inherited staff on lengthy contracts.

'Unfortunately, some ratepayers have claimed that Waverley's new contracts are for life. This is totally wrong, as they can be terminated by either the Council or the officer at two months notice, and at no additional cost', Cr Cotton said.

The same people are arguing that Council should have adopted fixed-term contracts, say for 5 years, even though they are more expensive. Fixed-term contracts could inflate salaries by 10-15% and include large compensation payments for early termination - running as high as two years salary'.

To say that ratepayers or future councils would be better off with expensive fixed-term contracts is a nonsense', said Cr Cotton.

Cr Cotton said the decision to introduce the new contracts was a difficult one, particularly knowing that the Government was legislating for fixed-term contracts.

However, we believed that we could achieve the Government's objective without the additional cost of fixed-term contracts. The key seemed to be to write contracts that improved the performance and accountability of senior officers - which we have done through stronger annual performance reviews', Cr Cotton said.

'Council's commitment to this objective is borne out by the fact that it already had a performance review system in place', she added.

The new contracts allow Council to remove poorly performing managers at two months notice, and without compensation. Would the proponents of fixed-term contracts rather Council paid for the privilege or, worse still, wait years for the contract to expire to remove him or her?' Cr Cotton asked.

Cr Cotton said that she was confident that the Minister would see the merits of Council's position, and act accordingly.

Further information: Cr Patricia Cotton (807 8385), Ian Wilson (566 0280), Martin Kent (566 0358).

Friday 28 January 1994.

BOROUGH OF EAGLEHAWK
CONTRACT OF EMPLOYMENT

This Contract of employment is made the 3 rd day of December, 1993

BETWEEN The Borough of Eaglehawk in the State of Victoria (hereinafter called "the Council")

AND RONALD WILLIAM WATTS (hereinafter called the "employee")

of Golden Square 3555 in the State of Victoria.

1.0 Position: - Borough Engineer.

1.1 The Council and the employee agree to the terms and conditions of the contract.

2.0 Term.

2.1 Subject to subclause 3.1, this contract shall operate for a period of five years commencing on 3 December, 1993 and terminated on 2 December 1998.

3.0 Termination.

3.1 This contract may be terminated before 2 December 1998 in the event of any of the circumstances as specified in 3.1.1 to 3.1.4.

3.1.1 By agreement in writing.

3.1.2 The Council may immediately terminate the contract at any time by the payment of the employer of all of the unpaid monies and benefits set out in the contract. The amount of the payment shall be calculated from the date of actual termination by the Council until the deemed date of the expiration of this contract (namely the date five (5) years after the commencement of this contract pursuant to Clause 2.1 hereof) discounted at the rate of 6% to present dollar value.

3.1.3 By notice by the Council effective immediately if the employee commits any act which would entitle an employer to summarily dismiss an employee, within which is included for the purposes of this Contract -

- (a) serious or persistent breach of any of the terms or conditions of the contract;
- (b) dishonesty, fraud, wilful disobedience, gross misconduct;
- (c) wilful breach, non-observance, neglect in the discharge of his duties to the Council to the reasonable requirements of the Council;
- (d) disobedience or neglect of lawful instructions or directions duly authorised;
- (e) conviction for an offence precluding or inhibiting the further performance of duties under the contract;
- (f) incapacity which has prevented the employee performing the duties outlined in this Contract for a period of three (3) months.

Contract of Employment

2.

3.2 Upon termination of employment for any reason the employee shall immediately return to the Council all property of the Council.

4.0 **Renewal of Appointment**

4.1 In the event of the employee seeking to be reappointed to the position after the expiration of this contract, he/she shall give written notice to that effect at least twelve (12) months before the 2 December, 1998.

4.2 If the Council wishes to offer the employee reappointment to the position following up the expiration of this contract, then it shall give notice to that effect at least nine (9) months before 2 December, 1998, setting out the terms of such reappointment.

4.3 If the employee wishes to accept reappointment on the terms notified then he/she shall advise the Council to that effect at least six (6) months before the 2 December, 1998.

4.4 In the absence of reappointment or deployment to another position the employee's employment terminates on and from 2 December, 1998.

5.0 **Duties of the Employee and Council.**

5.1 The employee shall:

- (a) satisfactorily perform the role and duties of the position as adopted by Council and specified in the Position Description and subsequent annual performance objectives in Schedule A;
- (b) receive instructions from and be directly responsible to the Chief Executive Officer through Council's management structure as adopted from time to time (which will be appended as Schedule B);
- (c) attend such meetings of the Council and its Committees as may be required by the Chief Executive Officer;
- (d) not engage in other remunerated work without the prior written consent of the Council, such consent to not unreasonably be withheld;
- (e) perform the duties of the position diligently and in good faith as specified in Schedule A;
- (f) diligently exercise delegations as specified in writing from time to time;
- (g) promote the best interests of the Council;
- (h) comply with lawful Council resolutions and adopted policies;
- (i) perform all duties imposed by law;
- (j) take all reasonable steps to meet the performance criteria contained in Schedule C;
- (k) submit to Council on or before 30 June each year a Pecuniary Interest Statement in accordance with Section 81 of the Local Government Act 1989 (as amended).

5.2 The Council shall:

- (a) continue to provide office accommodation and equipment at least equivalent to that available at the date of this Agreement and necessary for the performance of this employee's duties;
- (b) continue to provide qualified subordinate staff necessary for the performance of all functions for which the officer is responsible.

6.0 Remuneration and Benefits

6.1 Notwithstanding any provisions contained within this contract the conditions of employment shall be no less favourable than those contained in the Victorian Local Authorities Interim Award 1991 (herein after called "The Award"). The employee will receive in addition to entitlements outlined in this contract the remuneration and benefits, specified in Schedule D and all relevant Awards, Acts, and Industrial Agreements.

6.2 All relevant awards, acts, industrial agreements shall apply.

6.3 The remuneration package will be adjusted from time to time as agreed upon or failing agreement from time to time as and when adjustments are made to and in the same proportion as general movements in salaries under the Award.

6.4 If the employee is re-employed by or appointed to a new position with the Council within two (2) months after the date of termination of the contract, the termination will not affect the employee's continuing service with the Council for the purpose of determining the employee's entitlement to any benefits under the contract.

7.0 Leave Entitlements

The employee is entitled to annual leave, special leave, sick leave, and any other form of leave in accordance with the Award, and Long Service leave, in accordance with the Local Government (Long Service Leave) Regulations 1991.

8.0 Hours of Work

The employee's hours of work shall be in accordance with the Award and with Council's Flexible Working Hours Agreement where relevant.

9.0 Performance Review

9.1 The performance criteria and procedures agreed to by the Council and employee are specified in 'Schedule' C.

Such criteria may be varied by written agreement between the Council and the employee. Such review shall be undertaken by the Chief Executive Officer and occur at least once per year. The process will allow the Chief Executive Officer to review the remuneration as per Schedule D and make recommendation to Council as a result of the outcome of the annual performance review. As soon as practicable after the review, the Chief Executive Officer shall report the outcomes to the Council whereupon the Council shall send to the employee a statement of:

- the Chief Executive Officer's conclusions about the employee's performance.
- any proposal by the Chief Executive Officer to vary the performance criteria in Schedule C; and
- any directions or recommendations by the Chief Executive Officer to the employee concerning the employee's future performance of the duties set out in Schedule A.

9.2 The Council shall ensure the continued development of the employees skills and abilities through attendance at conferences, seminars and training courses where appropriate.

10.0 Variation of Contract

Any variation of this contract shall be by agreement and in writing and signed by the parties.

11.0 Waiver

11.1 The failure of either party to enforce at any time any provisions of the contract or any right under the contract or to exercise any election in the contract shall in no way be considered to be waiver of such provision, right or election and shall not affect the validity of the contract.

12.0 Notice

12.1 Any notice or notification required under the contract shall be in writing addressed to the party at the party's address specified in the contract or to such other address as may be advised by either party to the other from time to time in writing.

13.0 **Severance**

- 13.1 If reading down a provision of the contract would prevent the provision being invalid or voidable it shall be read down to the extent that it is necessary and capable of being read down.
- 13.2 If a provision of the contract is nevertheless invalid or voidable and, the provision would not be invalid or voidable if a word or words were omitted, then that word or those words will be omitted and, in any other case, the whole provision shall be deleted and the remainder of the contract has full force and effect.

14.0 **Schedules**

- 14.1 All schedules form part of the contract.

15.0 **Preservation of Existing Rates and Conditions**

- 15.1 The employee shall not have any pre-existing or accrued remuneration or other benefits or entitlements reduced as a result of entering into this contract.
- 15.2 Should a dispute arise from an industrial agreement, Council policy or relevant award the parties shall follow the provisions of Clause 16 of this contract.

16.0 **Mediation**

- 16.1 The prevention and settlement of disputes which may arise from the operation and interpretation of this agreement, shall be resolved in accordance with the provisions of the Award.

17.0 **Policy and Procedural Documents**

- 17.1 The employee agrees that his/her employment is subject to the contract and Council's Community Plan and Policies as amended, from time to time, copies of which the employee has received and which the parties agree form part of the contract.

18.0 Confidentiality and Restrictions After Termination

18.1 In the event of the period of employment of the employee not being extended as provided for in this Agreement, the Council shall keep confidential and shall not disclose or publicise the reason/s for the Council's decision.


18.1 The employee shall:

- (a) not either during or after the period of his/her employment with the Council except in the proper course of his/her duties or as permitted by the Council, divulge to any person any trade secret or any information concerning the business or financial arrangements or position of the Council or any of the dealings, transactions or affairs of the Council or trade secret or information relating to any other person, body or organisation which has been provided to, held or obtained by Council on a confidential basis; and
- (b) during the period or extended period of his/her employment under this Agreement use his/her best endeavours to prevent the publication or disclosure of any trade secret or information referred to in paragraph (a) above.


18.2 Upon the termination or expiration of this Agreement, the employee shall not represent himself as being in any way connected in the Council or the business of the Council.

IN WITNESS WHEREOF THE PARTIES HERETO HAVE HEREUNTO EXECUTED THIS CONTRACT OF EMPLOYMENT ON THE DAY AND YEAR FIRST WRITTEN ABOVE.

THE COMMON SEAL OF THE MAYOR
COUNCILLORS AND CITIZENS OF THE
Borough of Eaglehawk was hereto
affixed in the presence of:



Mayor.

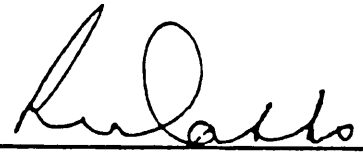


Councillor.

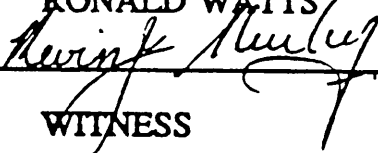


Chief Executive Officer

SIGNED BY THE EMPLOYEE)
in the presence of:)



RONALD WATTS



WITNESS

NAME : MR. RON WATTS

POSITION TITLE : BOROUGE ENGINEER

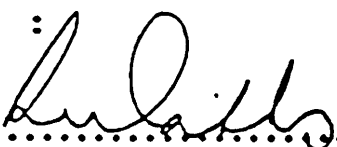
AWARD CLASSIFICATION : SENIOR EXECUTIVE OFFICER

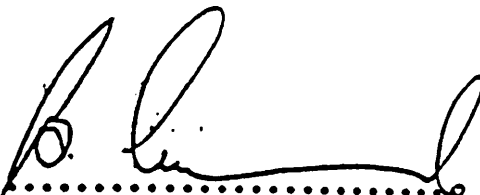
POSITION NUMBER :

SECTION : -

DEPARTMENT : ENGINEERING/TECHNICAL SERVICES

APPROVED BY :

Employee 

Supervisor 

Date 25/3/92

POSITION OBJECTIVES :

Manage the Engineering and Environmental functions and requirements of the municipality in an efficient and effective manner in accordance with the functions as listed in the Borough of Eaglehawk Organisational Chart, as attached.

KEY RESPONSIBILITIES AREAS :

1. Manage Council's Engineering Department, ensuring that the Works Program is undertaken to an acceptable standard within budgetary limits.
2. Provide Engineering representation on various Committees, including :
 - * Heritage Advisory Committee
 - * Parks and Gardens Committee
 - * Loddon-Campaspe Planning Committee Sub-Regional Committee
 - * Playground Development Committee
 - * Townscape Committee
 - * Council Committees, as directed by Council and Chief Executive Officer.
3. Ensure that the operating budgets for the following Committees are prepared and presented for Council's Engineering and Technical Services Department.
4. Liaise with sporting and community-based organisations with respect to Council assistance for various projects or events.

Position No.

- 2 -

KEY RESPONSIBILITIES AREAS (contd.):

5. Disseminate and evaluate information throughout the organisation to staff members directly affected by decisions made at the various Committees attended.
6. Carry out the Statutory Role of Borough Engineer and Building Surveyor.
7. Perform the duties of a Building Surveyor, including and supervision and issuing of directions to the Assistant Building Surveyor or the Building Inspector, as required.
8. Monitor and supervisor the progress of various Town Planning and Subdivision applications and assist Town Planning Staff, where necessary, in any counter or telephone queries, in their absence.
9. Evaluate Council's plant and vehicle fleet on an annual basis, in order to formulate a Plant and Vehicle Replacement Schedule.
10. To act as the Engineer/Manager of the Bendigo Regional Refuse Disposal Group, as part of Council's appointed role as the Host Council for the Group.
11. To act as the Engineer of the Bendigo Cemeteries Trust, in accordance with Council's role as the administrator and operator of this organisation.
12. In liaison with the Chief Executive officer, to assist Council in its objective of securing economic development for the municipality and the Sub-region.
13. To control any major works involving planning and construction of Council-owned facilities that are provided for the benefit of the community.
14. To control and monitor Council's purchasing procedure guidelines which provide for a Central Purchasing and Requisition System.
15. To monitor and keep abreast of any new initiatives and developments in the Engineering and Technical Services field that will serve to assist Council in achieving more effective service provision and cost efficiencies.
16. In liaison with the Chief Executive Officer, to evaluate strategic land use Town Planning matters, as required.
17. Or to carry out the tasks and duties applicable to any other position relevant to qualifications and experience, upon request.

....3/.

ORGANISATIONAL RELATIONSHIP :

Reports to : Chief Executive Officer

Supervises : All Engineers, Building and Planning Staff, as specified in the Organisational Chart.

ACCOUNTABILITY AND EXTENT OF AUTHORITY,
JUDGEMENT AND DECISION MAKING :

Accountable to the Chief Executive Officer.
Authority and decisions cover the effective management of all Engineering and Technical Services functions. Specific areas include :

- * Authority to initiate disciplinary action.
- * Authority to open Office Safe and to possess the appropriate combination.
- * Authority to sign Creditors Clearing Cheques, if required.
- * Authority to speak to the media, after liaison with and direction from Chief Executive Officer.
- * Authority to approve of leave for all Engineering Staff, with the exception of Long Service Leave.
- * Authority to sign Purchasing Requisition forms.

SPECIALIST SKILLS AND KNOWLEDGE :

1. Interpretation of Legislation.
2. Report writing skills.
3. Understanding of budgeting procedures.
4. Additional technical skills associated with the role of the Statutory Engineer and Building Surveyor.

MANAGEMENT SKILLS :

- * Time management
- * Delegation of tasks
- * Supervision
- * Decision making
- * Ability to work in a teamwork environment.

Position No.

- 4 -

INTERPERSONAL SKILLS :

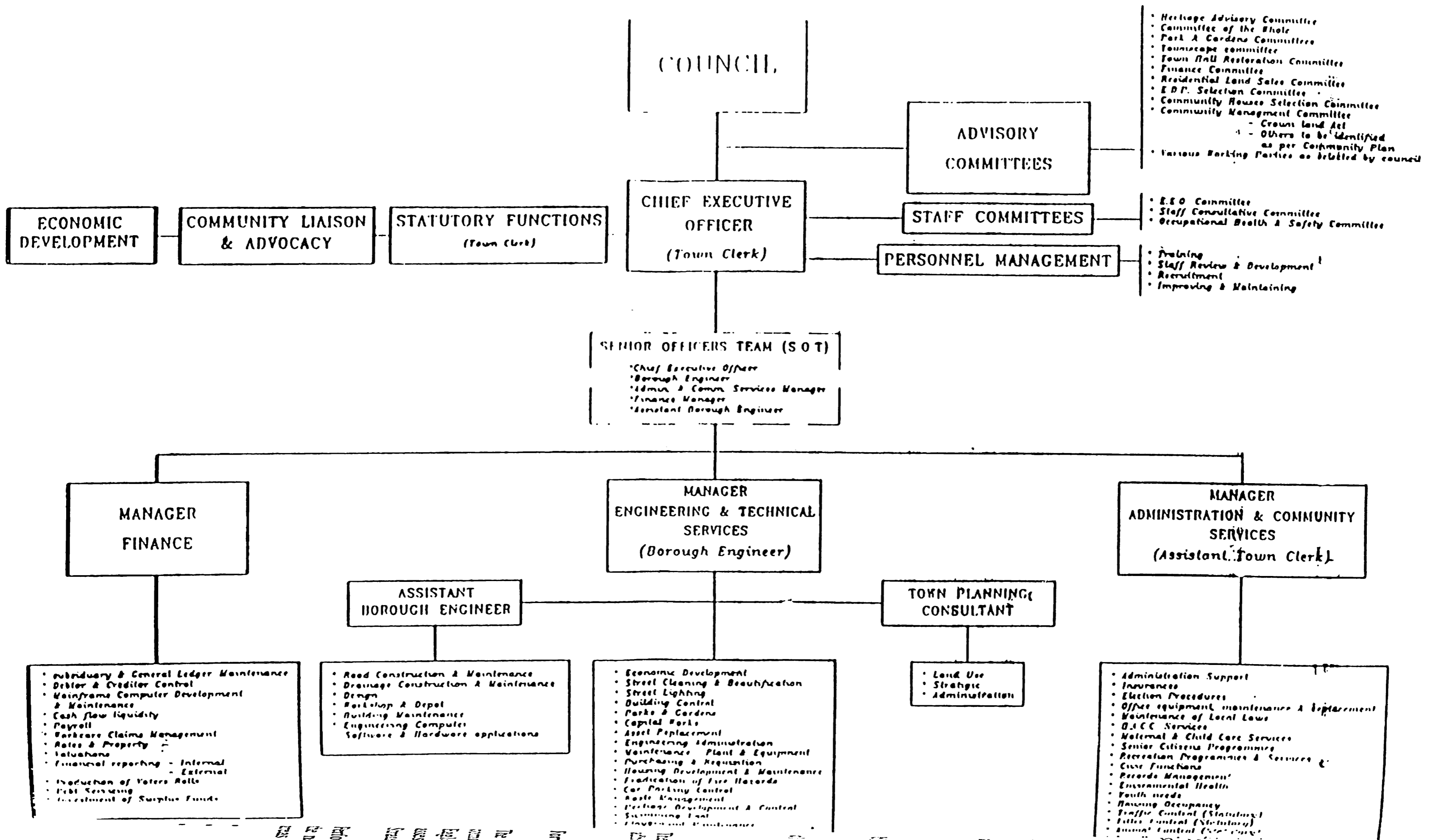
- * Communication skills
- * Conflict resolution
- * Public relations
- * Negotiating.

QUALIFICATIONS AND EXPERIENCE :

The position requires formal Statutory qualifications, as required under the Local Government Act.

Experience and/or formal qualification in a management related discipline is desirable.

BOROUGH OF EAGLEHAWK ORGANISATIONAL CHART



COUNCIL

ADVISORY
COMMITTEES

- Heritage Advisory Committee
- Committee of the Whole
- Park & Gardens Committee
- Townscape committee
- Town Hall Restoration Committee
- Finance Committee
- Residential Land Sales Committee
- E.D.P. Selection Committee
- Community House Selection Committee
- Community Management Committee
 - Crown Land Act
 - Others to be identified as per Community Plan
- Various Working Parties as detailed by council

CHIEF EXECUTIVE
OFFICER
(Town Clerk)

STAFF COMMITTEES

- E.E.O. Committee
- Staff Consultative Committee
- Occupational Health & Safety Committee

PERSONNEL MANAGEMENT

- Training
- Staff Review & Development
- Recruitment
- Improving & Maintaining

ECONOMIC
DEVELOPMENT

COMMUNITY LIAISON
& ADVOCACY

STATUTORY FUNCTIONS
(Town Clerk)

SENIOR OFFICERS TEAM (S O T)

- Chief Executive Officer
- Borough Engineer
- Admin & Comm Services Manager
- Finance Manager
- Assistant Borough Engineer

MANAGER
FINANCE

MANAGER
ENGINEERING & TECHNICAL
SERVICES
(Borough Engineer)

MANAGER
ADMINISTRATION & COMMUNITY
SERVICES
(Assistant Town Clerk)

ASSISTANT
BOROUGH ENGINEER

TOWN PLANNING
CONSULTANT

- Subsidary & General Ledger Maintenance
- Debtor & Creditor Control
- Mainframe Computer Development & Maintenance
- Cash flow liquidity
- Payroll
- Parkcare Claims Management
- Rates & Property
- Valuations
- Financial reporting - Internal
- Financial reporting - External
- Production of Voters Rolls
- Debt Collection
- Investment of Surplus Funds

- Road Construction & Maintenance
- Drainage Construction & Maintenance
- Design
- Workshop & Depot
- Building Maintenance
- Engineering Computer Software & Hardware applications

- Economic Development
- Street Cleaning & Beautification
- Street Lighting
- Building Control
- Parks & Gardens
- Capital Works
- Asset Replacement
- Engineering Administration
- Maintenance Plant & Equipment
- Purchasing & Acquisition
- Housing Development & Maintenance
- Identification of Fire Hazards
- Car Parking Control
- Waste Management
- Heritage Development & Control
- Swimming Pool
- Groundwater Management

- Land Use
- Strategic
- Administration

- Administration Support
- Insurance
- Election Procedures
- Office equipment maintenance & replacement
- Maintenance of Local Laws
- O.C.C. Services
- Maternal & Child Care Services
- Senior Citizens Programming
- Recreation Programmes & Services
- Civic Functions
- Records Management
- Environmental Health
- Youth needs
- Housing Occupancy
- Traffic Control (Statutory)
- Litter Control (Statutory)
- Animal Control (Statutory)

SCHEDULE C**PERFORMANCE OBJECTIVES
BOROUGH ENGINEER**

For the period commencing 3 December 1993 to 3 December 1994, performance will be measured by the following criteria:

1. Budgetary Requirements

Performance assessment will be based on the following:

- a) Monitoring on a monthly basis, after the receipt of relevant reports pertaining to all areas of expenditure and income within the Engineering Department.
- b) Report to the Chief Executive Officer, via the Senior Officers' Team, on the results of the monthly analysis pertaining to income and expenditure.
- c) Input into the Senior Officers' Team on overall financial position, of the total financial picture pertaining to the progress of the annual budget. This area shall be dealt with on a quarterly basis which will, in turn, form the basis of a report to Council framed by the Finance Manager.

The critical aspect of the reporting processes will be the demonstration of adherence to set budgets.

2. Forward Planning

- a) The Borough Engineer will be assessed on the basis of having an ongoing commitment to achieving the objectives contained within the Borough of Eaglehawk Community Plan. Such a commitment will be measured by the assessment of achievement or otherwise in relation to the Action Plans and Strategies contained within that Plan.
- b) Performance will be measured in relation to the level of participation and input into the new Borough of Eaglehawk Town Planning Scheme, with particular regard to areas such as:
 - Heritage controls
 - Subdivision layouts and standards
 - Overall development plans.

3. Technical Proficiency

- a) Performance will be measured by the level of continuing support and encouragement in technical advancement within the Engineering Department, more particularly in reference to:
- Computer Design and Drafting
 - Technical aids for Engineering secretarial staff
 - Computer recording of Subdivision, Town Planning and Building Permits.

As a result of the most recent Performance Appraisal, it is understood that the Borough Engineer will participate in training for the purpose of understanding how respective data processing systems are applied to this function.

- b) The Borough Engineer shall be directly responsible for the efficient and effective operation of the Purchasing and Requisition System and performance will be measured according to the way this system operates within the organisation.

4. Internal Management Processes

- a) In terms of performance, the Borough Engineer will be expected to conduct regular meetings with engineering and technical staff as a result of directions arising from Council Meetings.
- b) The Borough Engineer will be expected to support and provide input to Outside Staff Works Meetings.
- c) The Borough Engineer will be expected to supervise and control appropriate office procedures for the Engineering and Technical Services Department.

5. Legislation and Statues

The Borough Engineer will be required to keep abreast of changes that occur in legislation in order to ensure that advice provided to Council and the Chief Executive Officer is provided on the basis of current legislative positions. More particularly, the level of performance will be assessed in respect to level of input and knowledge of the following:

- Building Regulations and Standards
- Resource Recovery Legislation
- Planning and Environment Act
- Local Government Act
- Award Restructuring
- Local Government Accounting Regulations that relate to asset management and control.

6. Human Resource Management

Performance will be assessed on the basis of the demonstration of a commitment to motivate and enhance the morale of all Engineering and Technical Services Staff. Assessment in this area will relate to effective implementation of Staff Development Plans which will entail the following:

- Individual staff discussions
- Identification of training needs
- Identification of Performance Objectives
- Identification of areas for skill enhancement
- Job recruitment procedures
- Communicating with all staff
- Level of communication with Council
- Level of communication with Chief Executive Officer.

7. Interpersonal Skills

- a) Performance to be assessed as a result of outcomes of media contact as a result of liaison with Chief Executive Officer.
- b) Performance to be assessed as a result of public image that will be maintained through accessibility to ratepayers and consequential response to requests for service delivery.

8. Special Projects

Performance will be assessed as a result of continuing involvement and commitment to the following special projects to be undertaken during the course of this review period. Specific reference is made to:

- Involvement with successful Medium Density Project
- Town Hall Refurbishment
- Borough of Eaglehawk Townscape Program which includes aerial bundle cabling, verandah shop-fronts, street furniture and signs.
- Effective input in relation to various roles associated with the Regional Refuse Disposal Group and Bendigo Cemeteries Trust.
- Eaglehawk Enterprise Park Industrial Project
- Eaglehawk Heated Indoor Pool Project
- Implementation of effective Enterprise Bargaining practices and processes into the organisation.

SCHEDULE D

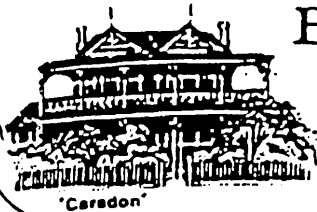
REMUNERATION AND BENEFITS (as a date of Contract):

Annual Cash Payment : \$45,715.00

CONTRACT BENEFITS

- Unrestricted private use of a fully maintained municipal vehicle with telephone to a standard equivalent to a Holden Berlina. Use includes annual leave. Officers shall pay for the fuel used when out of range of Council's normal fuelling facility and the vehicle is being used for other than Council business, and furthermore, the employee meet liability in relation to Fringe Benefits Tax.
- Funds allocated at a rate of \$5,536 per annum indexed to C.P.I. for Study Tour purposes shall convert to an annual salary on and from 1 October, 1994.
- Council will allow the employee to package his salary in accordance with the attached agreement.
- Council pays 50% of the Officer's statutory contribution toward the Local Authorities Superannuation Fund.
- Reimbursement of the Telecom phone rental plus payment of 50% of telephone calls billed to the employees place of residence.

The employee shall be responsible for full payment of all overseas calls excepting those telephone calls which are relevant to the organisation of an overseas Study Tour.



BOROUGH OF EAGLEHAWK

"CARADON", 80-82 VICTORIA STREET
PRIVATE BAG 55, EAGLEHAWK 3556
TELEPHONE (054) 46 8966, 46 8121
FAX No. (054) 46 1655



PLEASE QUOTE:

AGREEMENT

IN RESPECT TO SALARY PACKAGING ARRANGEMENT FOR THE BOROUGH ENGINEER BOROUGH OF EAGLEHAWK

It is hereby agreed by the Mayor, Councillors and Burgesses of the Borough of Eaglehawk (hereinafter known as "the Council") and Mr. Ron Watts (hereinafter known as "the Borough Engineer") of Golden Square that the following statements shall form part of his conditions of employment.

The Council has determined that the salary paid to Mr. Ron Watts in his capacity as Borough Engineer of the Borough of Eaglehawk be provided on the basis of a package which comprises a percentage to be paid through the existing payroll system and a percentage which comprises an interest free loan in lieu of salary.

This Agreement acknowledges that Fringe Benefit Taxation payable shall, in accordance with legislative requirements, be paid to the Taxation Office by Council. The Borough Engineer will then reimburse to the Council the amount of the Fringe Benefit Tax incurred.

The Agreement further acknowledges that in respect to Long Service Leave and Superannuation entitlements, the full salary, including the items that have been packaged in the form of an interest free loan, shall be recognised for that purpose.

It is further agreed that this arrangement shall commence effective from the date of the Council Meeting held 17 December, 1992.

This Agreement can be terminated at any time, as a result of mutual agreement between both parties.

SIGNED, SEALED AND DELIVERED
by the said parties this 17 Day of December.

[Signature]

Mayor

[Signature]

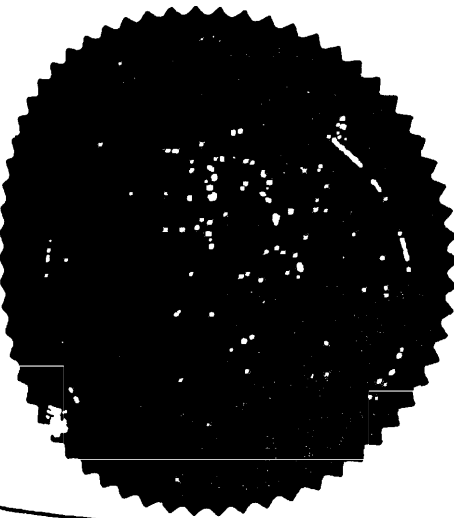
Councillor

[Signature]

Councillor

[Signature]

Borough Engineer



"NOT FOR PUBLICATION"**2.8 LOCAL GOVERNMENT (MISCELLANEOUS AMENDMENTS) BILL
(30/060/014)**

Prepared by Mr. Graeme Elvey.

The Municipal Association has advised that the above Bill has been prepared.

While the intention to remove the Statutory requirement for Councils to employ a qualified Municipal Clerk and a qualified Municipal Engineer has been publicised and generally accepted by Officers, it is disappointing that Part 2 of the Bill was not discussed with the M.A.V. or the Institute of Municipal Management.

The Bill proposes major changes, all of which are achievable by this Council but will need Council's attention either now or in the near future.

I have to say at the start of this report that the provisions of the Bill have an effect on the Chief Executive Officer and the four Managers employed by this Council and as such we each have an interest in the Bill and its outcomes.

The Bill as proposed has also caused me to think again about the employment of Senior staff under contract.

The following report has been prepared from information provided by the Municipal Association of Victoria and the Explanatory Memorandum attached to the Bill.

"Apart from the preliminary provisions in Part 1, the Bill has three substantive parts:

Part 2 deals with council officers

Part 3 deals with Roads and Traffic

Part 4 deals with Miscellaneous Amendments

1. Part 2 Council Officers

Part 2 has not previously been discussed with the MAV or its officers and contains some significant changes which include:

Clause 3 - operates from assent and amends definitions -

insertion of "Chief Executive Officer, Senior Officer (total employment cost to council in any 12 months more than \$60,000) and "total employment cost" (sum of salary and expenses):

repeal of "council staff" and "designated officer".

R J Hayes

"NOT FOR PUBLICATION"**2.8 LOCAL GOVERNMENT (MISCELLANEOUS AMENDMENTS) BILL (cont. 2)**

Clause 4 - operates from 1/10/94 and substitutes for the option to employ a CEO, a requirement to do so after inviting applications in a notice in a newspaper circulating generally throughout Victoria and considering all applications which comply with the conditions in the notice. There is also a provision that a council may only appoint a natural person to be a member of council staff.

Clause 5 - requires a council, where there is no CEO position at the date the Bill receives Royal Assent, to authorise a person to exercise the powers and perform the functions of CEO until the council creates the position.

Clause 6 - operates from October 1, 1994, and amends the CEO definition and repeals clause 5 (including extinguishment of any rights conferred on a person under that clause).

Clause 7 - inserts two new sections 95A and 95B from the date of assent:

section 95A is entitled "Employment of senior officers to be regulated by contract":

(1) only basis for employment of a senior officer:

(2) contract to specify -

(a) performance criteria for the purpose of reviews of senior officers performance;

(b) the date of expiry not less than one year nor more than five years after signing;

(c) any other matters required by regulation.

(3) Allows for entry of new contract upon expiry;

(4) Void if inconsistent with (2)

(5) Non application to person filling position on acting basis;

(6) Expiry on the date on which the last option ends.

Section 95B is entitled "Powers of the Minister concerning the employment of senior officers".

(1) Minister may by notice to Government Gazette exempt a council from complying with section 95A.

R A James

"NOT FOR PUBLICATION"**2.8 LOCAL GOVERNMENT (MISCELLANEOUS AMENDMENTS) BILL (cont. 3)**

- (2) *If that is done section 95A does not apply to that council Until the Minister revokes the notice by a further notice.*
- (3) *Minister may also by notice published in the Government Gazette for the period specified in the notice, forbid a council from employing a new senior officer or entering any new contracts with existing senior officers or entering any contracts with senior officers that expire after a specified period or date.*
- (4) *Requires a council to comply with the notice.*
- (5) *If a council is forbidden to fill a vacancy, it may only employ a person on an acting basis.*
- (6) *Contracts entered contrary to sub-section (4) are void.*

Clause 7 also contains provisions

- (2) *Any senior officer not employed by a council under a written contract at assent is deemed to be employed under a contract that complies with section 95A(2) and that expires on September 30, 1994.*
- (3) *Sub-clause (2) will cease to apply if:*
 - (a) *a senior officer enters a complying contract or*
 - (b) *a senior officer resigns or the employment otherwise ends.*
- (4) *Nothing in section 95A affects any written senior officer contract in force at the date of assent.*

Clause 8 from assent repeals section 97 "Designated Officers".

Clause 9 (October 1, 1994) inserts new section 97 - 97B -

section 97 sets out the functions of the CEO (responsible for ensuring council decisions are implemented, day to day management in accordance with the corporate plan, timely advice to the council, appointing directing and dismissing council's staff and ensuring that they are appointed in accordance with the organisational structure approved by council);

section 97A requires a council to review the performance of its CEO and requires the CEO to review the performance of every other senior officer (both to be reviewed at least once each year):

R J Hayes

"NOT FOR PUBLICATION"**2.8 LOCAL GOVERNMENT (MISCELLANEOUS AMENDMENTS) BILL (cont. 4)**

section 97A requires a council to review the performance of its CEO and requires the CEO to review the performance of every other senior officer (both to be reviewed at least once each year);

section 97B requires the CEO to maintain and make available for inspection upon request a register showing in respect of each senior officer the information required by the regulations concerning amounts payable.

Clause 10 on assent repeals section 100 relating to the protection of designated officers against removal from office and extinguishes existing rights upon commencement of operation (except that a matter before the Local Government Qualification Board at the date of commencement may be concluded).

Clause 11 on assent repeals sections 102 - 110 and Schedule 7 and causes the members of the Local Government Qualification Board to cease to hold office.

Clause 12 on assent inserts a new section 102 which prohibits and renders void any appointment to the staff of a council of a person who has been a councillor within two years after he or she ceases to hold that office.

Clause 13 on assent provides for any reference to the municipal clerk in any Act, regulation, local law, subordinate instrument, agreement, court document, certificate of title or other document to be construed as a reference to the CEO unless the contrary intention appears.

Clause 14 addresses a series of minor consequential amendments relating to substituting CEO for municipal clerk and repeals section 231 (council's or Ministers' ability to act instead of a designated officer).

Clause 15 inserts a new section 30A into the Health Act 1958 to address the requirement to appoint one or more qualified environmental health officers.

Clause 16 relates to the municipal health surveyors translating to environmental health officers.

Clause 17 amends references in the Health Act 1958 from municipal clerk to CEO and municipal health surveyors to the environmental health officers.

Clause 18 inserts a new Division 3 (section 14A) into the Building Control Act 1981 relating to municipal building surveyors.

"NOT FOR PUBLICATION"**2.8 LOCAL GOVERNMENT (MISCELLANEOUS AMENDMENTS) BILL (cont. 5)**

Clause 19 makes minor amendments to the Building Control Act 1981 (mainly nomenclature).

Clause 20 makes minor amendments to a range of other acts (mainly nomenclature)."

Officer Comment

It is acknowledged that the information provided above is not easy to understand. Because I and the four Managers have an interest in the outcome, I felt that Council should have the details provided by the Municipal Association of Victoria in full.

So what does it all mean?

The Bill

Repeals section 10 of the Local Government Act which protects certain officers against removal from office, namely the Municipal Clerk and the Municipal Engineer.

Make amendments to the Health Act 1958 and requires a Council to have an Environmental Health Officer who is, or who is eligible to be, a member of the Australian Institute of Environmental Health.

Make amendments to the Building Control Act 1981 and requires a Council to appoint a Municipal Building Surveyor. The person appointed need not be a member of Council staff but must hold a certificate of qualification from the Building Control Qualification Board. A Council may appoint an unqualified person for up to 6 months in a year and for longer with permission from the Minister.

Makes minor consequential amendments to other Acts as a result of removing designated officers.

Inserts new definitions into the Act for "Chief Executive Officer" and "senior officer" and repeals the definition of "designated officer". "Senior officer" means the Chief Executive Officer and any other officer whose total employment cost, is in excess of \$60,000 per annum or other amount that might be prescribed.

Requires a Council to appoint a Chief Executive Officer and that the appointee be a person and not a company. This clause will come into operation on 1 October 1994.

R J. Hynes

"NOT FOR PUBLICATION"**2.8 LOCAL GOVERNMENT (MISCELLANEOUS AMENDMENTS) BILL (cont. 6)**

Requires a Council which does not currently have a Chief Executive Officer position, to authorise a member of staff to perform the statutory duties required of a Chief Executive Officer until the Council creates the position.

Inserts sections 95A and 95B.

- Section 95A requires a Council to appoint senior officers on contract. A senior officer contract is to be for a term of 1 to 5 years and must include the criteria by which is to have his or her performance reviewed annually. A Chief Executive Officer's performance is to be reviewed by Council and all senior officers by the Chief Executive Officer. A Council must make a senior officer contract with a person, not a company.
- Section 95B provides that the Minister may exempt a Council from complying with the requirements for senior officer contracts.

For senior officers not currently on contract, the Act will deem contracts complying with the Act to be in existence until 30 September 1994. Councils will, as a result of this provision, be required to put these officers on contracts under the Act on or before 1 October 1994.

Clarifies that existing contracts are not be affected by the new requirements. However, a Council will be required to enter into a contract complying with the Act if it wants to continue employing a senior officer whose contract expires.

Repeals section 97 of the Local Government Act 1989 which requires a Council to have certain designated officers.

Substitutes a new section 97 and inserts 2 new sections. This clause will come into operation on 1 October 1994.

- Section 97 lists the functions of a Chief Executive Officer. These include ensuring that staff are appointed in accordance with the organisational structure approved by the Council.
- Section 97A requires the performance of senior officers to be assessed annually.
- Section 97B requires the Chief Executive Officer to maintain, and make available for public inspection, a register showing the total employment cost to Council of each senior officer.

Provides a new provision which prevents a Council from appointing to its staff any person who, in the last 2 years, has been a Councillor of the Council.

Provides that a reference in any other legislation or document to a Municipal Clerk is to be construed as a reference to a Chief Executive Officer.

"NOT FOR PUBLICATION"**2.8 LOCAL GOVERNMENT (MISCELLANEOUS AMENDMENTS) BILL (cont. 7)**

I want to put aside discussion on the position of Chief Executive Officer at this stage.

Council already employs a fully qualified Environmental Health Officer. Mr. Andrew Paul, Manager Health and Community Services holds this position as part of his duties. Council also employs Mr. Phil Davern who is a fully qualified Municipal Building Surveyor.

The Bill requires Council to employ Senior Officers (including C.E.O.) whose total employment cost exceeds \$60,000 on contract on or before 1st October, 1994.

Each are deemed to be automatically on contract until 30th September, 1994.

This is where I believe the concern arises for the four Managers. At this date the Bill is not law, but it is expected to be passed by parliament in the near future.

Each Manager now has no security in that there is no protection as a designated officer (except for Mr. Paul in so far as he is partly employed as Environmental Health Officer) and will automatically have a contract which ends on 30th September, 1994.

Should there be a new Council or Councils formed as a result of the Review by the Local Government Board the four Managers could well find themselves unemployed on 1st October 1994 and not eligible for any redundancy payments.

This is not fair, as all other staff are still entitled to the Redundancy Agreement recently approved by Council and the Industrial Relations Commission.

The proposed new Section 95B of the Act in Sub-section 4 states:

"Nothing in Section 95 of the Local Government Act 1989 affects any written contract between a senior officer and a Council that is in force on the day this section comes into operation".

I judge this to mean that Council could at any time prior to the Bill being passed by Parliament enter into a contract with a senior officer.

I have come to the conclusion that Council should immediately enter into a contract with each of the four Managers for a period similar to the period provided in the Redundancy Agreement, namely three years.

The Contract to provide for the same terms and conditions under which each of the four Managers is currently employed.

R. J. Hayes

"NOT FOR PUBLICATION"**2.8 LOCAL GOVERNMENT (MISCELLANEOUS AMENDMENTS) BILL (cont. 8)**

Before Council makes a decision on these matters, and for it to be effective the decision needs to be made on 17th November, 1993. I would appreciate the opportunity to discuss the contents of this report and also my position as Chief Executive Officer privately. Ideally this should be with the Council Staff Committee prior to the Council meeting or towards the end of the Council meeting.

Because it is important that Council decide regarding the four Managers on 17th November 1993, any Councillor who requires further information or has questions is encouraged to contact me prior to 17th November so that the information can be provided.

Moved Cr. Freemantle
Cr. Rodgers - That this report be held over until later in the meeting.

Carried.

Refer to Page 156 for resolution.

**2.9 LOCAL GOVERNMENT BOARD - RELEASE OF INTERIM REPORT
(30/040/003)**

Prepared by Mr. Graeme Elvey

This report on Bendigo Sub-region was originally planned to be released on Friday 12th November, 1994.

The latest date is now Friday 19th November, 1993.

At the time of preparing this report, there is an unconfirmed rumour circulating that the Interim Report will be released at 9.00 am on Friday 19th November 1993 at a room at the Strathdale Community Centre.

Councillors will be advised further of the meeting, if available at the Council meeting.

Reported for Council's information.

Information was noted - no resolution was passed.

SHIRE OF BENALLA**Monday, 22 November, 1993****9. COMMITTEE REPORTS****OFFICERS REPORT TO FINANCE COMMITTEE**
SENIOR OFFICERS**1. Finance and General****5. Local Government (Miscellaneous Amendments) Bill****Introduction**

This report has been prepared by the two senior officers of Council to discuss the implications of this Bill, which, if passed, will require Council to immediately appoint a person to carry out the role of Chief Executive Officer.

As the Shire Engineer is presently on leave, we felt it important to present a written rather than verbal report.

This report is not intended to preempt Council's decision; the intention is to raise various issues which should be considered and to indicate to Council the attitude of the two senior officers to the proposed Bill.

The Bill also deals with other issues; this report is only in relation to the Bill as it effects Council staff structure.

Contents of the Bill

1. It is likely the Bill will receive Governor in Council assent in early December.
2. Chief Executive Officer is defined, as is "Senior Officer" as being a person with total employment costs more than \$60,000 (at this stage the Shire Secretary and Shire Engineer).
3. Statutory positions, including Shire Secretary, Shire Engineer, are abolished.
4. From 1/10/94 a Council must employ a CEO after advertising throughout Victoria.
5. When the Bill receives assent (likely to be in early December) a Council must authorise a person to exercise the powers and perform the functions of CEO until the position is formally created.
6. All Senior Officers to be employed under contract from 1/10/94.
7. Senior Officer contract to include performance criteria, bc for a period of one to five years.

897

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SHIRE OF BENALLAMonday, 22 November, 19939. COMMITTEE REPORTSOFFICERS REPORT TO FINANCE COMMITTEE
SENIOR OFFICERS1. Finance and General5. Local Government (Miscellaneous Amendments) Bill [Cont.]

8. The Minister may exempt a Council from the contract provisions, but no details are given.
9. When the Bill is assented to, (i.e. December 1993), any Senior Officer not under a contract is "deemed to be employed under a contract" which expires on 30/9/94.
10. Functions of the CEO include ensuring Council decisions are implemented, day to day management in accordance with the Corporate Plan, timely advice to the Council, appointing directing and dismissing Council's staff and ensuring they are appointed in accordance with the organisational structure approved by Council.
11. Council shall review the performance of the CEO, the CEO shall review the performance of other senior officers. All reviews at least annually.
12. On assent, the powers currently held by the Municipal Clerk shall be held by the CEO

Action Required by Council

We understand that assent may occur in the first week of December. The Bill requires Council to authorise (presumably as soon as possible) a person to fulfil the role of Chief Executive Officer. It appears at this stage that Council could then defer formally creating the position and appointing a person to the position until 1/10/94. If Council creates the position and appoints a person prior to that date it is likely that it could do so internally, without the need to advertise. Beyond that date the position must be advertised.

Senior Officers' Personal Feelings

We have discussed the issues which would arise if one or the other of the present Senior Officers were appointed to a new position of Chief Executive Officer. We enjoy a warm and friendly relationship, both personally and professionally. Despite the fact that we believe that the dual management system is effective in this organisation, each of us would be comfortable with a Council decision placing the other person in the position of Chief Executive Officer. This is not to suggest that this is the only option; merely to express the personal position of the present Senior Officers.

Cont. over

SHIRE OF BENALLA**Monday, 22 November, 1993****9. COMMITTEE REPORTS****OFFICERS REPORT TO FINANCE COMMITTEE**
SENIOR OFFICERS**1. Finance and General****5. Local Government (Miscellaneous Amendments) Bill [Cont.]****Possible Structure**

Council may wish to give some consideration to a possible future management structure. It is not necessary that a decision be made at this time; it would be worth while, however, if some thought has already been given to the matter when the Bill is enacted. The remainder of this report is based on the assumption that one of the two present Senior Officers is appointed to the position of CEO.

Responsibilities

There is no question that a CEO position will assume more responsibilities than those currently held by either of the two Senior Officers. This is the effect of the "buck stops here": whereby the CEO will be responsible for the total performance of the organisation, rather than one side of the organisation as at present.

Deputy CEO

It is essential that a position of Deputy CEO be created, to be occupied by the second Senior Officer. The Deputy would provide support to the CEO in management functions across the organisation (rather than on one side of the organisation as at present). Deputy CEO would act as CEO in his absence, so that the lines of authority and responsibility are clearly defined. The statutory responsibilities of the CEO (including day to day management in accordance with the Corporate Plan and the overall running of the Council) are responsibilities that must be carried out in the absence of the CEO, thus requiring an "Acting CEO" at that time. A suggested management structure is attached to this report.

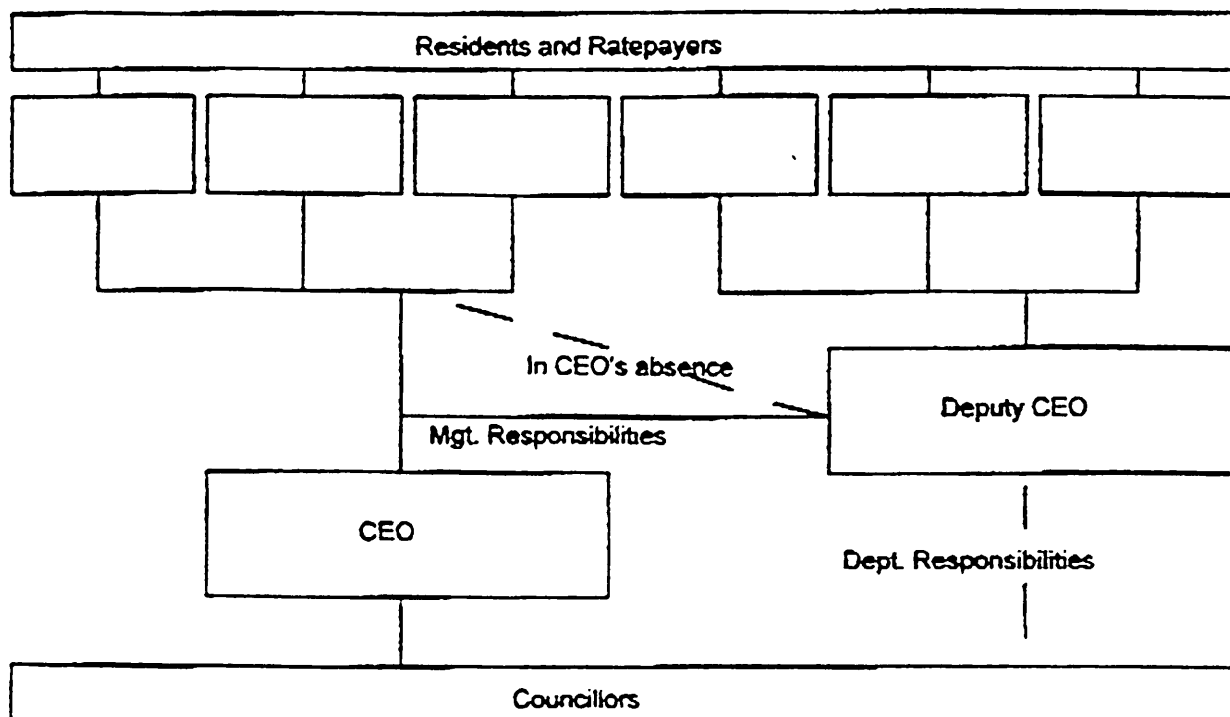
S. London
SHIRE SECRETARY

M.G. Webster
SHIRE ENGINEER

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SHIRE OF BENALLA**Monday, 22 November, 1993****9. COMMITTEE REPORTS****OFFICERS REPORT TO FINANCE COMMITTEE
SENIOR OFFICERS****1. Finance and General****5. Local Government (Miscellaneous Amendments) Bill [Cont.]**

Organisation Chart



Note: The Deputy CEO reports direct to Council on specific areas of responsibility within his / her department; to the CEO on Management and Organisational issues.

Cr. Bailey **"That Stephen London be authorised to exercise the powers of**
Cr. Hooper **CEO until this matter is discussed at a special meeting on the**
 13th December."

Amendment

Cr. Roe **"That no appointment be made until the February Meeting."**
Cr. Trewin

The amendment was ruled out of order by the chairman.

The motion was put and lost

SHIRE OF BENALLA

Monday, 22 November, 1993

9. **COMMITTEE REPORTS**

1. **Finance and General**

5. **Local Government (Miscellaneous Amendments) Bill [Cont.]**

12.42 p.m. Cr. Webster attended

Cr. Roe "That the decision be deferred until the February meeting or
Cr. Trewin until Council received relevant correspondence from the
Minister and the two Senior Officers continue to act with full
Council support until that time."

Carried

Employment Contracts

The Secretary reported that the Bill also contains provision for employment contracts and suggested that further information be gathered on this matter.

Cr. Lewis "That the Shire Secretary be authorised to seek information on
Cr. Hooper employment contracts and prepare a report to Council."

Carried

CITY OF HORSHAM

8. (07/01/018) LOCAL GOVERNMENT (MISCELLANEOUS AMENDMENTS) BILL 1993 - R A Marshall/L S Campbell 22/11/93

The various time-lines relating to the above Bill have been indicated on the Council Agenda.

Given that the Bill will proceed through the Lower House in its entirety, it would seem that Council has two courses of action it may take in reducing the impact on the current designated Officers of Council. These are:-

Option 1

1. Council under the 1989 Local Government Act has power in Section 94(3) to appoint a member of Council's staff as the Chief Executive Officer. If Council was to undertake this initiative now, prior to the Bill receiving royal ascent, Council would stay off the requirements of the proposed new Section 94(3) subsection (4) where Council would have to advertise the position of Chief Executive Officer in a newspaper circulating throughout Victoria as detailed in the general Council report.
2. Council could also take the initiative and place the remaining designated Officer, together with any other staff member that may have an employment package over \$60,000.00 on a contract in excess of the prescribed period of time as contained in the new Section 95(a) of the Bill.

The above scenarios relates to Council affording some protection to existing Senior Staff having regard to their long standing and dedicated service to this Council and the community.

Option 2

Council opted not to take any initiative as above prior to the Bill coming into operation, Council would then be required to appoint a member of Council's staff to exercise the powers and preform the duties and functions conferred or imposed on the Chief Executive Officer by the Local Government Act 1989 and any other Act until the Council creates the position.

Council would then at the 1 October 1994, have to work through the process of appointing a Chief Executive Officer by calling for applications and advertising the position in a newspaper circulating throughout Victoria.

Council also would under this option still be required to place all staff whose employment packages are \$60,000.00 or over on contract.

Option 3

His Worship the Mayor put a proposal to Council last Monday evening where Council may consider appointing two Chief Executive Officers, one to be in control of the municipal functions and the other to be in control of the water and wastewater functions.

Advice is confusing at this stage, however, more prominent legal advice indicates that when Council took over the water and wastewater function under the 1983 restructuring Act of the water industry, the City of Horsham was appointed the authority for those two function. Therefore, the existing provisions and the new provisions of Section 94 of the Local Government Act come into play and allows the Council to appoint as many members of Council's staff as it thinks necessary for the performance of its functions and to exercise its powers under this Act or any other Act. Council would then be required through its delegation authority to delegate the necessary functions to the appropriate Officers of Council. It would appear that it is not the responsibility of the Chief Executive Officer to carry out all the functions of Council but to only carry out those functions specifically delegated to the position. The new Section 97 of the Local Government Act relating to the functions of the Chief Executive Officer state:-

"A Council's Chief Executive Officer is to be generally responsible for -

- a) Ensuring that the decision of the Council are implemented without undue delay;
- b) The day to day management of the Council's operations in accordance with Council's Corporate Plan;
- c) Providing timely advice to the Council;

.8.

- d) Appointing, directing and dismissing the Council's staff;
- e) Ensuring that staff are appointed in accordance with the organisational structure approved by Council.

Therefore, it can be seen that while Council will be required to have a Chief Executive Officer it will be the Council that will delegate the powers and functions that any of the Senior Officers will have.

Council, in taking an option to appoint an interim Chief Executive Officer for Council and one for Water with each deputizing for the other, would be accepting that whilst there could be further legal confusion, there would at the same time be a signal to Council, Staff and the Community, that the existing staff structures should continue, until amalgamation of Councils take place. Responsibilities would continue under the existing staff structure, and detailed delegations would be reassigned to meet the requirements of the new Act.



**Victorian Employers'
Chamber of Commerce
and Industry**

SHIRE OF MIRBOO

**REVIEW OF ORGANISATION
AND OPERATIONS**

NOVEMBER 1993

**CONSULTANT: MARK HARVEY
VICTORIAN EMPLOYERS' CHAMBER
OF COMMERCE AND INDUSTRY**

2. SUMMARY OF RECOMMENDATIONS

- 2.1 A position of Chief Executive Officer/Shire Secretary be created. (Section 5.3)
- 2.2 A position of Manager, Contract Administration/Shire Engineer be created in place of the current position of Shire Engineer. (Section 5.5)
- 2.3 The contractual arrangements for building surveying and inspection work be reviewed. (Section 5.8)
- 2.4 A position of Manager, Corporate Services be created in place of the current position of Assistant Shire Secretary. (Section 5.9)
- 2.5 That performance based contracts be adopted for the three senior positions. (Section 5.10)
- 2.6 That Council adopt a policy of competitive tendering wherever practicable. (Section 6.8)
- 2.7 A process for competitive tendering to be developed. (Section 6.9)
- 2.8 All current contract arrangements to be reviewed. (Section 6.10)
- 2.9 Assistance to be given to staff to prepare submissions when services are tendered. (Section 6.11)
- 2.10 Priority to be given to tendering outdoor work. (Section 6.12)
- 2.11 Tender specification should provide for service provision in emergency situations. (Section 6.14)
- 2.12 Council adopt a mission statement and five year plan. (Section 7.1)

2.13 The adoption of clear policies and procedures. (Section 7.2)

2.14 Plant requirements should be reviewed in the light of outcomes of the tendering process. (Section 7.3)

2.15 Requirements for Council buildings and property should be reviewed. (Section 7.4)



Legislative Council

Standing Orders Committee

Report upon

Answers to questions on notice,

the form of petition, and

the appointment of a Joint Printing Committee

March 1993

Legislative Council

Standing Orders Committee

Report upon

Answers to questions on notice,

the form of petition, and

the appointment of a Joint Printing Committee

Ordered to be printed

EXTRACTED FROM THE MINUTES OF THE PROCEEDINGS
OF THE LEGISLATIVE COUNCIL

Tuesday, 10 November 1992

- 7 **STANDING ORDERS COMMITTEE** - The Honourable R.I. Knowles moved, by leave, That the Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, W.A. Landeryou*, and B.W. Mier be members of the Select Committee on the Standing Orders of the House; three to be the quorum.

Question - put and resolved in the affirmative

Tuesday, 30 March 1993

- 7 **STANDING ORDERS COMMITTEE** - The Honourable R.I. Knowles moved, by leave, That the Honourable D.A. Nardella be a member of the Standing Orders Committee.

Question - put and resolved in the affirmative

*The Honourable W.A. Landeryou resigned as a Member of the Legislative Council on 10 December 1992.

REPORT

The Select Committee of the Legislative Council on Standing Orders, appointed pursuant to resolution of the Council on 10 November 1992, has the honour to report as follows:

ANSWERS TO QUESTIONS ON NOTICE

1. On 28 October 1992, the Legislative Council resolved that the Sessional Order relating to the provision of answers to questions on notice, adopted by the Council on 28 March 1990, be referred to the Standing Orders Committee for consideration and report.
2. The Sessional Order, which was designed to ensure that answers to questions are provided in a timely manner, is as follows:

That -

- (a) If a Minister does not furnish an answer to a question on notice within 30 days of the asking of that question and does not, within that period, provide to the Member who asked the question an explanation satisfactory to that Member as to why an answer has not been provided -
 - (i) at the conclusion of the normal time for answering questions on notice on any day after that period the Member may ask the relevant Minister for an explanation; and
 - (ii) at the conclusion of any such explanation the Member may move, without notice, "That the Council take note of the explanation".
- (b) In the event that a Minister does not provide an explanation, notice may be given of a motion regarding the Minister's failure to provide either an answer or an explanation and precedence shall be given to such a motion at the conclusion of the business under consideration at the expiration of two hours after the giving of the notice or at the end of the sequence prescribed in Standing Order No. 86, whichever last occurs.

- (c) The provisions of this resolution, so far as they are inconsistent with the Standing Orders, shall have effect notwithstanding anything contained in those Standing Orders.
3. The Sessional Order was adopted on a trial basis following the report of a former Standing Orders Committee upon Answers to Questions on Notice (Parliamentary Paper No. 123) tabled in the Council on 7 March 1990. That Committee examined a Sessional Order which had operated in the Australian Senate since 1988 and recommended the adoption of a similarly drafted Order for the Legislative Council, with the exception that a Member would be unable to move a motion of censure without notice against a Minister for failing to provide either an answer or an explanation as to why an answer has not yet been provided.
 4. The former Committee believed that such a procedure would best be used sparingly and selectively in the Legislative Council, its greatest value being that it should lead to more timely answers and the development of an informal process between Member and Minister regarding unanswered questions. To achieve this the Committee recommended the following broad guidelines designed to ensure its most effective operation:
 - Ministers accept that they have a responsibility to answer a question relevantly and within a reasonable time.
 - It is recognized that Ministers have the right to restrict the answer to a question if provision of all of the information sought is too costly. However, in such cases they should contact the Member to determine whether a compromise may be possible by withdrawing the question and substituting another in a mutually acceptable form.
 - It is accepted that lack of justification of excessive costs and resources necessary to devote to preparation of an answer may constitute reasonable grounds for not answering a question, provided this is limited to genuine cases.
 - Immediately it is apparent to a Minister that it will be difficult to produce an answer to a question within 30 days the Minister should advise the Member accordingly.
 - If the information sought is considered by the Minister to be of a nature that is not normally provided (e.g., Cabinet documents), the Minister has the right to inform the Member of that view. The Member then has the option of using other means to obtain the information (e.g., Freedom of Information legislation).
 - In view of the large number of Government documents being produced and the rule that questions should not ask for information available in accessible documents, Members should consider

whether the information is readily available in known documents before placing a question on notice. When the question is asked and the information is found to be readily available in accessible documents, the questioner should be so advised.

- A Member intending to ask for an explanation as to why an answer has not been provided should contact the Minister or his office the day before failure to supply an answer is to be raised in the House to discuss the likelihood of an answer being provided or the reasons for the delay, particularly in the case of complex questions.
5. As the former Standing Orders Committee envisaged, the procedures available under the Sessional Order have been used infrequently in the Council. Although there have been several instances where Members have sought explanations from Ministers as to the failure to provide answers to questions, on only three occasions has a motion to take note of certain explanations been moved and no motion regarding a Minister's failure to provide either an answer or an explanation has been moved pursuant to paragraph (b) of the Order. However, this Committee is firmly of the view that its introduction has resulted in answers to questions being provided more promptly than was previously the case and that it has therefore achieved the desired effect.
 6. The Committee therefore believes that the authority for such a procedure should now be enshrined in the Standing Orders. It is satisfied that the provisions of paragraph (a) of the Sessional Order should be retained. However, it is concerned that the provisions of paragraph (b) as to the ability of a Member to move a motion with only two hour's notice regarding the Minister's failure to provide either an answer or an explanation are inconsistent with the usual practice in relation to substantive motions. It therefore considers that paragraph (b) should be amended to enable notice to be given forthwith of such a motion, with precedence being given to that motion on the next day of meeting at the end of the sequence prescribed in Standing Order No. 86. This Standing Order establishes the categories of business to take precedence over other business of the House.
 7. The Committee therefore recommends that the following draft Standing Order be adopted:

71AA (a) If a Minister does not furnish an answer to a question on notice within 30 days of the asking of that question and does not, within that period, provide to the Member who asked the question an explanation satisfactory to that Member as to why an answer has not been provided -

- (i) at the conclusion of the normal time for answering questions on notice on any day after

that period the Member may ask the relevant Minister for an explanation; and

(ii) at the conclusion of any such explanation the Member may move, without notice, "That the Council take note of the explanation".

(b) 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 and precedence shall be given to such a motion on the next day of meeting in accordance with Standing Order No. 86.

8. To ensure that the procedure available to Members under the proposed Standing Order can be afforded the degree of precedence considered necessary to ensure its effectiveness, the Committee also recommends that the following consequential amendment be made to Standing Order No. 86:

After paragraph (e) insert -

"(f) a motion pursuant to Standing Order No. 71AA:".

9. The Committee has also considered the guidelines which were recommended by the previous Committee to operate in conjunction with the Sessional Order. Whilst it does not deem it necessary to incorporate such details in the Standing Orders, it believes that they provide a reasonable basis on which the new Standing Order should operate. The Committee therefore recommends that the guidelines outlined in the report of the former Standing Orders Committee upon Answers to Questions on Notice, referred to in paragraph 4 of this Report, be formally adopted by the House.

FORM OF PETITION

10. On 10 June 1992, the Legislative Council resolved to refer to the Standing Orders Committee the form of petition used by the House.
11. The rules governing the content of petitions are contained in Standing Orders Nos. 245 to 261. Although the Standing Orders do not prescribe any particular format, the style recommended to prospective petitioners is as follows:

TO THE HONOURABLE THE PRESIDENT AND THE HONOURABLE
THE MEMBERS OF THE LEGISLATIVE COUNCIL IN PARLIAMENT
ASSEMBLED

The humble petition of
(here state name of organization and/or "certain citizens")

of the State of Victoria, respectively sheweth that
(here state what the petitioners consider to be the relevant facts)

And that.....
(here add any further facts deemed relevant)

Your Petitioners therefore humbly pray that
(here state the action sought, which must be within the competence of
Parliament)

And your Petitioners, as in duty bound, will ever pray.

NAME	ADDRESS	SIGNATURE
.....
.....
.....

12. The referral of the form of petition to the Standing Orders Committee followed the presentation of a petition to the House on 27 May 1992 by the Honourable B.A. Chamberlain, M.L.C. Speaking, by leave, following its presentation, Mr. Chamberlain told the House that the form used was extremely archaic in its terms and that one of its phrases "respectively sheweth" was described in the dictionary on the Chamber table as being "chiefly archaic". Mr. Chamberlain also went on to say that he was not sure of the meaning of the words "And your petitioners, as in duty bound, will ever pray" at the conclusion of the petition.
13. In foreshadowing the referral of this matter to the Standing Orders Committee, Mr. Chamberlain undertook to provide for consideration a draft form of petition that reflects modern English usage.
14. At the time of the dissolution of the 51st Parliament on 14 August 1992, the former Standing Orders Committee had not had the opportunity of considering the reference. This Committee has, however, considered the matter and agrees with the sentiments expressed by Mr. Chamberlain. It accordingly recommends that the House adopt the undermentioned form of petition which is designed to reflect modern English usage. With the exception of the modification of the requirement that the petition end with a prayer, which is referred to in paragraph 15, such new format would still comply with the provisions of the Standing Orders relating to petitions.

TO THE HONOURABLE THE PRESIDENT AND MEMBERS OF THE
LEGISLATIVE COUNCIL ASSEMBLED IN PARLIAMENT

The Petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council

.....
(Here give the circumstances of the case)

Your petitioners therefore pray or request that

.....
(Here outline the action sought, which must be within the competence of Parliament)

NAME	SIGNATURE	ADDRESS
.....
.....
.....

15. The requirement that a petition end with a prayer is contained in Standing Order No. 250 which reads -

250. Every petition must contain a prayer at the end thereof.

The suggested new form of petition gives petitioners the option to either request certain action or pray for that action to be taken, as is currently the case. The Committee therefore recommends that Standing Order No. 250 be amended by the addition of the words "or request" after the word "prayer". The Standing Order would then read "Every petition must contain a prayer or request at the end thereof".

JOINT PRINTING COMMITTEE

16. On 12 November 1992, the Legislative Council resolved that the question of the appointment of a Joint Select Committee on Printing be referred to the Standing Orders Committee for consideration and report.
17. This matter arose following the appointment of the Printing Committee on 10 November 1992 when, as has been the practice in recent years, the Committee was empowered to confer with the Printing Committee of the Legislative Assembly and to report jointly to the House. The Honourable M.A. Birrell, M.L.C., told the House that one Printing Committee of the Parliament should be appointed, rather than each House individually appointing its own, as is currently the case.

18. The Legislative Council Printing Committee is appointed pursuant to Standing Order No. 304 which states -

304 At the commencement of each Session, a Select Committee shall be appointed to consider and order upon all matters which relate to the printing to be executed by order of the Council, and for the purpose of selecting and arranging for printing returns and papers presented in pursuance of motions made by Members.

19. The Committee considers that matters relating to the printing of Parliamentary papers would be more effectively dealt with by a single joint committee, without in any way infringing upon the rights of either House. The Committee envisages that such reform could be best achieved by the adoption by both Houses of a new joint standing order with no action being taken prior to its adoption to amend the Standing Orders of the Council.
20. The Committee accordingly recommends that -

(a) the Council adopt the following proposed joint standing order:

9A At the commencement of each Session a Committee comprising four Members of each House shall be appointed to consider and report upon all matters relating to Parliamentary printing with the exception of those relating to the publication of the Victorian Parliamentary Debates; three Members shall form a quorum which shall not consist exclusively of Members of the Legislative Council or Members of the Legislative Assembly.

(b) the joint standing order be then transmitted to the Legislative Assembly for its consideration and concurrence; and

(c) in the event of Assembly agreement to the proposal, the Council move to repeal Standing Order No. 304.

President's Suite

31 March 1993.



Legislative Council

Standing Orders Committee

Report upon

Fees for Private Bills

and

Withdrawal of Strangers

May 1994

Legislative Council

Standing Orders Committee

Report upon

Fees for Private Bills

and

Withdrawal of Strangers

Ordered to be printed

EXTRACTED FROM THE MINUTES OF THE PROCEEDINGS
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Question - put and resolved in the affirmative

*The Honourable W.A. Landeryou resigned as a Member of the Legislative Council on 10 December 1992.

REPORT

The Select Committee of the Legislative Council on Standing Orders, appointed pursuant to the resolution of the Council on 10 November 1992, has the honour to report as follows:

FEES FOR PRIVATE BILLS

1. On 31 January 1994, the Premier wrote to Mr. President asking that a review be undertaken of the fees payable for private Bills, particularly the fee of \$1,000 prescribed by Standing Order 315, with a view to ensuring full cost recovery. The \$1,000 fee was fixed in 1981 when the current Standing Orders relating to Private Bills were adopted. The Premier wrote in similar terms to Mr. Speaker who in turn convened a meeting of the Legislative Assembly Standing Orders Committee to consider the matter. The Assembly Committee wished to ensure that any policy which might be adopted is consistent between the two Houses and therefore authorised the Speaker and Clerk of that House to discuss the matter with Mr. President and the Clerk of the Council. The proposal considered by this Committee results from that discussion.
2. *May's Parliamentary Practice*, 21st edition, page 789, defines Private Bills as being "bills for the particular interest or benefit of any person or body of persons, for example a public company or corporation or a local authority, and are therefore to be distinguished from legislation dealing with public policy which is of general application." May goes on to say that the payment of fees by the promoters of a Private Bill is "an indispensable condition of its progress".
3. The Standing Orders of the Council relating to payments on account of Private Bills are Nos. 315 and 316. They read as follows:

Fees.

315. Unless the Council expresses the view that fees should be dispensed with, before any private Bill (other than a private Bill which has been ordered to be dealt with as a public Bill) is read a second time, a sum of \$1000 shall be paid into the Treasury for the public uses of the State to meet the expenses involved in the passage of the Bill, and a

receipt for that payment shall be produced by the Member having charge of the Bill.

Promoter to pay expenses.

316 The promoters of any private Bill for which fees under Standing Order 315 have been paid shall also be liable for the expenses of —

- (a) its printing and circulation;
- (b) the publication of any statement pursuant to Standing Order 312; and
- (c) any select committee appointed to examine its proposals —

and the sum of such amounts shall be paid into the Treasury for the public uses of the State.

4. Standing Order 315 therefore enables the Council to waive the payment of fees and since 1982, of the 30 Bills introduced into the Legislative Council which have been ruled to be of a Private nature, fees have been charged in only 8 instances.
5. Although the Premier's letter to Mr. President drew attention to Standing Order 315, it can be seen that there is also provision for the recovery of various specific costs through use of Standing Order 316.
6. The Committee has obtained details as to the practice in other Australian Houses of Parliament relating to Private Bills. Of those Houses, only the New South Wales Parliament still actively addresses the notion of Private Bills and charges fees accordingly.
7. The Commonwealth Parliament and the House of Assembly of South Australia have no procedure for Private Bills, and the Parliaments of Queensland, Tasmania and the Northern Territory have no provisions for the payment of fees in such cases. The Parliament of Western Australia and the Legislative Council of South Australia retain provisions in their Standing Orders for the payment of fees for Private Bills but they have not been enforced for some years. In these jurisdictions, Bills considered to be of a private nature are generally treated as Government Bills.
8. In New South Wales, the promoters of a Private Bill are required to pay the sum of \$50 into the Consolidated Fund before the Bill is read a first time to cover the initial expenses of the Bill. There is no provision to index this figure; however, the Standing Orders provide the Clerks of each House with the power to demand further sums of \$50 from time to time once costs have exceeded the first \$50. The Clerk of the Legislative Assembly of New South Wales has advised

that the original Standing Order relating to Private Bills which was adopted in 1894 used the sum of £25 and has only since been amended to convert to decimal currency.

9. The Standing Orders in the New South Wales Parliament further provide that upon "the passing, rejection, or withdrawal of such Bill, the Promoters shall pay into the Consolidated Fund any additional sum which may be required to fully pay the expenses attendant upon such Bill". In this respect, the Clerk of the Legislative Assembly provided the Committee with details of the last Private Bill in his House in 1992 where, following the initial payment of \$50 prior to the Bill's first reading, a further sum of \$5,907 was paid by its promoters to cover the costs of Parliamentary Counsel, Parliamentary staff and the costs of the select committee appointed to examine the Bill, including Hansard.
10. In the Victorian Legislative Council, Standing Orders 315 and 316 presently provide the capacity to recover most of the costs likely to be incurred in the passage of such Bills through the House. The major area for which there is no specific provision relates to the cost of drafting which, it is understood, is usually undertaken by the Office of Chief Parliamentary Counsel.
11. Although the Standing Orders currently provide the ability to recoup most of the costs involved, the Committee is of the view that it would now be appropriate to adopt procedures to enable full cost recovery in those cases where fees are to be charged. Such procedures should incorporate the following features:
 - The levying of fees in two stages with the initial payment of a deposit of \$1000 before the Bill can proceed.
 - The retention of the current provisions of paragraphs (a), (b) and (c) of Standing Order 316 enabling the recovery of certain specific costs.
 - Provision be made in Standing Order 316 for the recovery of "any other expenses" to cover the costs of drafting and handling by Parliamentary staff, with a maximum of \$5000 to be charged.
 - The direct reimbursement to the Legislative Council for any costs incurred in the passage of a Private Bill, most of which are already met out of its budget, rather than payment being made to the Consolidated Fund as is presently the case.

12. The Committee therefore recommends that the following new Standing Orders be adopted in lieu of Standing Orders 315 and 316:

Fees.

315. Unless the Council expresses the view that fees should be waived, before any private Bill (other than a private Bill which has been ordered to be dealt with as a public Bill) is read a second time, a deposit of \$1000 shall be paid to the Department of the Legislative Council, and a receipt for that payment shall be produced by the Member having charge of the Bill.

Promoter to pay expenses.

316. The promoters of any private Bill for which a deposit under Standing Order 315 has been paid shall be liable for the costs of —

- (a) its printing and circulation;
- (b) the publication of any statement pursuant to Standing Order 312;
- (c) any select committee appointed to examine its proposals; and
- (d) any other expenses involved in the passage of the Bill up to a maximum of \$5000 —

and the sum of such amounts, less the deposit of \$1000, shall be paid to the Department of the Legislative Council.

WITHDRAWAL OF STRANGERS

13. At the request of Mr. President, the Committee has also considered the question as to whether some amendment should be made to Standing Order 49 which deals with the withdrawal of Strangers and reads as follows:

Strangers to withdraw when ordered

49. If at any sitting of the House, or in Committee, any Member shall take notice that strangers are present, the President or the Chairman (as the case may be) shall forthwith put the question "That strangers be ordered to withdraw" without permitting any debate or amendment: Provided that the President or the Chairman may, whenever he thinks fit, order the withdrawal of strangers from any part of the House.

14. Mr. President indicated to the Committee that, although the Standing Order does not allow the Chair any discretion but requires the motion for withdrawal to be put forthwith, there have been instances where the Chair has, depending on the circumstances, assumed some discretion. He submitted that such a lack of discretion could lead to a motion for withdrawal being automatically put in circumstances where it was not necessary or appropriate to do so, and that it might therefore now be desirable to provide for this discretion in the Standing Order.
15. It is apparent to the Committee that situations could occur where the Chair's attention will, through inadvertence, be drawn to strangers and which would not warrant an automatic proposal of the motion for withdrawal of strangers. It therefore considers that Standing Order 49 should be amended to provide the Chair with some discretion before putting this question, through the omission of the word "shall" (where second occurring) and the insertion of the word "may" in its place. This amendment would provide a discretion for the President (or the Chairman) to put the question for withdrawal should notice be taken that strangers are present, if he or she thought fit according to the circumstances.
16. The Committee therefore recommends that Standing Order 49 be amended as follows:

Omit "shall" (where second occurring) and insert "may".

President's Suite

27 May 1994

**INQUIRY
INTO
STRATHFIELDSAYE
SHIRE
COUNCIL**

COMMISSIONER
HON ALAN HUNT A.M.
30TH JULY 1993

**INQUIRY
INTO
STRATHFIELDSAYE
SHIRE
COUNCIL**

COMMISSIONER
HON ALAN HUNT A.M.
30TH JULY 1993

Ordered by the Legislative Council to be printed

MELBOURNE
L. V. NORTH, GOVERNMENT PRINTER
1993

COMMISSIONER FOR THE INQUIRY INTO
THE SHIRE OF STRATHFIELDSAYE

HON ALAN HUNT A.M.

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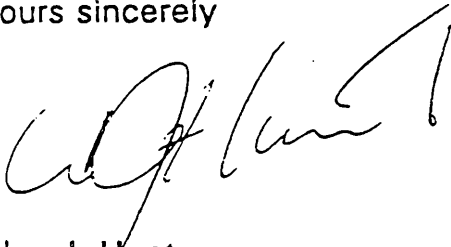
30 July 1993

The Hon. Roger M Hallam MLC
Minister for Local Government
500 Bourke Street
MELBOURNE VIC 3000

Dear Minister

I have the honour to submit to you my Final Report on matters relating to the affairs of the Shire of Strathfieldsaye Council.

Yours sincerely



Alan J. Hunt
COMMISSIONER

**REPORT INTO MATTERS AFFECTING THE
SHIRE OF STRATHFIELDSAYE**

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INTRODUCTION

I have completed enquiries on the terms of reference referred to me and desire to thank Councillors, staff and citizens for their ready co-operation and frankness. Despite the natural and honest differences in viewpoint which have emerged, this has resulted in a clear picture of the Shire's problems and their causes.

To paint that picture as clearly as possible I have combined some terms of reference and dealt with those terms in an order different from that appearing in my commission.

The problems have arisen from a serious breakdown in the relationships between Councillors which normally enable effective democratic government to flourish. That breakdown was serious and ongoing. It was preventing effective, cohesive and good government and leadership at the Council level. The lack of leadership and direction by Council was seriously affecting the administration and the provision of services, and in the carrying out of the functions of the municipality.

These facts became apparent following study of the extensive material available to the Office of Local Government, even before the first interview. That study made it apparent that a case existed for the immediate suspension of the Council and the appointment of an Administrator - a course which I determined to avoid if at all possible.

Accordingly I visited Strathfieldsaye on 15 June and met Councillors in open Council, when I referred to the proud history, natural attributes and great achievements of the Shire, expressed regret concerning the present divisions and bitterness and made a plea for mutual co-operation and respect thenceforth.

Following the Council meeting I met Councillors in a closed session of the Commission, heard from each of them their views as to the cause of the problems and received from each of the eight Councillors present assurances that they would seek to work together without bitterness in the common interest of the Shire and its ratepayers. Although I did not expressly so state, I believe all Councillors present were aware that without such assurances I would have proceeded forthwith to advise you to suspend the Council and appoint an Administrator. Prior to conclusion of the closed meeting, I obtained the unanimous approval of the Councillors present to the thrust of a public announcement which I proposed to make at the conclusion of the meeting.

The public announcement which I then made was as follows:

"We held a productive and conciliatory meeting and Council has unanimously authorised me to make this statement."

Councillors unanimously affirm that in most respects the council is still operating effectively.

There have, however been major differences of opinion on planning issues, the consultancy and several other less important questions which have given rise to poor human relationships within the council.

Councillors have unanimously agreed that with goodwill these problems should be overcome and each councillor has committed himself and herself to assist to the utmost in overcoming them.

I regard these commitments as an excellent first step towards the improvement in relationships that will assist the council to operate in the best interests of the municipality and its ratepayers.

There will certainly therefore be no recommendation at this stage for the appointment of an administrator."

The Shire is in fact a most favoured municipality of 18,000 citizens. Few municipalities have greater natural attributes. Despite the damage to soil and surface occasioned by past mining operations, recovery of the beauty of the land has been virtually complete - if not its productivity. Lake Eppalock provides an invaluable playground. The Shire has magnificent facilities, which have been provided by forward looking Councils well in advance of need. This is in clear contrast to the general position in Victoria, where facilities have generally tended to lag behind need.

In addition, the Shire is the fastest growing in the Region, and one of the fastest growing in the State outside the metropolitan area. Growing municipalities normally have two particular problems:

- a) to meet urgent needs, they must borrow large sums for the provision of essential public infrastructure;
- b) to service the debts and the establishment costs of new services they must charge rates well beyond the average.

Neither of these problems occurred in Strathfieldsaye. Backed by sound advice and foresight from the administration, Council recognized that it was in the public interest to provide reserves in advance to meet essential capital expenditure, rather than to face the problems of borrowing and high interest when need arose. This far sighted policy was backed by Council determination to become debt free by 1993.

In fact that goal was attained in 1992.

In addition, prudent administration by the Council and its advisers gave Strathfieldsaye a rate structure well below the average for the State and the region and far below the average for developing municipalities.

The very fact of development, however, created its own tensions. These are not unusual: they exist in most, if not all, municipalities. Most municipalities learn to reconcile the pressures. Strathfieldsaye did not.

Disagreements about planning and provision for the future became endemic and paralysed effective action. So too did failure to agree about the operations of the Strathfieldsaye Community Centre, the preparation of the Corporate Plan and the appointment of management consultants.

In Strathfieldsaye, those disagreements were never resolved. Decisions were not accepted. Recission motions became the norm rather than the exception. Failed recission motions were followed by other attempts - often successful - to whittle away or modify the effect of council decisions.

And so, the Council became the problem rather than the means of finding answers to the problem. It failed to provide effective local democracy, and in fact obstructed its provision. Instead of serving the Shire and its ratepayers, it effectively harmed their interests.

All this occurred because Councillors on each side failed to take into account the views of those on the other, and brushed them aside peremptorily. Even worse, on each side there was distrust by some councillors of the integrity and motives of councillors on the other side.

Following my meeting of 15 June with Council, although recognizing the depth of division between Councillors, I had hoped that these divisions could be overcome with mutual goodwill.

I was mistaken. Minutes of subsequent Council and Committee meetings and the tapes of those meetings make it clear that the assurances given me had not been honoured and were unlikely to be honoured. Further meetings following my Interim Report, including the meeting with yourself as Minister, evidenced the chronic incapacity of the Council to work together for the long term benefit of the ratepayers and citizens of Strathfieldsaye - which ought to be the first objective of any council anywhere.

Interim Report

By the end of June, I had, as noted in my Interim Report:-

- a) interviewed all Councillors privately - some of them more than once;

- b) individually met the members of the Council Management Group in private to discuss all relevant issues - most of them more than once;
- c) extensively discussed relevant planning issues with the Shire's Planner;
- d) met and discussed the issues with representatives of the Shire's Staff, nominated by the staff;
- e) received numerous submissions from the public and met many, but not all, of the submitters;
- f) met the Consultants referred to in item three in my Terms of Reference;
- g) met in private with a number of ex-councillors and members of the public to discuss the issues;
- h) met several groups representing different interests; and
- i) received a great bulk of further documentation - some of which proved extremely relevant to the Terms of Reference.

Without exception those whom I had interviewed were extremely frank and many freely admitted to matters which did not serve their personal interests. I do not think this result would have been achieved if the meetings concerned had been open to the public.

As a result of this process I was satisfied that the divisions, animosities and mistrust within Council had become irreconcilable and irreversible that the Council had failed and was failing in a serious and ongoing respect to provide for the good government of the Shire, that there was no real prospect that elections then due in August would cure the situation and that a solution needed to be found and announced as soon as possible in the interests of the Shire, its ratepayers and staff, and of good government.

Before concluding that appointment of an Administrator was required, I considered two other possible courses.

Earlier Cr Ferns had pressed the Secretary to the Commission to announce an answer without delay to avoid confusion and unnecessary expense in relation to the elections due in August 1993. I accepted and agreed with that submission.

In addition Cr Ferns in evidence averred that the differences in Council were irreconcilable, and that only a fresh election for the whole council could solve the problems. He suggested this could occur through a change to tri-ennial elections and proportional representation.

I agreed with his analysis of the problem, but the Secretary to the Commission pointed out to Cr Ferns that such a change was a matter for the Council and not the Minister, and normally required a referendum. Asked whether his colleagues would support that course, Cr Ferns did not know. Cr Ferns reiterated nevertheless that a fresh election for the whole of the Council, or a "spill" as it is generally known, was the only solution for the Council. I later learned that councillors had previously considered and rejected a change to triennial elections.

Had the law enabled a "spill" by Ministerial decree, I would at that stage have recommended it. But it did not. A spill could only be instituted by Council itself and even if it had decided on that course (which it did not), the change could not in practical terms have been effected in time for the August elections.

In consultation with the Secretary to the Commission, I then considered the practicability of obtaining special legislation to enable a "spill" of the Council, but it became apparent that this could not (if at all) be obtained in time to avoid uncertainties for the August 1993 elections.

The only practical way of obtaining an end to uncertainty and the spill of the Council desired by Cr Ferns was by the appointment of an Administrator followed by legislation in due course for the dismissal of council or for a fresh election of all Councillors.

In my Interim Report dated 2 July 1993, I therefore recommended that the Council be suspended and an Administrator appointed on the grounds then given. These are attached for convenience as Appendix 1.

I expressly re-endorse those grounds, with the exception of item 21. I believed from Cr Ferns insistence on the necessity for a "spill" that he supported the means of achieving it, but I was wrong. He has since made it quite clear that he does not, and did not. I note also that Cr Smith, who advised me categorically to "sack the lot of us," has since recanted.

I note that an Administrator has now been appointed, and trust that the pause for reflection which that appointment provides will enable the divisions and rancour which have rent the Council to subside, and hopefully disappear.

Wherever this Report refers to "the Council" in a future sense, or recommends any action by "the Council," that expression of course includes the Administrator.

THE PROCESS FOR THE APPOINTMENT OF MANAGEMENT CONSULTANTS TO REVIEW THE OPERATIONS OF THE COUNCIL

Nothing illustrates the malaise present in the Council more graphically than the process and debates on the appointment of management consultants. That process flew in the face of long established and proper procedures. It disregarded safeguards designed to ensure that the process will be open and honest, and be seen to be so. The debates were bitter and divisive in the extreme, and both sides at times adopted tactics of which they should be thoroughly ashamed.

To paint the picture clearly and in a proper context, I will deal concurrently and chronologically with both the appointment of consultants and review of Council's Corporate Plan.

On 10 September 1992, the Chief Executive Officer (CEO) reported in detail on the Council's obligations under the Local Government Act 1989 to review its existing Corporate Plan. He reported on the issues that should be dealt with in that plan and eloquently stated that:

"organisations which agree upon and live by a set of shared values develop trust. A lack of shared values and plans inhibits trust and prevents people from giving of their best. In short:-

- *Shared Values lead to Trust*
- *Shared Vision leads to Teamwork*
- *Trust and Teamwork lead to a Turn around"*

The Council then unanimously endorsed two resolutions in the following terms:

"1. That the CEO prepare a context plan for Council's consideration using the following headings:

- *identification of the key issues: both present and future;*
- *identification of the key stakeholders;*
- *a list of the strengths and weaknesses of the Council;*
- *the role and expectations of Local Government;*
- *the legal framework of Local Government;*
- *future financing for Local Government, including the share for provincial cities;*
- *Council's problems, relations, structures and responsibilities;*
- *Greater Bendigo's problems, relations, structures and responsibilities;*

- *roles and responsibilities of Councillors;*
 - *roles and responsibilities of staff;*
 - *the organisation structure and management processes;*
 - *performance indicators and methods of use;*
 - *community expectations and involvement;*
 - *industrial relations;*
 - *demographic profile of the Shire;*
 - *economic profile of the Shire;*
 - *environment/amenity profile of the Shire.*
2. *That the CEO provide Council with the first draft of the statement within four months.*
3. *That the CEO provide Council with a schedule of activities to ensure that the Corporate Plan will be completed and approved by the deadline of October 1993 as required by the Local Government Act."* and

"That the CEO arrange a Council meeting with Managers involved to discuss the Corporate Plan Discussion Document and motions concerning this issue."

Many of the issues required by Council to be included in the Context Plan were drawn directly from the CEO's Report, which was an elaboration of information supplied to Councillors and the community in the August 1992 Council Newsletter.

It was somewhat surprising then, that at the next meeting on 1 October 1992 the Mayor, Cr. Keogh, presented a submission suggesting that the Council should appoint consultants to review council's structure and operations, as detailed in the brief which he circulated. The brief had been drafted by Mr Neil Clark, husband of Cr. Judith Clark, without any input by council officers. The proposal failed to take account of the process just commenced to review Council's Corporate Plan, was neither co-ordinated with nor part of that process, and sought an independent review of some issues which Council had already agreed to review through the Corporate Plan process. Furthermore, the underlying assumption of the brief appeared to be that Council's administrative structure was in a very poor state indeed.

As many councillors had been surprised by the Mayor's submission, a motion was carried -

"that this matter lay on the table and the Mayor call a special meeting to discuss this matter."

The Special Meeting took place on 15 October 1992, when Council had before it a detailed criticism of the shortcomings of the brief. A motion to take no action on the appointment of consultants was lost, and instead a motion was carried requesting councillors and staff to submit their views on the brief within seven days. On 19 October 1992, the CEO reminded all councillors and staff of the proposal by letter and sought their views.

On 22 October 1992, the CEO circulated all councillors with a letter relating to the preparation of a context statement as part of the corporate planning process and convened an informal council meeting on 29 October 1992 to discuss that process. I am informed that the informal meeting was duly held in an amicable spirit, and considered a timetable for completion of various phases of the corporate planning process as well as the possibility of a Council session or retreat late in February, at which all could work together towards completion of the Corporate Plan.

At a special meeting of the Council on 9 November 1992, a motion to increase the budget provision for management consultants from \$20,000 to \$50,000 was carried with Councillors Wallis, Ferns and Grenfell dissenting. Cr. Grenfell then gave Notice to Rescind the motion.

The rescission motion came before a Special Meeting of the council on 12 November 1992, and was duly carried.

Further meetings regarding the corporate planning process were called but abandoned because of the unavailability of councillors. On 17 December 1992, the CEO expressed concern that the council would be unable to adhere to the timetable for the adoption of the context statement and suggested that officers might therefore undertake the work. The Committee of the Whole then passed the following motion:

"That the Context Statement be completed at officer level and that the CEO bring back to Council a timetable that will enable the project to be completed within the statutory time limits."

The CEO also reported that he and the Mayor had given consideration to staff submissions concerning the management consultancy study, and that this matter would need to be deferred until after the context statement had been completed, which would not be before February 1993.

The CEO reported to a meeting on 28 January 1993 on the difficulties encountered in development of the Corporate Plan; proposed a detailed timetable and recommended that Council engage a facilitator to assist with the review and that a weekend workshop be conducted late in February. These recommendations were adopted.

Views on staff and councillors attitudes to the brief for the consultants' study were not assembled within the period of seven days originally provided under the Council motion of 15 October 1992. The CEO regarded the time limit as having been informally extended by agreement. He did however complete a report on that matter late in February, and provided it to the Mayor, with whom he discussed the matter on 10 March 1993. At that discussion, it was agreed that the Report would be presented to the Council Meeting due on 15 April 1993.

On 11 March 1993, the Mayor however moved:

1. *That the Shire of Strathfieldsaye appoints management consultants to review its structure and operations as indicated in the attached project brief.*
2. *That all comments from staff, Councillors and from other parties be forwarded to the consultants appointed to undertake the review.*
3. *That the Mayor be authorised to place advertisements in appropriate newspapers calling for expressions of interest from consultants."*

The Mayor had instructed the Shire Secretary not to circulate the motion until the last possible moment, and when it was circulated the revised project brief referred to in the motion was not attached to it. I have listened to the tape of the meeting and was disturbed by the extremely bitter debate, heavily loaded with sarcasm, which ensued. The motion was carried with Crs. Paton, Wallis, Ferns and Grenfell dissenting. The brief was in fact circulated to councillors only shortly before the vote was taken, and those who had not previously seen it had no opportunity to absorb it.

Cr. Grenfell immediately gave Notice of Rescission, which he is required under the rules of council to supplement by notice in writing given at least two days prior to the meeting concerned. Cr. Clark moved that the rescission motion be dealt with at a Special Meeting on the following Tuesday, in the same way as had recently occurred to the benefit of Cr. Grenfell. That course could only be taken with Cr. Grenfell's co-operation, which he was not prepared to give. Cr. Colvin asked whether there was any reason why the Special Meeting could not deal with it, in the same way as an ordinary meeting could do. Cr. Grenfell indicated that it was not his intention to submit the written motion in time for such a meeting and added:

"Mr Mayor, we can all play things tough if we have to."

Speaking to the majority in a tone which I regarded as both sneering and triumphant, Cr. Wallis asked:

"Isn't there a way we want to manipulate things now?"

One would have thought that if Cr. Grenfell believed he had a strong argument against the motion - which had certainly been carried in a spirit of acrimony, and without opportunity for the minority to consider the document in question in any adequate way - he would have welcomed the opportunity for that debate at the earliest possible moment as he had with respect to the budget provision for consultants. He did not however do so and lost the high moral ground which he had been taking. He reinforced the view of the majority that he was seeking only to obstruct and delay the appointment of consultants.

Discussion took place on the long standing convention that Council did not act on a motion when a Notice of Recission was pending. Cr. Colvin warned that in circumstances where Cr. Grenfell hadn't reduced his notice to writing, he wasn't prepared to allow a further three weeks delay to occur.

For much of the debate, Cr. Wallis was openly disrespectful to the Mayor and his rulings, and on one occasion publicly derided him for a minor error of grammar, of a kind which is habitually made by many people.

The motion for a special meeting lapsed and in the ensuing debate, Cr. Wallis was recorded in the minutes as refusing to comply with the Chairman's ruling. Cr. Ferns moved dissent from the ruling and the motion was lost.

The course of the debate on this occasion and the tactics used did no credit whatever to the principal players on either side.

The revised brief produced at this meeting was again drafted by Mr Neil Clark. It appeared to take into account some of the matters raised by the CEO and the staff but by no means all and was still deficient as a brief for the review of a local government entity.

On 13 March 1993, the Mayor advertised the proposal for consultants in the Bendigo Advertiser and called for submissions.

The meeting on 1 April 1993 was again conducted in an atmosphere of acrimony and bitterness. Cr. Grenfell's recission motion was lost, as was a motion to re-schedule the corporate planning retreat due to be held on 2 and 3 April 1993. A motion by Cr. Grenfell expressing his concern at the actions of the Mayor in acting on a motion when a notice of recission had been lodged was also lost. Cr. Grenfell's written notice of recission had in fact been lodged on 15 March 1993, two days after the advertisement. A further motion by Cr. Grenfell, seeking cessation of all actions regarding the appointment of management consultants pending consideration of a number of issues was also lost.

On 1 April 1993 a further motion was carried:

"That the Mayor, Cr. Colvin and at least two independent local identities with management experience be empowered to recommend to Council a consultant from applicants received, the panel to be drawn from Messrs. Briggs, Fox, Hunt and Cook."

Cr. Grenfell immediately gave notice of his intention to have the motion rescinded at the next meeting and requested that the motion not be acted upon in the meantime. The signed notice of motion for rescission was received from Cr. Grenfell dated 3 April 1993, and in a memorandum dated 5 April, the CEO so informed the Mayor.

On 2 and 3 April 1993, a Council retreat was held at Moama to assist consideration of corporate planning matters. Despite the stormy events of 1 April 1993, I am informed that the retreat was friendly and that considerable progress was made. Ironically, whilst councillors were at the Moama retreat, a meeting of Council Staff held on Friday 2 April 1993 passed the following resolutions:

1. *"That the Mayor and Councillors be advised that Staff are bitterly disappointed that Council have failed to take into account their responses to the previous Consultant's Brief and further that there has been no referral of the current Consultant's Brief to Staff for comment.*
2. *That the Mayor and Councillors be further advised that by ignoring views of Staff, Council have acted contrary to it's resolution of 1 October, 1992, which states:-*

"That Council acknowledges the need for harmonious relationships between Councillors and Staff and places on record it's support for and confidence in Staff at all levels in the organisation."

and as a result Staff will be considering what action it can take in consultation with the relevant Industrial Associations."

During the month of April a number of consultants sought information from the Mayor. The consultants ultimately chosen took the opportunity to ask to meet with the Mayor and Councillors. Cr. Keogh arranged a meeting with himself and Crs Colvin, Flower and Clark.

This meeting no doubt assisted Dench McClean Associates (D.M.A) to understand precisely what was in view and to prepare their proposal effectively. There was nothing improper in them seeking such a meeting, but it was unwise of the Mayor to agree to it unless he was prepared to do the same for all other consultants and to so advise them.

The end result was that ten consultants submitted proposals and these were short listed to five by the Mayor with the assistance of Mr Neil Clark. Messrs Briggs and Fox accepted appointment to the selection panel and a meeting was arranged at the Brolga motel on 28 April 1993. The selection panel insisted on seeing all ten proposals and in the event agreed with the short listing which the Mayor had made, as do I.

The Mayor expressed to the panel his view that the tender price should not be the primary concern but that they should choose the submitter whom they believed would do the best job, and the selection panel unanimously agreed with that approach. Mr Briggs indicated that he had prepared a number of questions to ask all consultants, as well as individual questions to individual consultants and the panel agreed to that approach. Four interviews were conducted on that day and one on the following day.

The panel unanimously came to the view that D.M.A. were the most appropriate consultants. An abridged version of the reasons expressed by Mr Briggs for the choice is as follows:

"I selected DMA for six reasons.

- 1. Their written submission was well documented, concise and clear and they were able to meet the time frames required;*
- 2. Their oral presentation was excellent. They were head and shoulders above the other presentations;*
- 3. They made suggestions for added activities, such as analysis of debt and funding strategies, development of criteria for core and non core activities and whether some of those non core activities could be undertaken by contract;*
- 4. They had good overall team experience and qualifications, that addressed all the main disciplines that would be necessary;*
- 5. They identified their past clients in business and Government at every level and public authorities, although I don't think that they had experience specifically in an undertaking such as this. Rather than being a negative that was a positive in my viewpoint because sometimes you can be too close to the wood and you can't see the trees. In some of the other interviews, people who had a very detailed knowledge of local government and had been council or authority members or officers, seemed to have a preconceived idea of what the problem was and what the answer was going to be before they had commenced the review. I felt that maybe an external group could come in with a fresh view, without any preconceived ideas;*

6. *Their submission included a program for implementation of their recommendations. They didn't see their role as ending with identification of the problems and their recommendations. They intended to follow up the implementation in some detail in their 11 or 12 weeks, and to analyse the cost of implementing their recommendations.*

I was impressed that DMA fronted up with the four people, who were going to carry out the job, and so what you see is what you get. They were all senior people. A number of consultants came by themselves, not showing us who the other members of the team were going to be. And I thought that there was an advantage in being able to speak individually with each of the participants. That's an overview as to why I personally selected them, and it was a unanimous decision by the group."

All members of the panel held somewhat similar views: all regarded D.M.A.'s general management experience as being excellent: all regarded their comparative lack of experience in local government as been no disadvantage, but rather as creating a situation in which experienced management consultants with a totally outside view could take a fresh look at the council. No panel member saw the prior visit by D.M.A. as anything other than an attempt to obtain the maximum information available to enable them to present the best possible proposal. All regarded this as to the credit rather than the detriment of the consultants.

I have not had the advantage which the panel had of interviewing all consultants, but I have no doubt that the outside members of the panel exercised their own independent skills and judgment to the best of their ability, and did so with complete honesty and integrity, in what they generally believed to be the best interests of the Shire of Strathfieldsaye. On the evidence before me, I also believe that the two councillors concerned performed their role in the same way, and that there is no justification whatever for a conspiracy theory that the result was pre determined. It clearly was not, and the choice was made as a result of the interviews in a proper way.

The propriety of the interview panel does not however mean that the processes undertaken by the Council or the Mayor were equally proper.

On 29 April 1993, the Mayor reported on the results of the selection panel proceedings and moved:

1. *That Council endorses the recommendation of the selection panel "that D.M.A., be appointed as consultants to review the structure and operations of the Shire as per the Consultant's brief and that the fee for their consultancy be a fixed sum of \$49,500"*
2. *That D.M.A. hold early briefing sessions with staff (including the Union) and Councillors.*

3. *That staff and Councillors make either individual or group submissions, either in writing or orally, to the consultants and that the consultants must give those submissions due consideration.*
4. *That the consultants and Council will have full regard to all existing award conditions and to all requirements for the treatment of staff as indicated under the Local Government Act."*

The motions were drafted by Mr Neil Clark, who clearly had knowledge not available to minority councillors at that stage of what had occurred at the Panel hearing. There was again a bitter debate, during which the Mayor refused to produce the proposals of all consultants. He did so in clear breach of Clause 32 of the Local Law, and gave his reasons for doing so as reported in my Interim Report. His refusal understandably enraged minority councillors and entrenched them in their opposition to the appointment of consultants. The motion was carried on a division and Cr. Wallis indicated that she would give notice of recission to be dealt with at the next meeting.

There was certainly a strong case for prosecution of the Mayor, but in the circumstances outlined in my Interim Report I believed and believe that the matter can be dealt with in a better and more effective way. I therefore repeat my previous recommendations:

- (i) that no prosecution be launched against the Mayor;
- (ii) that a reprimand to the Mayor be administered in Parliament and that the reprimand include material on the importance of free information being made available to councillors as a basis for decision making;
- (iii) that the Office of Local Government be instructed to prepare guidelines regarding the supply of information to councillors and as to the classes of documents on which discretion or privilege exists; and
- (iv) that a copy of the reprimand and of the guidelines be circulated to all Victorian municipalities.

It will be recalled that I have already reprimanded the Mayor, and that the reprimand attracted effective local publicity.

On the following day the Mayor did two things. He faxed a letter to the consultants advising acceptance of their submission and of their appointment to do the work. The letter was prepared for him by Mr Clark. The Mayor also arranged a dinner to enable the consultants to meet councillors. No minority councillors were invited.

On 5 May 1993, the consultants commenced their work.

The feeling of discontent within the staff reached virtual boiling point prior to the Council meeting of 13 May 1993. This arose not so much from the appointment of consultants and the manner of their appointment, but rather from: -

- (i) the Terms of Reference, which members of staff believed were unfairly loaded against them;
- (ii) the fact that staff believed that those terms sought to make staff the scapegoats for the inadequacies of the Council itself;
- (iii) the belief that "a hit list" had already been prepared by certain councillors within the majority group in respect of particular individuals on the staff; and
- (iv) a fear that compulsory redundancies were imminent.

Prior to the following Council meeting, discussions were held between the Mayor and the union representative with a view to avoiding industrial action, and understandings were reached, which were translated into motions to be proposed at the meeting.

The Council's meeting of 13 May 1993 was conducted in an atmosphere of mutual distrust. It was a long and acrimonious meeting. Numerous motions, amendments and closure motions relating to the consultancy were discussed - or stridently argued about. Numerous divisions were called following decisions. Basically, however, the decisions were:

1. That in the event of any recommendations involving redundancies, there would be consultation with relevant unions on a redundancy package and that voluntary redundancies would first be offered;
2. That the consultants' brief be supplemented with additional terms of reference required by the staff;
3. Rejection of a group of motions seeking:
 - a) production of all documents relating to the consultancy;
 - b) rescission of the appointment;
 - c) legal advice on the legality of the appointment; and
 - d) referral of the appointment to the Office of Local Government for investigation.

The lack of provision of information relating to the submission at the previous meeting had left the minority with serious concerns that something was amiss, and they were determined to pursue the matter at this meeting. The majority group, and the Mayor in particular, could have demonstrated that there was nothing to hide by producing the information sought. Instead, the Mayor and those whom he had consulted determined not to provide information which they believed might simply bring further attacks and innuendos, and which they considered would simply aid what they regarded as a campaign of obstructionism. Thus the Mayor sought to brush aside questions as to the location of the interviews.

Asked in relation to the interviews, whether any other Councillors were present, other than himself and Cr. Colvin, he correctly replied, no. Further asked "was anybody present in the building that may have discussed matters with the interviewing panel or post any of the interviews" he replied "not to my knowledge." Cr. Clark had in fact been present in the building, where she acted as hostess and ushered each group of consultants in for their interviews. She did not participate, however, in the interviews or discuss their results with any of the consultants. Believing that Cr. Clark would not have discussed the interviews with any consultants, before or after they occurred, the Mayor's answer "not to my knowledge" was literally correct having regard to the precise terms of the question asked of him.

Cr. Clark, however recognized the possibility of misunderstanding and endeavoured to explain her position. She indicated that she had been in the building but the Mayor interrupted her and prevented her from explaining further. In doing this, he was guilty of a serious error of judgment.

He was unfair to her: he prevented her from remedying a misunderstanding with an honest explanation: he was unfair to himself: he made it appear that he was attempting to cover up a deliberate lie. Crs. Grenfell, Wallis and Ferns, the core members of the minority group, immediately formed that belief, which was reinforced by subsequent lack of candour by the Mayor. As a result none of them now trust the Mayor.

The Mayor's misjudgments and lack of candour at that meeting had serious fall-out. They paved the way for a series of damning press reports. They understandably strengthened the ferocity of the attacks by minority councillors and their determination to "get to the bottom of the matter." They caused public disquiet about the appointment and public doubt as to the integrity of the process and the Council. They unnecessarily brought into question the excellent reputation of two outstanding citizens who had done nothing other than seek to assist to the best of their ability in an impartial and honest way on a matter they regarded as of importance to the local community. They caused avoidable and unnecessary damage to the standing of the consultants. They made this Inquiry inevitable. They directly contributed to the fact the Council has now become unworkable.

The meeting of 13 May failed to assuage the staff or their unions and the prospect of industrial action loomed large. With a view to avoiding this threat, on or about 17 May the Mayor agreed with the main staff union on a redundancy package to be presented to Council. It was as follows:

"PACKAGE DETAILS AGREED BETWEEN UNION, STAFF AND COUNCIL

Redundancy

1. *Council to, as first step, offer redeployment/retraining wherever possible with no loss of existing entitlements.*
2. *Each employee who accepts a redundancy package is entitled to a lump sum based on four weeks pay.*
3. *Two weeks pay for each completed year of service or fraction of such amount for each additional completed month of service to a maximum of forty-eight weeks.*
4. *Lump sum of \$5,000 for full time employees who have completed ten years of service with a graduated scale for employees who have completed lesser service, completed service meaning to the nearest year.*

Year 1	-	\$1,000
Year 2	-	\$1,000
Year 3	-	\$1,500
Year 4	-	\$1,500
Year 5	-	\$2,000
Year 6	-	\$2,000
Year 7	-	\$2,500
Year 8	-	\$3,000
Year 9	-	\$4,000
Year 10	-	\$5,000

5. *Private use of vehicles - Compensation of \$10,000.*
6. *Limited private use of vehicles - Compensation \$5,500.*
7. *Commuter use of vehicles - Compensation of \$2,000.*
8. *Long Service Leave to be pro rata after five years of services.*
9. *Pay to be averaged for the twelve month period.*
10. *Three months minimum notice to be given to each employee with the ability of Council to pay in lieu of notice.*
11. *One day per week for job search whilst serving notice.*

12. *The agreement to only operate as a result of the consideration by Council of the Consultancy Report/Reports.*
13. *The final full report to be made available to the Unions.*
14. *Definition of service means Local Government service."*

It was a most generous package which set new standards for Victoria, and was negotiated during the absence of the CEO and several councillors at a conference in Canberra. It was negotiated without the advice of the Office of Local Government or the Municipal Association of Victoria, and without apparent recognition of its implications for other municipalities.

At a Special Meeting of the Council, convened on short notice for 20 May, the package was approved, together with a further motion designed to conciliate the staff. The CEO and several councillors arrived back from Canberra in time for this meeting, from which the public were excluded.

In view of the course of the meetings on 29 April and 13 May, it was hardly surprising that a public meeting called with little notice on 31 May 1993 roundly condemned the appointment of the consultants and called for an end to their review.

The Bendigo Advertiser of 1 June, 1993 contained a report of that meeting and a letter from Mr Neil Clark defending the appointment of consultants and the process which had occurred.

On the following day a press release by the Mayor was published which contained reasoning similar to that adopted by Mr Clark. The release was in fact prepared by the latter for the Mayor. Accusations of defamation were made both by the staff and minority councillors arising from that release, and the Mayor has now publicly apologised to both groups.

On 10 June 1993 two further motions designed to halt the consultancy and to commence the process afresh came before Council and were predictably rejected.

On the 21 June 1993 the consultants and I mutually agreed that it was undesirable for the consultancy to proceed at the same time as my Inquiry when it covered matters in common with this Inquiry. Both the Consultants and I separately wrote to the Council on that day and invited the Council to suspend the consultancy whilst the present Inquiry subsisted.

This move could well have been expected to reduce the heat of the issue and to give everyone a pause for thought. It failed to do so. The minority group sought to ensure that the consultancy was terminated rather than suspended, but failed to do so. The consultancy was in fact suspended as sought.

At the same meeting a draft contract between the Council and the Consultants was presented for consideration, which was deferred. There is thus no formal written contract between the Council and the consultants. The consultants however, point out that there is a binding agreement between the council and themselves because:

- a) they made a detailed written submission to the Council which was accepted in writing by the Mayor with the authority of the Council;
- b) the Council sought, and they agreed to, certain subsequent additions to the brief, without further fee; and
- c) they have undertaken substantial work on the faith of these agreements (and been paid for some of it) and there is thus what the law calls "part performance of the agreement".

In these contentions, the Consultants are undoubtedly correct.

Prior to the suspension of the consultancy, the consultants twice reported to the General Purposes Committee of the Council on the progress of their work. During the second of those meetings, the senior partner remarked that his firm had never undertaken a review *"in such an atmosphere of acrimony and division"*. That meeting was however, extremely mild when compared to others relating to the consultancy.

The flaws in the process relating to the appointment of consultants were numerous and serious. They can be summarised as follows:

- I) The brief was prepared in an irregular way and without proper input from staff. As a result it was a brief which assumed some of the answers, pointed the finger at the administration and inadequately recognized the leadership role which Council ought to give;
- II) The absence of opportunity to minority Councillors to see the revised brief before its adoption deprived Council of their input, and them of their rights;
- III) A single advertisement in the Bendigo Advertiser alone with none in metropolitan press was inadequate. A number of metropolitan consultants ascertained the existence of the advertisement only from acquaintances, by accident or through a tender information service. No doubt a number who may have made submissions were deprived of the opportunity of doing so;

- IV) Advertising of the call for submissions whilst a notice of rescission was pending before the Council breached a long standing convention of the Shire of Strathfieldsaye. Whilst the convention does not have the force of law, it was a valuable convention to allow a pause for thought in controversial cases. That tradition unfortunately now no longer exists in Strathfieldsaye. It may however be re-established under a new Council.

It should be remembered however that Cr. Grenfell and his colleagues in the core minority group contributed substantially to this result by their tactics on 11 March 1993;

- V) The nomination of the Mayor as the contact point for prospective submitters was undesirable. It is highly desirable that inquiries be made to the CEO or other nominated officer, and that any discussions as to the background, nature, scope or problems of the work be held with that officer rather than with the decision makers. Prospective consultants had, however, no alternative in the present case but to contact the Mayor and to meet with such persons as he nominated.
- VI) The Mayor was unwise to make an appointment for nominated Councillors to meet the consultants prior to the lodgment of proposals, unless he was prepared to do the same for all other prospective consultants;
- VII) The receipt and opening of submissions by the Mayor was irregular and unwise. In a properly conducted process, submissions are received and recorded by the nominated officer, and are opened in the presence of witnesses following the closure of the period allowed for submissions or tenders. They are evaluated by qualified persons to enable short listing. These safeguards of the integrity of the process were all abandoned in this case. Indeed, until supplied recently by this Commission to the CEO, the Shire had no record whatsoever of the submissions which had been made, other than that relating to the successful applicant;
- VIII) The location and secrecy of the interviews was highly undesirable. They should have been openly held at the Shire offices or at some other announced location;
- IX) Non disclosure of other submissions to the Council despite repeated requests, was in breach of clause 32 of Local Law 1 and of the common law rights of Councillors. It deprived all Councillors who had not seen the submissions of their right and obligation to make an informed judgment on a major matter affecting the future of the municipality. This should never happen again, in Strathfieldsaye, or in any other municipality;
- X) Acceptance of the submission whilst the notice of rescission was pending was again contrary to the traditions to the Shire of Strathfieldsaye, but the stage had been set for this on 11 March, 1993;

- XI) The Mayor was unwise in arranging a dinner between the preferred consultants and majority Councillors whilst a notice of rescission was pending. It should be noted, however, that Cr. Smith declined to attend in these circumstances and that the consultants were unaware that the Councillors they were to meet at the dinner would come from the majority group only.

CONCLUSIONS

From all the evidence and information available to me and from the facts reviewed above, I have formed the following conclusions:

1. The prime responsibility for the flawed processes in relation to the appointment of consultants rests with the Mayor and his advisers.
2. The majority group within the Council must also accept a high degree of responsibility. They supported the Mayor without question and with the ruthless use of numbers on closure motions and otherwise, even when they were aware or should have been aware that the Mayor was acting foolishly or wrongly.
3. The core minority group of Crs. Grenfell, Wallis and Ferns also contributed to the magnification of the issue and the breakdown in relations by their tactics at the meeting on 11 March, 1993, their incessant use of notices of rescission thereafter, their sarcasm and the use of personal argument. They caused the Majority group to see them as nothing but obstructionists.
4. I expressly exempt Cr. Paton from the criticisms made above of Councillors. Although his personal and philosophical views tend to align with those of the majority, he voted with the minority whenever he believed they were not getting a fair go.
5. The non councillor members of the selection panel were authorised by Council and had excellent credentials and repute. The whole panel adopted an honest and conscientious approach and reached a unanimous result.
6. Suspicions about the panel process have proved to be unfounded. Those suspicions arose solely and understandably from the way the matter was handled in Council and not from any knowledge of the selection panel process.
7. The processes of the selection panel were proper, fair and reasonable and it has been demonstrated to me conclusively that there was no basis in fact for any suspicions or innuendos.

8. Questions arose about the circumstances of the reduction in the quote of the consultants from \$52,500 plus expenses to \$49,500 in total. The request was made by the panel in the mistaken belief that it was desirable to reduce the tender price in that way to comply with section 186 of the Local Government Act 1989 which requires advertising of submissions in most circumstances where the contract price is to exceed \$50,000. There was nothing sinister about that request which was agreed to by the consultants. In any event, the invitation for submissions had in fact had been advertised in this case.
9. D.M.A. were a proper choice as consultants. Their credentials and their formal submission were excellent: the panel regarded the oral presentation as outstanding: they supplemented the deficiencies in the brief in a tactful way: they were considered by the panel to offer a fresh and impartial approach: their choice by the panel was unanimous, and it was endorsed by a majority of Council.
10. D.M.A. were not responsible for, and in no way contributed to, the unwise and irregular processes adopted by or on behalf of the Council in relation to their appointment.
11. Despite the flaws in the process, the appointment was legally valid and an enforceable agreement exists, constituted by offer, acceptance, agreed variations and part performance.
12. A formal written contract as envisaged by the brief would have been desirable, but - as argued by D.M.A., and as accepted by the Victorian Government Solicitor - was not technically necessary in view of the facts appearing in the previous paragraph. In the circumstances, a formal written contract would probably however have made little or no difference.
13. The staff discontent which the ham fisted nature of the whole process occasioned could and should have been avoided. The flawed nature of the process was the cause of that discontent and gave rise to unnecessary fears.
14. To provoke staff discontent and then to resolve the threat of industrial action without proper advice and by an agreement which becomes a pace-setter for other municipalities is not a responsible course.
15. When faced with the threat of industrial action, municipalities should seek the advice of their Association and of the Office of Local Government.
16. Outside review of aspects of Council's administration is in fact desirable, but should be co-ordinated with and form part of the Corporate Plan process.

- 17 In view of the extent of the work so far done by D.M.A. and the knowledge already gained by them, a commonsense approach would be to continue with their engagement if the necessary changes to their role can be satisfactorily negotiated.
18. The whole exercise in relation to the appointment of consultants was an object lesson in how not to conduct a tender or similar process. It demonstrates the need for greater education of councillors on this point.
19. It also demonstrates the need for Councillors to recognize that under the Westminster system their role is to set policy and to make decisions, and not to intrude into areas which are properly the preserve of the administration.

When Councillors who are untrained in the process of council administration usurp duties which should be performed by trained administrators, then problems will inevitably result as occurred here.

Furthermore, the lack of observance of proper processes will inevitably give rise to suspicions of impropriety, again as occurred here.

There would have been no scope for those suspicions if the administration had been allowed to perform its proper role according to the traditions of sound local government administration.

20. The process adopted for the appointment of consultants was the rock on which the unsteady relationships within the Council finally foundered, and Council became irretrievably unworkable.

I recommend that the Office of Local Government, in conjunction with the Municipal Association of Victoria prepare a paper on the role and responsibilities of Councils in undertaking contracts and in dealing with submissions under section 186 of the Local Government Act.

STRATHFIELDSAYE COMMUNITY CENTRE

The Strathfieldsaye Community Centre is a magnificent multi-purpose community facility of 1300m², situated on an extensive recreation and sport reserve.

It is a centre of which any community should be proud. Instead, it has become the subject of ongoing wrangling in the Council and in the community about:-

- Basic concepts as to its role and operation;
- Proposals for a full club liquor licence, and for gaming machines;
- Rights to use the building;
- Alterations to the building;
- The respective roles of the council and the management in the operation of the Centre; and
- Costs, catering arrangements and other matters.

Following widespread expressions of concern about these aspects the Council called for submissions from the community and user groups concerning the operation of the Centre. 27 submissions received were reviewed in a report by the CEO to a Special Meeting of the Council called to discuss the operations of the Centre on 9 November 1992. That report is attached as Appendix 2, and indicates that the areas of disagreement are extensive and significant.

History

In May 1984 the Council's Public Work's Committee met a Deputation from the Strathfieldsaye Hall and Recreation Reserve Committee of Management, which presented a submission regarding a proposed Strathfieldsaye Community and Sports Club, to meet the needs of the area's sporting groups, voluntary organisations and the local community. The Committee estimated the cost at \$500,000, half of which was to come from the State Government, and one quarter each from Council and the local community. Council was impressed, and the Reserve Committee continued work on the proposal.

In June the following year the Strathfieldsaye Community and Sport Club Co-operative Limited was registered as a co-operative society to provide a formal and legal basis for raising the local contribution for the project. The model was a similar community sports club at Essendon.

In the first half of 1988 plans were completed and costed at \$1.25 million.

A deputation was arranged to the Minister for Sport and Recreation and in September that year the Minister approved an allocation of \$100,000 towards the project. One of the conditions of the grant was that:

"Council will ensure that the facility is made available for use by the community generally and not for the priority use of a limited number of organisations."

On 22 June 1989, Council accepted a tender of \$1,189,409 for the project, authorised a contract and directed preparation of a paper on funding options, for consideration at its July meeting.

The paper presented on 13 July 1989 estimated total costs of the project as follows:-

Hendersons Builders	\$1,189,409
Consultants Fees	74,500
Statutory Charges	10,000
Landscaping/Carpark	65,000
Sewers/Drains	25,000

	\$1,363,909
	=====

It proposed that the cost be met as follows:-

Council Revenue (Grants Commission)	\$ 270,000
Council Loans	750,000
Committee Contribution (cash)	250,000
Department of Sport and Recreation Grant	100,000

	\$1,370,000
	=====

On that basis, Council agreed:-

- *That the Council proceed to borrow \$400,000 allocated in the then current Loan Projects Budget, and to give further consideration to an allocation of \$350,000 towards the project from the following year's loan allocation.*
- *That the Council earmark \$270,000 towards the project from its 1989/90 Grants Commission allocation.*

It will be noted that the Council contribution thus became more than \$1 million, or four times the original estimate.

The Reserve Committee agreed to raise \$100,000 towards the local community contribution by way of donations and \$150,000 by way of borrowing through the Co-operative. This amount was later raised to \$160,000.

In December 1989, representatives of the Reserve Committee met the Public Works Committee of Council to discuss the operation of the Centre. The representatives provided a report which outlined a proposed management structure and related matters.

As a result Council resolved that a copy of the budget be obtained and that further discussions with the committee be held early the following year concerning the operation of the complex.

On the 15 May 1990, as the project neared completion, Council met with the Reserve Committee and resolved responsibilities for remaining items required to make the project operational.

On 31 May 1990, the Shire Engineer in reporting to Council on completion of the project, made (amongst others) the following remarks:-

"This building represents a multi-use facility meeting the needs of sporting clubs, senior citizens, club members, social gathering and occasions such as weddings and the like....."

As an aside it is worth noting that when this facility is completed, the "public hall" function will transfer to this new facility, thus releasing the existing public hall cum pre-school to be used as a children's services building for both pre-schools, playgroups and infant welfare."

"Special Feature-

One major new feature is Council's decision to include a purpose built baby care room to Nursing Mothers requirements. This provides a separate private feeding room with comfortable seating, adequate waste disposal facilities, and a separate room where those not involved necessarily in the feeding of the babies, such as fathers, can attend to other needs such as nappy changing.

Financial Arrangements

A brief summary of the financial arrangements follows. It has been "rounded" to simple figures for easy consideration.

Expenditure

<i>Builders Contract</i>	<i>\$1,270,000</i>	
<i>Consultants fees and statutory charges</i>	<i>\$ 110,000</i>	
<i>Landscaping/car parks/sewers and drains</i>	<i>\$ 225,000</i>	
<i>Sundry fittings</i>	<i>\$ 20,000</i>	
<i>Total</i>		<i>\$1,625,000</i>

Funding

<i>Local Committee committed cash contribution</i>	\$ 250,000	
<i>Local Committee cash/kind</i>	\$ 38,000	
		\$ 288,000

Funds Available

<i>Department of Sport and Recreation Grant</i>	\$ 100,000	
<i>Council</i>	\$1,237,000	
		\$1,337,000

Details of Council Funds

<i>Raised loans to date</i>	\$ 650,000	
<i>1989/90 Revenue ex-Grants Commission</i>	\$ 370,000	
		\$1,020,000

This leaves a shortfall of \$217,000 which Council will arrange to fund."

Thus Council's contribution had risen to almost 5 times the original estimate, whilst the local contribution, in cash and kind, had almost trebled. Part of the local contribution was by way of contingent liability on the part of members of the Co-operative in respect of its borrowings.

On 8 August 1990, the Reserve Committee became incorporated under the Associations Incorporation Act 1981 as the Strathfieldsaye Recreation Reserve Management Association.

The Association's rules provided for a Committee of Management comprising a Strathfieldsaye ward Councillor, an officer nominated by the Shire and seven elected members.

The current Committee was elected for a three year term on 1 May 1991.

The Association's Statement of Purpose includes requirements for it:

- I. To control and manage the day to day affairs of the Strathfieldsaye Community Centre and the Strathfieldsaye Recreation Reserve for and on behalf of the Shire of Strathfieldsaye.*
- II. To manage and operate the Strathfieldsaye Community Sports Club.*

III. *To maintain and fund the future development of the Centre, Reserve and Sporting Club's facilities.*

The Statement of Purpose strictly requires that the:

"Strathfieldsaye Recreation Reserve Management Association Incorporated shall not be carried on for the purpose of profit or financial gain for any of its individual members."

The Rules of the Association also provide for its Treasurer to present the Association's operating budget to the Shire prior to the commencement of each financial year, and quarterly financial statements showing actual against budget income and expenditure.

The Strathfieldsaye Community Sports Club referred to in the Association's Statement of Purpose is not a legal entity, and has no constitution of its own. It exists solely under the umbrella of the Association.

The Registrar of Co-operative Societies did not obtain Treasury approval to enable the Strathfieldsaye Community and Sports Club Co-Operative Limited to borrow \$160,000 from the National Australia Bank to meet its local contribution until February 1991. Although the word "Club" appears in the title, it is a body which exists for financial purposes only, and does not constitute a club or "the Club" in any sense.

The funds were made available on the 8 February and, in accordance with a Council resolution, interest was levied from the 1 January, 1991 until the 8 February, 1991 which incurred an interest bill of \$2,649.86 on the part of the Committee to the Council. In view of subsequent events, this interest liability became somewhat academic.

Later in May 1991 Council, acting on legal advice, clarified the relationship between itself and the new Association by resolving that the Association be appointed to manage the Complex and the Reserve for and on behalf of the Council "upon such terms and conditions as the Council may from time to time determine."

The relationships between the Council and the Association, and between the Association, the Club and the Co-operative are substantially defined in the features just outlined. Thus there are linkages in the formal arrangements which offer a degree of monitoring and control to Council: through Council's representation on the Association's Committee of Management; through Council's ability to lay down terms and conditions to the Association; through the Association's purposes being to manage the complex and reserve for and on behalf of the Shire, and to manage the Club; and in the Association's obligation to present its budget and financial statements routinely to the Council; and in the obtaining of funds towards the local contribution by the Co-operative and the underwriting of their repayment - at least in theory.

Conflicting complaints were made that Council had not maintained enough control over the Association, and that it had interfered too much with the Association's management of the Centre. Some understanding of these divergent views is probably found in the inherent difficulty of expecting a large community recreational and meeting facility to function viably, without ongoing external support. Not only does Council appear to have had this expectation but the Association's Statement of Purpose goes further in anticipating that the Association may in time "contribute funds to Council." This at present seems a forlorn hope, and revenue is likely to be inadequate to meet costs for the foreseeable future.

The Association's financial statements for the year to 30 September 1991 noted that the Association had assumed responsibility for repayment of the bank loan taken out by the Strathfieldsaye Community and Sports Club Co-operative Ltd, involving payments amounting to \$24,887 per annum.

Faced with these responsibilities, the Association sought to ensure the viability of the Centre by providing a private caterer with exclusive rights to catering at the Centre (to enhance the likelihood of the caterer returning a profit), and sought extension of the Centre's restricted club liquor licence to a full licence for the entire premises to support the introduction of gaming machines.

In the face of growing controversy both at Council and community levels, the Management Association sought legal advice as to whether it had the power to undertake an application for either a Liquor Licence or a Gaming Machine Licence without the necessity of having to consult with, and receive the prior approval of, the Shire of Strathfieldsaye. The answer given was "yes," and the Association made application to the Liquor Control Commission accordingly.

I disagree with that advice. The matters of a liquor licence and of gaming machines were not ones of day to day administration of the Centre: they involved important matters of policy and the Statement of Purpose of Association expressly provided:

"That no matter or matters shall be considered which affect the long term use or the policy direction the facility may move in without first seeking the approval of the Strathfieldsaye Council."

A series of applications, debates and meetings (which must have been bewildering to the public) then occurred in relation to the liquor licence, the planning permit and the question of gaming. It would be of little value to review these in detail, but I believe it desirable to refer to a number of specific motions and meetings.

On 15 April 1992, Council agreed to support the application for gaming machines. Crs Wallis, Houlahan and Ferns required a division and recorded their dissent.

On 28 May 1992 Cr Wallis moved and Cr Houlahan seconded a motion:

"That the Council seek legal advice as to whether it can request the Strathfieldsaye Community Centre Committee to lodge a planning permit application for gaming machines with residents being granted the opportunity of commenting in accordance with the resolutions of Council passed in June 1991 which reflected Councils views when commenting on the Parliamentary Bill dealing with gaming machines."

The motion was lost and a division was called, with Crs Wallis, Houlahan and Ferns supporting the motion.

On 20 August 1992, Council agreed subject to stringent conditions, to grant a Notice of Decision to enable the Liquor Control Commission to grant a full Club Licence.

Cr Ferns then moved and Cr Wallis seconded a motion:

"That the Council refer to the Local Government Department for investigation the matter of Application by the Strathfieldsaye Reserve Recreation Area Management Committee Inc. for a full liquor licence and the actions of all Councillors in relation to these applications."

The motion was lost.

On 1 October 1992, Council carried a resolution

"That permission be granted for the alterations"

with Crs Wallis and Ferns dissenting. The resolution referred to alterations to what was known as "Duke's Room" as a prelude to approval by the Gaming Commission of the installation of Gaming machines.

Council apparently did not fully appreciate at the time that one effect of this change would be the loss or relocation of the baby care room provided at the requirement of Council.

The work approved by this resolution was carried out during the following weekend, without consultation with the architect, without plumbing approval and without compliance with the Food Act.

Cr. Wallis gave notice of motion to rescind the approval, but this was subsequently ruled out of order as the approval had been acted upon.

At a special meeting of Council on 15 October called in relation to the Centre the Shire Engineer reported as follows:

"A further site inspection was undertaken on the 13 October, 1992 in company with the Building Surveyor and the Chief Environmental Health Officer to inspect the staff toilets and the Club locker room and associated toilets and showers, as it was believed there had been alterations and changes of use undertaken consequential to the alterations in the Duke's Room.

The inspection revealed that the previously designated staff/food handlers toilet and shower had been converted to a "mothers room" by the installation of the baby change bench from the former baby care room previously located just off the meeting room/creche. The location of the bench is totally inappropriate as a person changing a baby in that area would very likely be impacted by the door and a further person entering the room and there is no provision for doing the initial cleaning of a soiled reusable napkin, apart from the small hand basin, rather than the deeper stainless steel trough originally provided in the baby care room.

It was then observed that the entry door to what had previously been designated the club locker rooms and shower and toilet area, had the words "staff" affixed to the door, which would imply the areas are now dedicated to use by the staff. An inspection however revealed that one of the locker rooms was basically being used to store stools and other fittings and the other locker room had what is believed to be cupboards and equipment owned by the Bowling Club and used by the Club as part of their afternoon tea facilities. Quite clearly, although the Committee may have believed the area is to be used only by the staff, the actual occupation does not support this belief.

*The Environmental Health Officer is concerned that this situation cannot remain as under the Food Act, the staff involved in preparation and serving of food in registered premises **MUST** have separate toilet facilities. These matters must also be drawn to the attention of the Committee and once again, the Committee should have sought information on these aspects before the works were commenced. However, in the instance, the situation is more serious as the building is currently a registered premises and preparation of food is being undertaken on a continuing basis and therefore, the use of the locker rooms by persons other than staff must be cease forthwith or alternatively, and probably preferably, the recently installed baby change bench in the former staff toilets should be removed (as it is inappropriately located) and the original function of this room restored."*

The Minutes of the proceedings are attached as Appendix 3. As will be seen, many motions affecting the Centre were considered. The debate was bitter and sarcastic.

In accordance with the resolutions passed at the meeting of 15 October, officers wrote to user groups of the Centre and advertised in the local press seeking views regarding the operation and use of the Centre.

On 19 October, differences between the Strathfieldsaye Senior Citizens Club and the Management Association were resolved.

The Association's understandable pursuit of viability caused a level of concern amongst sections of the community, and resulted in the submissions summarised in Appendix 1, which were analysed by Council on 9 November 1992. As the report to Council noted,

"the underlying theme in many of the submissions is that the community no longer has the facilities provided by the former public hall, notwithstanding the fact that the Community Centre provides other facilities far in excess of the hall."

The requirement to use the club caterers was seen by many as excluding self-catering community functions, the "whole premises" liquor licence as excluding all under 18 year old residents (and child care for adult users), the proposed gaming licence as offering unrestricted public access during opening hours in a way which would conflict with the reasonable use of the building by some user groups and ordinary members, and ground rental and membership costs as being too high for some users to bear.

A motion was carried without dissent at the November meeting:

- "(a) That a meeting between the Committee of Management and the Council be arranged as soon as possible.*
- (b) That the Committee be requested to forward a list of matters it would wish to discuss with the Council.*
- (c) That the Council raise the following matters at the meeting:-*
 - * Catering Contract*
 - * Possible Lease Agreement*
 - * Increased community use of the facility*
 - * Clear, precise definition of the role/powers of the Committee*
- (d) That a copy of the report be forwarded to all the respondents listed on Page 1."*

A further motion was moved by Cr. Ferns, seconded by Cr. Wallis -

"That the Strathfieldsaye Community Centre operate with only its restricted liquor licence, serving liquor only in the bar area or with meals in the Somerville Room, and that the application for gaming machines be withdrawn, until there is widespread community input to discussion and determination of the role, of the Strathfieldsaye Community Centre Management Committee."

This was lost, with the mover and seconder being the only supporters on a division.

Cr. Wallis, seconded by Cr. Keogh, then moved -

"That the meeting convened between the Committee and Council include in its discussion, the following:-

- (a) The licensing of the premises and the possibility of introducing restricted areas.*
- (b) Gaming machines"*

and this was carried.

Correspondents to the Office of Local Government raised concerns similar to those appearing in the submissions considered by Council on 9 November. Some raised concerns about the way in which Cr. Flower had acted as the Association's committee member responsible for the liquor and gaming applications, and perceived a conflict of interest between his two roles, insensitivity to the rules and a lack of frankness.

On 4 February 1993 the discussion between Council and the Management Association took place.

It was moved by Cr. Grenfell, seconded by Cr. Colvin-

"That the Council write to the Committee of management of the Strathfieldsaye Community Centre indicating this Council's support and satisfaction with the Management Committees running of the Centre and congratulating its members on their dedication."

This was carried, with Crs. Ferns and Wallis calling for and dissenting on a division.

On 18 March 1993, new model rules of the Club were agreed.

CONCLUSIONS

1. The course of events clearly demonstrates long periods of indecision by the Council, a lack of clear goals, vision and leadership and an unreadiness to implement decisions firmly once they were made.
2. For these deficiencies, the irreconcilable divisions and bitterness within the Council are primarily responsible. They are destructive of a clear sense of direction and the political will which derives from unity.
3. If, as the record shows, Council supports the Club's applications for a full liquor licence and for gaming machines, the decisions should have been made and implemented much more promptly. The delays which eventuated set back the Management Association by towards 18 months in its planning, and its efforts to achieve financial viability for the Centre.
4. Cr Flower, through his single minded and somewhat insensitive pursuit of what he believed to be the interests of the Club, the Management Association and the complex, actually harmed its interests in a number of ways:
 - (a) He was perceived by others as having a conflict of interests between his role as a councillor and his role as an Association committee member.

There was no pecuniary interest in the strict legal sense, as demonstrated elsewhere in this report, but to the ordinary citizen there appeared to be a conflict. This created suspicion which caused questioning of his every action and contributed to delays;
 - (b) This suspicion was increased amongst his colleagues by an apparent lack of complete frankness - particularly with respect to comments regarding the "withdrawal" of an application before the Liquor Control Commission at a stage when the application had been "put on ice" rather than withdrawn. The belief was engendered that he would inform colleagues and the public only of so much as suited his purpose.
 - (c) He counselled the Management Association to seek legal advice to support applications for liquor and gaming machine licences without prior consultation with or approval of the Shire, and to act to do so.

- (d) Quite apart from the validity or otherwise of the legal opinion, the course adopted was politically foolish. It naturally increased the level of opposition within the Council and the community, and made it appear that neither Cr. Flower nor the Association were prepared to abide by the rules.
- (e) His insensitivity to the rules was further demonstrated in October 1992 when he immediately undertook alterations at the Centre authorised by Council, without first obtaining plumbing approval or complying with the Food Act. As a building inspector he should have been well aware of those requirements, which have now been remedied with retrospective effect. His personal insensitivity was seen as insensitivity on the part of the Association.

5. The minority in the Council bear a heavy share of the responsibility -

- (a) Even after lengthy periods of consideration, public consultation and considered decisions, they refused to accept those decisions, whittled away at them and sought by direct and indirect means to undermine or reverse them;
- (b) They fanned the public discontent, and thereby brought unnecessary discredit upon their Council and the Management Association;
- (c) Their motion of 28 May 1992 to seek legal advice on means of enforcing normal local planning requirements on the Centre in respect of gaming was nothing but a tactical manoeuvre. All three supporters well knew that planning requirements relating to gaming machines were a matter for the State Government and not the Shire.

The mover, Cr. Wallis, knew it particularly well as she had bitterly opposed the transfer of powers from Council to Government when the gaming legislation was before Parliament. Her motion specifically referred back to the Council debate on that issue. It may well have succeeded for it was carefully designed to appeal to Council sensitivities on the loss of planning powers in this area.

- (d) Presentation of the motion constituted "grand-standing," and lends credence to the view that by that stage genuine opposition had been replaced by obstructionism.
- (e) Their contributions to the debate became increasingly and unnecessarily divisive.

6. The genuine view of concerned individuals and organisations that the Centre should be readily available to all citizens and community organisations without restriction is fully understandable.
7. That view is also broadly supported by the condition placed on its grant by the Department of Sport and Recreation.
8. That view, taken alone, fails however to recognize that the project was from its first conception envisaged, presented and accepted as a club type development which should at least be a substantially self supporting, and that the Management Association had been working towards that end under considerable difficulty.
9. In the bitter war between two apparently opposing views no-one recognized that both sides, seen from their perspectives were right, and that the two views were reconcilable, given the will to achieve a fair and sensible result.
10. The first step must be for Council to decide what sum the Shire can reasonably afford to set aside each year to subsidise the operations of the Centre. It must be remembered however that any subsidy by the Shire is met by ratepayers rather than users, and must therefore be kept to reasonable limits.

The Shire has this year found it necessary to contribute \$90,000 towards the operations of the Centre. Whilst this is intended to be a loan to be repaid by the Association with interest, there must be serious doubts about the Association's ability to do so. It is currently unable to meet operating costs, let alone interest on the pre existing loan of \$160,000. If not repaid the contribution will represent an average of more than \$10 on each rate assessment in the Shire. It would be difficult to justify an annual subsidy of that amount, although some subsidy at this stage remains necessary.

11. Council should also review the submissions already made by user groups with a view to forming a preliminary view as to what claims can or should reasonably be met, and what cannot or should not.
12. After consulting with both the Management Association and the groups affected, the Council should convene a conference between them with a view to mutual acceptance of arrangements which will provide on the one hand for a substantially self sufficient Club and on the other for freeing up the use of parts of the Centre by local groups. I am sure that with goodwill such a result can be achieved.

13. At the same conference, the Council should present for consideration a draft Instrument of Delegation under which the Management Association can assume a greater responsibility for administration, with a clear sense of direction established by the Shire. The day to day intervention to date has been too great to enable the Association to undertake its role effectively, and this has been worsened by the lack of any clear goals and policies.
14. The Shire should, however, remain responsible for policies, and the range of these should be defined.

I recommend accordingly and would add that many of the fears on questions of detail have already been answered by the Association.

ADMINISTRATION OF PLANNING

Numerous complaints have been made to the Commission about one aspect or another of the administration of planning in the Shire, and more particularly about a wide range of individual cases.

It would be difficult to review individual cases in this report, and unwise to attempt to do so in any event. In most cases a right of appeal or approach exists or existed to the Administrative Appeals Tribunal, the Minister, a panel appointed by the Minister, to the Council itself or to the Court.

In any event, the complaints made largely arose from a difference in value judgments as between the Council and the complainants. Such differences in view on planning issues are the rule rather than the exception throughout Victoria. Every planning issue in the last resort requires a value judgment and there will always be differences in views about the judgment made. Those differences tend to be greater in fast developing areas.

Such differences of view are in no way unhealthy. One of the major purposes of a municipal council is to provide a forum for the expression of different views and a basis through which they can be reconciled. Fortunately most Councils are able to achieve réconciliation. On such Councils, the majority sets the broad direction of planning schemes and planning policy but adopts procedures designed to ensure that the views of the minority will be taken into consideration on individual issues. Often those views are especially recorded in planning schemes as amongst the matters which the responsible authority is required to take into account. That has not happened in Strathfieldsaye, where divisions have persisted for many years and where no apparent attempt to reconcile differing views has taken place.

As a result, Strathfieldsaye has few, if any, clear planning policies. Policies appear to change from year to year as the balance within Council changes. The policies which guide decisions are those of the majority for the time being, and they are not clearly enunciated to the public.

Nor are the policies consistently applied. They are differentially applied from case to case. As a result there have been inconsistent decisions, sometimes even on the one day, as to whether kerbing, channelling or footpaths are required in a particular subdivision, as to the set backs required for buildings from the boundaries and as to whether brick facing is or is not required on industrial buildings.

Some Councillors believe that this is as it should be: that it gives Council a proper area of discretion! They fail to see that discretion of this kind leads to inconsistency: that inconsistency is the enemy of certainty: that certainty is one of the objectives of any sound planning system: that any areas of discretion should be carefully spelled out in the scheme: and that clear guidelines or policies are needed to govern the exercise of discretion. If that is not done, decision making will be arbitrary and inconsistent and the public will believe that some applicants are favoured, whilst others are penalised - or worse!

In the Shire of Strathfieldsaye, because of these inconsistencies there have been a number of allegations that "It's is not what you know, its who you know" and that favourable decisions are obtained by those who are friendly with councillors.

Although those allegations were unproven, there will inevitably be that suspicion wherever and whenever there is an absence of clear policies, consistently applied.

Perhaps the best example of the failure of the Shire to bring planning policies to a clear conclusion relates to the Shire's planning proposals for the rural area.

For some 10 years prior to the passage of the Planning and Environment Act 1987, chapter 3 (Rural Areas) of the Strathfieldsaye Planning Scheme allowed a planning permit to be granted for subdivision of land into a minimum of 8 hectares (20 acres) in area. One lot smaller than 8 hectares could be created for an existing house or for an additional house on land where there was an existing house. As a result, many subdivisions were approved throughout the Shire's rural areas.

Ten years ago Council recognized that its rural area was being fragmented, and that some further controls were required. Council proposed a minimum subdivision size of 16 hectares (40 acres) over southern parts of the Shire and the right to construct a dwelling on any lot which existed as a "separate tenement" as at 25 May 1977. The effect of a "separate tenement" provision is discussed on page 52 of this report.

This small reform was seen by some in Council as "taking away an owner's rights," and was not pressed forward with the vigour necessary to bring it to a conclusion. The amendment had therefore lapsed when the new Planning and Environment Act 1987 came into force.

Council renewed similar proposals in amendment L2, which was placed on public exhibition in July 1988. On February 8, 1989, Council considered the submissions and objections made regarding this amendment and referred most of them to a ministerial panel which conducted hearings in May 1989 and made a report to the Minister and the Council. Action upon the report was never finalised by Council and the amendment lapsed in July 1990 under the provisions of the new Act.

A new amendment numbered L2A was then prepared covering the same area, excluding Strathfieldsaye township, which was the subject of a separate study. L2A's basic principles were similar to those of its predecessor, although some modifications had been made as a result of submissions received on amendment L2 and the recommendations of the panel upon them. Furthermore the new amendment was expressed in plainer English. L2A was placed on exhibition in December 1990.

Amendment L2A was subsequently divided into two parts to enable Mandurang Valley to be dealt with separately. This became L2A Part 2 whilst the balance of the scheme (including the rural area under consideration) became L2A Part 1.

Part 1 was duly adopted by Council and forwarded to the Minister for approval. By letter dated 15 October 1991, the Director of Planning required a number of changes to L2A, Part 1 before its submission to the then Minister, and the course of events arising from that letter is dealt with on pages 52 and 53 of this report.

When Council did not agree to those changes the Minister prepared and approved amendment L8 to give effect to them as an interim measure. L8 was approved on 13 January, 1992, with retro-active effect from 17 October 1991.

Amendment 8 was originally to apply for one year only but has now been extended for a further year by amendment L11.

Amendment L2A Part 1 has now been further subdivided by the Minister, with the concurrence of Council. Part 1b now includes all the land affected by amendments 8 and 11, while Part 1a includes the remainder of this scheme. Amendment L2A Part 1a and Part 2 have now been approved whilst L2A Part 1b relating to the rural areas is still not finalised. Those rural areas are thus currently affected by Chapter 3 of the original planning scheme, by Amendment 8 as extended by Amendment 11, and by Amendment L2A Part 1b of a "seriously entertained," but unfinalised planning proposal.

Although I have sought to simplify the course of events, the position must be utterly confusing to the general public - and probably to some councillors as well. It is clearly time - indeed overdue - that a barely comprehensible situation is remedied, that outstanding planning issues are resolved and that this is followed by consolidation of all the planning provisions affecting the Shire into a single, clear and comprehensive scheme which everyone can understand.

The Strathfieldsaye Township Structure Plan also caused local concern.

Owing to its projected rate of growth, the Strathfieldsaye township area was excised from the Strathfieldsaye Planning Scheme and given separate consideration. Council appointed consultants early in 1992 to prepare a study, taking into account the existing Vic Roads transport study and the (then) Loddon-Campaspe Regional Planning Authority's regional study focused on the year 2020. The consultants developed four options which were put on exhibition, and submissions received, before the consultants' final preferred option was submitted to Council.

At its meeting on 20 August 1992 Council rejected a high proportion of the consultants' recommendations and, despite their reservations, prepared a radical revision of their second option which was placed on exhibition until late November 1992. Community dissatisfaction with Council's proposal was extensive: a public meeting to consider the proposal attracted 300 residents. Concern focused on the proposal to upgrade minor roads and the impetus this would provide to public access from the McIvor highway to the Strathfieldsaye Community Centre, and to rural residential land proposed for rezoning as residential land.

Claims were made that Council had invented a proposal which ignored previous professional planning advice and community opinion, and supported the interests of Councillors. Several Councillors were alleged to have personal interests in the Centre's viability and in potential subdivision profits.

An independent panel has now reviewed all submissions in relation to this scheme and made its report. The final decision will not be made by the Council, but by the Minister who will be free from any allegations of pecuniary interest.

My investigations disclose no basis for the allegations against councillors, but the fact that they were made evidences lack of faith within the local community in their Council and in planning processes in the Shire of Strathfieldsaye. The lengthy delays which have occurred in providing certainty have heightened local perceptions that something is amiss.

The picture which emerges on planning issues is one of lack of clear leadership by Council. The lack of leadership and the inconsistencies which have arisen have left both staff and the public confused. Staff are unable to give clear guidance to the public and as a result the public regard staff as unhelpful. Staff are unable to give clear indications to members of the public as to what is required for fear that their advice will be overturned by the Council.

A higher proportion of applications than occurs in most municipalities is referred to Council for determination rather than being decided by delegates. This is despite the existence of clear instruments of delegation which have been refined on several occasions. Delegates are however unwilling to make final decisions when they fear these may be disagreed with by a majority of councillors.

To bring this unsatisfactory situation to an end the following steps are required:

1. There should be immediate discussions involving the Shire's planning officers, its consultants, regional officers of the Department of Planning and Development and officers of the Loddon-Campaspe Regional Planning Authority with a view to resolving by agreement all outstanding issues in relation to the rural areas planning proposals.
2. Whilst amendments 8 and 11 may have been justifiable as interim holding

devices, they should not be regarded as providing a final solution. Compromises should be considered which will offer greater flexibility and greater protection to the reasonable expectations of owners, whilst protecting against undue further fragmentation of rural areas in the Shire. Such an approach would concur with that adopted by the present Minister for Planning when he met Council as the Shadow Spokesman in January 1992.

3. The approach agreed at officer level should be put before the Council for ratification or modification as promptly as possible.
4. The Council and the various authorities should go before the panel now fixed to hear the matter in September with an agreed position.
5. The panel should report to the Minister as soon as possible.
6. The Minister should be requested to finalise the matter promptly and sympathetically in accordance with the principles he announced to the Shire in January 1992.
7. The Minister should be invited by the Shire at the same time to complete the Strathfieldsaye Township Structure Plan, and to consolidate all planning instruments relating to the Shire, so that there will be one single consolidated planning scheme for the municipality.
8. The Council should seek the advice of its consultants on the drafting of guidelines for the exercise of council's discretion so that Council and members of the public alike will know where they stand and the principles which should be consistently applied.
9. A fresh and detailed instrument of delegation should be provided to officers on planning matters with the request that they exercise all discretions in accordance with the guidelines provided. Officers should be given the authority to finally determine all applications, other than in any specified categories which are required to be referred back to Council for its consideration.
10. The provision of guidelines and clear delegations will assist officers to give authoritative advice which can be relied upon by ratepayers and others dealing with the Shire.
11. It will also eliminate the delays which occurred when minor matters necessarily had to be referred to the Council because of the inability of officers to deal with them authoritatively.
12. The course proposed should improve staff morale and enable better relations between the Shire's Planning Department and its customers.

13. Clear guidelines should be laid down for staff to ensure that their dealings with customers are prompt, informative, helpful and co-operative. Staff cannot develop these essential qualities without a clear sense of the Council's direction and the confidence of Council.
14. When an elected Council is again put in place, seminars should be conducted as to Council's role and responsibilities in the planning area.

THE PURCHASE OF LAND AT AXEDALE

Axedale is a small township in the Shire, with a population of 200, projected to increase to 500 by the year 2020. Until recently, its recreation facilities included a frontage to the Campaspe River, a recreation reserve with oval, an 18 hole golf course and tennis courts.

In August 1991, the Shire received an ambitious proposal from the Axedale Co-ordination Committee for the reservation of approximately 30 hectares (75 acres) of land for recreational and public purposes.

Having regard to the projections of the Draft Bendigo 2020 report, the report of the Shire's own town planners on future needs, and to the good provision already made in the Shire of Strathfieldsaye for recreational facilities and public purposes, further provision of that magnitude could not be justified.

In March 1992 officers of the Council reported that there did appear, however, to be some need for the further purchase of land in the area for community use. They reviewed the site proposed by the Committee (which was not favoured) and four further sites ranging in area from 5.9 to 6.8 hectares (approximately 15 to 17 acres). A particular site of 6.4 hectares (16 acres) was recommended for further investigation, but in August the Council decided that the Public Works Committee should inspect all five areas identified as possible future sites.

Following the inspection and certain valuations the Council on 1 October 1992 authorised the Mayor and CEO:

"to have talks with the McKenzie Trust or its agents to establish a total cost of land acquisition being Lots 3, 4, 5, 6, 7, 13, 14 and Lot 2 and report to Council on any possible agreement or cost and that another price be obtained for the land excluding Lots 2, 3 and 14."

This land was close to the centre of Axedale, and commenced one allotment away from the Mclvor Highway. It included the land which had been third and fourth priority in the officers' March report, and a little more as well.

The total area of the McKenzie land is 14.4 hectares or 36 acres. With the exception of Lot 2 the land had been valued as a whole at \$170,000. I have not been able to find a separate valuation for Lot 2 or any valuation of the amount by which its inclusion increased the value of the parcel. However, I am assured that a valuation for the parcel as a whole was given, at least orally, and that this was upwards of \$190,000. This appears reasonable as Lot 2 was approximately the same size as each of the other seven allotments, and appears to have no disadvantages not applicable to the others.

On 22 October the Mayor and CEO were authorised to negotiate for the purchase of the land "up to the agreed price," but the resolution does not say what that price was.

Soon afterwards, on the day prior to an auction fixed for the land, the Mayor and CEO agreed to purchase the land for the price of \$190,000 on terms of \$100,000 within 30 days and the balance within 12 months. It was agreed that the purchase should be financed from the Recreation Reserve Account, but the CEO provided to the November meeting of Council a reconciliation showing that that account would be overdrawn by \$82,000 (less receipts for the year 1992/93) by the end of the 1993 financial year.

Adjoining the McKenzie land which the Council had just purchased was Crown Allotment 2, owned by a Mrs McKinnon. Crown Allotment 2 provided access direct to the Mclvor Highway where services were already available. If added to the parcel already purchased, it would provide a larger parcel to which services would become available without payment of development levies. Mrs McKinnon offered this land to the Council without stating an asking price in writing. That asking price was, however, \$22,000. In view of the purchase already made the Council decided to take no action to purchase the McKinnon land. After failing to sell by private treaty, the owner made arrangements for sale of this land by auction in March 1993.

At the auction the only bidder was Cr. Brian Flower, who obtained the land for the price of \$12,500 in the name of his family company Valmar Holdings Pty Ltd "or nominee". On behalf of the company Mrs Flower wrote to the Shire offering to assign their interest in the contract to the Shire without profit. At the meeting of Council on 22 April 1993 the following resolution was carried:

"That the Council take up the offer of Valmar Holdings Pty. Ltd to purchase Lot 1 Section 9 Township and Parish of Axedale at a price of \$12,500, such purchase to be funded by the General Account and to remain as Council owned land and not recreation land."

Cr. Flower declared a pecuniary interest and absented himself both from the discussion and the vote.

It will be noted that the resolution in respect to the second purchase referred to the land remaining "as Council owned land and not recreation land." For a municipality to purchase land simply so that it will own it, without stating a valid municipal purpose, is not a valid exercise of the power of acquisition or of section 8 of the Act. There was therefore a technical invalidity with respect to that purchase. This needs to be rectified by the Council immediately declaring a purpose for the ownership.

The next issue is whether Council acted reasonably in purchasing the McKenzie land, without waiting for auction and without using compulsory acquisition. The answers are that it was reasonable.

The price appears to be within the proper range; that price may well have been increased at auction; and Council is naturally averse in any event to using compulsory acquisition powers in a small community.

The next issue is whether there was anything irregular or improper in the purchase of the McKinnon land. There was a technical irregularity in that the Council purchased the land without valuation. However, it was purchased at auction and the auction price was obviously cheap, and far less than the asking price at which Council had previously refused to deal. The documents indicate that Council's valuer gave an estimate, rather than a formal valuation, of \$25,000 before Council decided to make the purchase. Councillor Flower did not force the Council to buy, and made no profit from the transaction. In fact, he lost the legal costs which he had incurred. He was prepared to hold the land as an investment but offered it to the Council as a matter of good citizenship because of the value it would add to the remaining holding, and the way in which it would reduce the cost of servicing - which the Shire Engineer advises is likely to be in the vicinity of \$6800. The purchase in these circumstances appears to have been a sound business proposition from the Shire's view point.

As the second purchase was made from the general fund without any provision in the estimates, it now becomes the obligation of the Council to prune some other item included in the estimates to find this cost.

Those who regard the purchases as extravagances are perfectly entitled to do so. However, they were within the authority of the Council, which appears to have exercised its discretion in a not unreasonable way.

ALLEGED PECUNIARY INTERESTS AND IMPROPER USE OF INFORMATION

Cr. Brian Keogh

Jandor Pty. Ltd. is the owner of some 20ha of residentially zoned land in the Palm Springs area of the Shire. On 23 July 1992 a Special Planning and Finance Committee meeting of Council considered (Planning Application 59.92) for subdivision of Jandor's Palm Springs land. The meeting was resumed on 27 July 1992 to consider objections further. On 30 July 1992 Council issued a Notice of Decision for conditional approval of a 201 lot subdivision.

The market potential of the subdivision is said to be in the vicinity of \$8m. There are several groups of objectors to the subdivision and they believe the environmental value of the site is also high. They have sought to preserve the Race Reserve and stands of trees on the land throughout the consideration of Planning Application 59.92 and its predecessor, Permit No. 279.89 which expired in October 1991.

Prior to being elected to Council, Brian Keogh was actively involved as a director of Jandor Pty. Ltd. in negotiating with Council in respect of the company's Palm Springs subdivision. On becoming a member of Council in August 1991, Cr. Keogh declared his interest in Jandor Pty. Ltd. and did not vote on any motion relating to Planning Application 59.92.

However, at the meeting on 23 July 1992 (attended by all Councillors, the applicants and three objectors) and the resumed meeting on 27 July 1992 (attended by all Councillors, the applicants and numerous interested parties) Cr. Keogh was actively involved in the discussions. He is recorded in Council minutes as having voted on an amendment and a motion relating to Planning Application 59.92 at the conclusion of the 23 July 1992 meeting. He gave no explanation to the meetings of any change in his interest in Jandor Pty. Ltd.

Cr. Keogh was a director of Jandor Pty Ltd from 3 July 1989 until 3 July 1992 when he irrevocably and completely disposed of his interest. He retained no contingent interest in the company and the terms of disposal of his shares in no way required or depended on any subsequent action by him or the Council. He therefore had no pecuniary interest in the company or in the matter under discussion on the date in question.

The fact that Cr. Keogh surrendered a potentially valuable interest only 20 days before Council resolved to issue a Notice of Decision relating to that interest certainly justified suspicion and inquiry. Cr. Keogh owed the Council and the public a proper explanation of his changed relationship with Jandor Pty Ltd, but he did not give it. His failure to do so caused understandable suspicion which he could and should have avoided.

Had the Shire of Strathfieldsaye had a Code of Conduct in place requiring that there be neither real nor apparent conflicts of interest in Council decision making, Cr. Keogh would have been bound to make an explanation.

I RECOMMEND that the Shire consider the adoption of such a Code.

Cr. Keogh also obtained engagement as a subcontractor at the Strathfieldsaye Bowling Club and as a contractor on a commercial project at Strathfieldsaye, in each case shortly after Council decisions in which he participated, and which enabled the project to proceed.

Complainants suggested that the Councillor "must have known" in each case that he would get the work when he supported the Council decision, but the facts do not support this inference.

In the Bowling Club case, the main contractor first approached Cr. Keogh some time after the Council decision, because Cr. Keogh owned desirable equipment which was not otherwise readily available to the contractor.

On the commercial project, Cr. Keogh was one of several contractors approached by the promoter following the Council decision. He was subsequently chosen for the work because his quotation was the most favourable.

In each case Cr. Keogh vehemently maintains that he had no expectation of receiving contracts when he voted for the projects, and there is not the slightest evidence to the contrary.

He therefore has no case to answer on the allegations made against him.

Cr. Judith Clark

I have dealt adequately in my first interim report with the allegation made against Cr. Clark. I desire to add that it is clear that she acted completely openly, absolutely honestly, on the basis of competent legal advice and with a passionate belief in the cause she was espousing, whether or not that belief was misplaced.

No one could reasonably suggest that there was any dishonesty or guilty intent on her part, or any wrongful attempt to use her position for improper personal advantage. In these circumstances I repeat my conclusion that no Court would be likely to convict and that any prosecution would therefore be irresponsible. Nevertheless, I fully accept the contention that a member of the public who found that a councillor had participated in a debate as to whether he or she should receive an indemnity in respect of any matter would be entitled to infer that the councillor had a pecuniary interest in the decision of council.

In those circumstances, I believe Cr. Clark would have saved herself considerable concern, and avoided the allegation understandably made, if she had declared an interest and immediately withdrawn from the Chamber. I commend to her, and to all councillors, the well established maxim "When in doubt, get out!"

The adoption of a suitable Code of Conduct by the Shire would clarify the position of Councillors in situations such as this.

Strathfieldsaye Community and Sports Club Co-operative Limited

The Strathfieldsaye Community and Sports Club Co-operative Limited was incorporated as a Community Advancement Society under the Co-operation Act 1981 on 28 June 1985. In 1990-91 the Co-operative negotiated a bank loan and Treasurer's guarantee of \$160,000. This sum was the Co-operative's contribution towards the cost of the Community and Sports Centre subsequently erected on Council owned land at Strathfieldsaye. The centre has been managed by the Strathfieldsaye Recreation Reserve Management Association Inc. since May 1991.

The Co-operative has an agreement with the Association for the Association to provide funds for the twice yearly repayments due under the loan. These amount to \$24,887 per annum. The Association maintained a reserve fund for the loan repayments until early 1992. More recently the Association has been in overdraft and trading with a monthly deficit. In May 1993 the Council advanced the Association \$90,000, but, the Association is still in deficit.

Complainants expressed concern that, if the Association should become unable to honour its agreement with the Co-operative, Co-operative members would be personally liable to meet the loan repayments. Several present and past Councillors are Co-operative members and their interests in both the Co-operative and Council were seen by complainants to be in conflict when matters related to the management of the Strathfieldsaye Community and Sports Centre were before Council. The complaints were made particularly in relation to Cr. Brian Flower who was actively involved in promoting the interests of the Centre in Council.

Personal liability for members of a Co-operative is limited to the extent of the unpaid capital on their shares. Two present Councillors, Crs Keogh and Smith, have shares in the Co-operative. Cr. Flower did have shares but transferred them to his wife.

Cr. Flower's brother is also a shareholder.

Section 78(1)(h) of the Act specifically exempts a Councillor from pecuniary interest where the interest is in a non-profit organisation and no personal gain is involved. The Co-operative is a non-profit organisation and no material has been produced to challenge the s.78(1)(h) exemption. The allegations that Councillors who were members of the Co-operative had pecuniary interests as a result and should not have voted on matters impacting on the Association's ability to meet loan repayments, are therefore unfounded.

Nevertheless complainants perceived that a conflict of interests existed, and were concerned that Councillors were not forthcoming about the extent of their shareholdings and unpaid liabilities to the Co-operative. Neither Cr. Keogh nor Cr. Smith disclosed their interests in the Co-operative in their 1992 returns for Council's Register of Interests. Co-operative shares have a nominal value of \$10 each. At the relevant date the respective holdings and unpaid liabilities of the Councillors were:

<i>Shareholder</i>	<i>No. of shares/value</i>	<i>Unpaid liability</i>
Cr. Brian Keogh	350/\$3,500	\$2,400
Cr. Graham Smith	10/\$100	\$90
Mandy Flower	100/\$1,000	\$900

Section 81 of the Local Government Act 1989 deals with the disclosure of information on a Council Register of Interest, and requires disclosure of interests which might not be considered pecuniary interests under section 78. Section 81(7)(b) requires disclosure of the name of "any company, partnership, association or other body in which [the Councillor] holds a beneficial interest, which exceeds in value \$2,000".

That provision could technically have put Cr. Keogh under a duty to disclose his interest and Cr. Flower to disclose his wife's interest, if the nominal value of their shareholdings in the Co-operative could be construed as "beneficial interests". I do not believe they reasonably can be so construed.

In any event, the shareholdings of Cr. Flower's wife have not placed him under any burden of disclosure, as the relevant provision in section 81(7)(f) provides for the Councillor to determine whether the interest "might appear to raise a material conflict". Under this heading, Cr. Flower had previously disclosed his interest in the Strathfieldsaye Sports Club (ie. the Association) but not in the Co-operative. That declaration reflects his interest accurately, and there has been no dishonesty, failure to disclose or breach of law or obligation.

None of the councillors mentioned has any case to answer.

Cr. John Colvin

An allegation was made that Cr. Colvin had a pecuniary interest in having Council obtain certain legal advice.

Cr. Colvin owned subdividable land which was adversely affected by Ministerial Amendment ("L8") to the Shire of Strathfieldsaye Planning Scheme, and voted on 21 May 1992 in a 4-3 division to have Council obtain legal opinion on the validity of the amendment. Queens Counsel's advice was obtained by Council.

The amendment however affected rural landholders throughout the Shire and it is impossible to conclude that Cr. Colvin's actions were motivated by personal interest over and above the general community interest in the amendment.

Section 78(1)(i) of the Local Government Act 1989 provides an exemption from the "pecuniary interest" requirements in respect of "planning and development matters which have a general application throughout the municipal district." This exemption clearly applies.

Cr. Colvin has no case to answer.

Cr. Ian Grenfell

Cr. Grenfell voted against an amendment to a Council resolution which would have resulted in Council issuing proceedings against all persons occupying dwellings without certificates of occupancy. Cr. Grenfell's son was such a person. Cr. Grenfell did not declare his son's interest at the meeting and it was alleged this amounted to breach of pecuniary interest.

The Local Government Act 1989 pecuniary interest provisions relating to meetings (section 78 and 79), unlike those under New South Wales legislation, do not extend to the interests of children. However the duty under the Act to disclose interests on the Register of Interests (section 81) is wider: section 81(7)(f) applies to family member interests of which the Councillor is aware.

A Councillor could not reasonably be expected to declare that his son has a house without a certificate of occupancy in a general declaration made at the beginning of his term on Council, or even necessarily to be aware of that fact. However the community could well expect that a Councillor who is so aware should disclose the interest at a Council meeting where enforcement of certification was being debated, but that is not the law.

Cr. Grenfell has no case to answer.

Cr. Brian Flower

Section 77 of the Local Government Act provides:

"A Councillor or member of a Council committee must not make improper use of any information acquired as a Councillor or member to gain directly or indirectly a pecuniary advantage for himself or for any other person or with intent to cause detriment to the Council irrespective of whether detriment was caused".

Council's Register of Interests shows a declaration of interest by Cr. Flower in a proprietary company named Valmar Holdings Pty Ltd. That company was shown on Council's rate records as the owner of a parcel of 38.1ha of land in the Parish of Sedgewick, subdivided into four lots. The land is affected by Amendment L8 - a Ministerial Amendment to the Shire of Strathfieldsaye Planning Scheme. This was imposed in January 1992, with retrospective effect from 17 October 1991 as an interim planning control to prevent indiscriminate subdivision of rural land into 8ha lots.

The amendment provided (with some exceptions) a minimum size of 40 hectares (100 acres) for new lots in the rural area. It also included a "separate tenement" provision designed to link the right to build homes to the area of the landholding.

Thus, if (for example) a landholder owned 8 contiguous Crown Allotments, each of 5ha - or 40ha in all - these would be regarded as a single holding, or "separate tenement", which would carry a right to only one house. If the owner as at 17 October 1991 sold one Crown Allotment, the purchaser would gain no automatic right to build a home on that allotment.

If however the same size holding consisted of 8 lots, each of 5ha, created by subdivision (instead of as Crown Allotments) the new restriction did not apply, and a house could be constructed on each lot. This apparent anomaly is explained by the fact that approval of the subdivision implied planning approval for the creation of the separate lot, which was not the case with Crown Allotments created last century. If owners had occupied a number of Crown Allotments as a single holding, so it was argued, they could hardly complain if the planning scheme designated it as a "separate tenement" to prevent further fragmentation of rural landholdings.

The first whiff of this important amendment came when a letter dated 15 October 1991 from the Acting Director of Planning was released to the Planning and Finance Committee of Council two days later. The meeting was open to the public, but no member of the public was present. The letter indicated that a number of changes were required to the Shire Amendment L2A Part 1 (which included a comprehensive review of rural planning controls) before that Amendment could be approved. The changes sought were the new general subdivisional minimum described above and a "tenement" provision, which was

not described. From the text of the letter and enclosure, it would have been impossible to understand whether the required "tenement" provision was to relate to Crown Allotments, lots created by subdivision, or both.

The Shire Engineer had however been busy, had checked upon the matter, and was able to inform the meeting that the requirement was not intended to apply to lots created by subdivision.

Over the following few days information about the changes was conveyed by a number of councillors to ratepayers, and ratepayers in turn inquired about them to councillors and to the Shire.

On 21 October, the issue raised by the Director of Planning's letter were discussed at a duly advertised public session of the Axedale Ward councillors meeting.

On 22 October a meeting of approximately 170 people hastily convened by Mr Neil Clark considered the implications of the changes, challenged their basis and equity and adopted a detailed campaign strategy planned by the convenor. The meeting was well reported in the Bendigo Advertiser.

Throughout the week, the Shire Engineer had diligently sought further details and particulars, and on 24 October presented a most comprehensive and perspicacious report on the issues to a Special Meeting of Council's Planning and Finance Committee which was open to the public, and was reported.

On 25 October 1991 the Titles Office registered transfers by Valmar Holdings of lot 3 to Brilyn Pty Ltd and lot 4 to Ligur Holdings Pty Ltd, in both of which Cr. Flower had declared interests. The transfers were dated 21 October 1991.

A complaint was subsequently made that in arranging these transfers Cr. Flower had relied on information about the proposed changes to the planning scheme gained as a Councillor, and not publicly available at the time.

The facts set out above demonstrate conclusively that there was no improper use of confidential information.

1. The information made available to Council was not confidential it; was public; and
2. The proposed controls would constrain the sale of Crown Allotments of less than 40ha (100 acres) where these were held with other lands in the one occupation. The controls were not intended to apply to allotments created by subdivision. Valmar's allotments were in fact created by subdivision, and the proposed amendment did not affect the Valmar land in any event.

Cr. Flower claims he was well aware of the facts stated above, but that the Acting Director's letter:

- (a) Focussed his attention on the need to re organise his family holdings in any event;
- (b) Caused him to fear that the Minister might later go further, and restrict the transfer of allotments created by subdivision rather than just the Crown Allotments.

Even if I doubted that claim, which I have no reason to do, it is clear that the information was not confidential and that Cr. Flower had nothing to gain or lose by the action which he took, at the time when he did so, but only if the Minister took a further step.

It was also suggested that Cr. Flower conveyed the information to a former councillor, and he frankly acknowledges that fact. He was obliged as a councillor, so he considered, to convey public information as widely as he could to those who might be affected by it, believes that any responsible councillor should readily accept and act upon that view and points out that other councillors acted upon precisely the same basis.

A further suggestion was raised that Cr. Flower purchased land in Strathfieldsaye which was likely to be affected by an upward rezoning, which in fact later occurred. The CEO confirms that the prospective rezoning was however, common knowledge at the time of the purchase, and not confidential information.

Cr. Flower has no case to answer in respect of any of these cases.

General

The allegations of pecuniary interest and of abuse of confidential council information, have primarily arisen from one councillor against another. In some cases there were grounds for suspicion which Inquiry has dispelled: in others the allegations were based on inferences or suspicions for which there was no evidence at all.

The allegations themselves indicate the unhappy state of affairs within the council, and the mutual suspicion and mistrust which exists.

In any council operating with reasonable harmony, a councillor who had cause for concern on any matter affecting a colleague would be likely to raise it with that colleague and to receive a full explanation which would normally put the matter to rest.

If a council colleague realised that events could raise any possible suspicion of impropriety then he or she would normally be likely to thank the councillor who raised the matter, and to make a full, (and hopefully conclusive) statement in open council.

At Strathfieldsaye, some councillors have instead preferred to make allegations based on supposition against their colleagues - allegations which elementary checking or simple discussion would have shown to be unfounded. Yet those unfounded allegations have occasioned considerable time and cost to the Office of Local Government and to this Inquiry and damaged the institution of local government in the eyes of the community. No council can work effectively in such an atmosphere of mistrust.

If it were possible, I would consider ordering those costs to be met by those who occasioned them, but it is not.

I RECOMMEND that the Minister consider an amendment granting a Commissioner a broader discretion in the awarding of costs. It should not however be possible to award costs against a person who honestly and reasonably believes there are grounds for investigation of a matter.

**THE RELATIONSHIP BETWEEN
COUNCILLORS AND MEMBERS OF COUNCIL STAFF
AND ALLEGATIONS OF INTIMIDATION BY COUNCILLORS AND STAFF**

In most municipalities, a friendly relationship based on a mutual recognition of each others' roles, and mutual trust and a desire to assist are evident. It is not so evident in the Shire of Strathfieldsaye.

The Mayor has made numerous public criticisms of the staff and has been threatened by staff with action for defamation. In return, the staff generally appear to lack respect for the Mayor.

Cr. Flower acknowledges himself to be a wheeler and dealer. He does not hesitate to put pressure on individuals - whether councillors or staff - if it will assist him to gain the result which he seeks. Some staff members regard him as having placed undue pressure upon them.

Rightly or wrongly, many staff regard Cr. Flower as being heavily involved in the compilation of a "hit list" of staff members who will receive marching orders upon completion of the consultants' report - a charge which he vehemently denies. They believe Cr. Flower lacks respects for staff, and in return they lack respect for him.

Cr. Colvin has taken a strict line with staff throughout his Council career, although without any animosity. He is regarded by staff as "anti staff," and is therefore treated with some reserve.

The relationship between Cr. Clark and the staff is generally cool - largely as a result of legal proceedings in which she and a member of staff are involved. I will not comment upon those proceedings in view of the subjudice rule.

Relationships between Crs. Paton and Smith on the one hand and staff on the other are generally satisfactory.

Crs. Grenfell, Wallis and Ferns have consistently worked closely with staff, supported staff and gone out of their way to establish friendly relations with them. As a result the relationships between these Councillors and the staff is generally warm and mutually helpful.

Complaints of alleged intimidation primarily relate to Cr. Flower. As stated, he does not hesitate to put pressure on others, and this can be seen by observers as boorish or even intimidatory. Most of the targets of that conduct however, make light of it, and none of them desires to pursue it further. Cr. Flower denies the allegations.

There is no doubt however that at the Council meeting on 23 January 1992 Cr. Flower was unnecessarily offensive in relation to a member of the gallery, with whom he had previously had an altercation at the Strathfieldsaye Club. Council passed a motion:

"That the Council apologise to the person in the gallery for the insulting remark."

Later in the meeting the CEO referred to the resolution of Council and indicated that Cr. Flower had advised him that if the resolution was acted upon, legal action could result.

Cr. Flower offered an explanation to the meeting stating that he "never addressed the gentleman in the gallery, I spoke to my wife" and that he objected to being called a liar. Whether or not he addressed the remark to his wife, it related to the person in the gallery, was heard by him, and was offensive.

Cr. Colvin gave notice of recission, and this was carried at the following meeting on 13 February 1993.

There is also no doubt that Cr. Flower was unduly offensive to the engineer following the statutory meeting on 6 August 1993, but that the engineer was not intimidated. The evidence is strong that this has also happened to others.

No credible claim of intimidatory conduct has been made against any member of staff. At worst, the accusations have been of lack of helpfulness. There is no doubt that some staff have felt unable to assist inquirers properly, because they have not known what course Council would take.

In the light of the attitude of the persons directly affected by the claims of intimidation, I find it pointless to pursue that issue further.

Offensive conduct by councillors towards each other or to staff, the gallery or ratepayers should never occur, even in the heat often engendered by controversial debates. The requirements must always be of mutual respect, courtesy and helpfulness. Councillors may attack the issue as vigorously as they wish but should not attack the individual.

Precisely the same standards of conduct should apply at all times to officers as well as councillors.

Lack of leadership by Council, lack of confidence in staff, public criticism of staff by councillors and failure to delegate sufficiently have seriously and adversely affected staff morale, efficiency and relations between Council and staff. In addition the ongoing issues within the Council have diverted senior management from productive activity, and from administrative reforms designed to increase the efficiency of the organization.

For councillors to attack the administration for these deficiencies is misplaced: the lead must come from the Council itself: Council must set a clear direction and maintain it; must establish goals and objectives and plans to achieve them; must carry out those plans consistently; must set high standards for and expectations of staff and insist they meet them and must give them the confidence and the authority to perform their roles effectively and with minimum interference.

That has not happened at Strathfieldsaye!

THE CONDUCT OF COUNCIL BUSINESS INCLUDING MEETING PROCEDURE

In common with the great majority of municipalities throughout Victoria the Shire of Strathfieldsaye has a local law relating to meeting procedures based on the 15th Schedule of the Local Government Act 1958. Minor modifications have been made to the model rules in the 15th Schedule in the light of local experience, but these are of little significance. There is nothing whatever wrong with the meeting procedures laid down for Council.

In general the meeting procedures have worked well within the Shire and the rules have been observed by Councillors. That situation has however deteriorated markedly in the current financial year, largely on issues relating to planning, the consultants and the Strathfieldsaye Community Centre. There has been a progressively worsening breakdown in personal relationships within the Council, a growing lack of mutual respect and respect for each other's point of view, a lack of tolerance and the development of mistrust between certain Councillors in the majority and minority groups respectively.

Majority group Councillors see the minority as obstructionists, determined to impede the will of the Council at every point, and have therefore used their majority to impose their will with scant regard for the rights of the minority. The minority in turn see the majority as in favour of development at any price, and as autocratic, with no regard for the rights of the minority and determined to impose their will. They in turn have resorted to tactical manoeuvres and the constant use of recission motions in a way which heightens the obstructionist label placed on them by the majority.

As a result of this factional warfare and the disorderly conduct to which it gives rise, the conduct of Council business has virtually broken down on the matters above mentioned.

Further details relating to these matters appear in my First Interim Report and in the sections of this report dealing with the process for the appointment of management consultants and the Strathfieldsaye Community Centre.

CONCLUSION

Further investigations and interviews, and the further debates in Council since my Interim Report of 2 July 1993 re-inforced my view that the Council had ceased to function as an effective entity, and that the appointment of an Administrator was essential.

The loss of local democracy in Strathfieldsaye, even for a time, is sad: but then the Council was hardly providing it!

It is sad too from the viewpoint of individual councillors, many of whom have records of long and meritorious service to local government marred only by the divisiveness of recent events. It is sad too that because of the development of intolerance, none of the key players accepts any responsibility for the disastrous state of affairs in Strathfieldsaye, believing it is all the fault of the other side.

The appointment of the Administrator should not however be seen as a punishment for councillors, but simply as an essential step towards overcoming the problems which have beset Strathfieldsaye.

The appointment of an administrator will now provide an opportunity for the divisions and bitterness of recent years to be set aside. They will disappear before the time fixed for the next Council election if those involved allow them to do so. If on the other hand past participants continue to stir up divisions within the community, then the next Council election should be postponed for so long as it takes for the divisions to be healed.

The Administrator's appointment will also provide the opportunity to set a clear sense of direction for Strathfieldsaye, to resolve outstanding issues concerning planning and the Strathfieldsaye Community Centre, to rebuild staff morale, to improve the efficiency of the organization and to provide better service to the public.

As at 30 June 1993, I was inclined to think that the absence of a power to declare a spill of councillors in circumstances such as existed at Strathfieldsaye was a gap in the law which should be remedied. On reflection and in light of ongoing observations, I no longer believe so. An immediate election without the appointment of an Administrator would have lacked the advantages noted above and may not have solved the problem.

In any event, a general power of directing a fresh election for the whole Council would be arbitrary, undemocratic and capable of abuse. The need for special legislation to achieve this result is an obvious and real safeguard.

I repeat my previous recommendation:-

"that a small community group be appointed or elected or partly appointed and partly elected in an informal way to assist the Administrator and to maintain links with the local community."

Such an advisory group could provide invaluable local input for the Administrator, lighten his load considerably, provide a "sounding board," maintain an element of local democracy and be readily accessible to local citizens. The precise nature, functions and means of appointment of such a group should be matters for decision by the Administrator.

When the Administrator has fulfilled his purpose, the logic is inescapable that the election should be for the whole Council, and not just for those whose terms have expired. I therefore recommend:

"That a special Bill be introduced to Parliament to provide for the election of a new Council on a day to be fixed by the Minister after consultation with the Administrator."

It was suggested to me that the legislation could provide that no councillor in office immediately prior to the appointment of an Administrator should be eligible to stand at the first election after his appointment. Whilst that suggestion may well attract local popularity it would be contrary to democratic principle, and I therefore reject it.

Nevertheless, I do suggest that the greatest service the suspended councillors can perform for Strathfieldsaye is to voluntarily stand aside at the next election, so that an entirely fresh Council can be elected to serve the local community with a new start, untainted by the divisiveness and bitterness of the past.

The lesson of Strathfieldsaye is clear and universal. Whenever mutual respect is lost and mutual intolerance emerges, a Council ceases to operate effectively. The existence of differing views and robust debate in a Council is healthy. It is the place where the differences should be reconciled in the interests of the community. When that spirit gives way to mutual intolerance, differences become irreconcilable.

Council's purpose cannot be fulfilled, and any Council loses its way.

Acknowledgments

I desire to express my appreciation of the work of Ms Sue Maclellan as Secretary to the Commissioner. She assembled and analysed a vast bulk of written material, set appointments and organised all arrangements with perspicacity and efficiency, thereby considerably reducing the burden on me as Commissioner.

Her staff were also prompt and efficient in the typing and photocopying of voluminous documents and I express my thanks to them.

I called repeatedly upon Mr Barry Edwards, C.E.O. and the Management Group of Strathfieldsaye Shire for further information and documentation on innumerable issues as they arose. They always responded promptly, efficiently and courteously. I also appreciated their assistance in arrangements for interviews at the Shire offices. I also thank officers from the Department of Planning and Development for the use of their Bendigo Offices.

I also acknowledge the invaluable assistance given by those who made submissions orally or in writing. Lists of those persons appear in Appendices 4 and 5.

Costs

The total direct and indirect costs of this Inquiry to the Office of Local Government have been considerable. It would be inequitable to charge the whole of those costs to the Shire pursuant to Section 214 of the Local Government Act 1989, as a number of aspects investigated disclosed no fault on the part of the Council. However, on the main issues the need for this Inquiry was occasioned by failures of the Council.

I accordingly Order and Direct pursuant to Section 212 (3)(b) of the Act that the sum of \$30,000 be paid by the Shire of Strathfieldsaye to the Office of Local Government on or before 31 March 1994 in respect of the costs of this Inquiry.



Alan J. Hunt
COMMISSIONER

APPENDIX 1

GROUNDINGS FOR AN ADMINISTRATOR

(From Interim Report)

1. The divisions within the Council are deep seated and irreconcilable. As one Councillor said, "the wounds are too deep to be healed".
2. The divisions have progressed from disagreements to personal animosities of a kind which make rational discussion and decision making impossible on many issues.
3. The divisions have continued despite my appointment as a Commissioner and despite the assurances given to me.
4. Goodwill between a number of Councillors is entirely lacking and unlikely to be restored.
5. On most matters of substance the Council is now permanently divided into two camps - although there can be a slight change in the membership of each camp on certain issues.
6. The key members of each camp believe that those on the other side are responsible for the problems. Neither side recognizes the full extent of joint responsibility.
7. The key members of each side have lost confidence in the integrity of the key members on the other side.
8. Individual Councillors say that they "cannot work" with certain others and "will never trust them".
9. The majority group see themselves as "progressives" and the minority group as "perpetual obstructionists". The minority group sees themselves as "pro resident" and the majority group as "pro developer" and for development at any price.
10. Collaborative and effective government at the council level has ceased and that position is ongoing and likely to continue.
11. On essential issues there is no compromise whatever between the two camps. The system of rational discussion leading to decisions which take into account issues raised by each side has broken down.
12. As a result, inconsistencies in decision making have emerged which are confusing to staff and the public alike.

13. Lack of leadership and direction at the Council level has led to a lack of sense of direction on the part of many staff.
14. This leaves staff in a position where they are unable, or afraid, to provide proper assistance to the public and they cannot do so because they cannot anticipate what the decisions of Council will be.
15. As a result there are many complaints about the unhelpfulness of staff by members of the public, although some ratepayers applaud staff for continuing to provide good service under great difficulties.
16. Staff morale has seriously dropped and is presently extremely low.
17. Administrative systems have become inadequate, and failures are not being adequately remedied in the circumstances.
18. There is widespread community dissatisfaction with both processes and outcomes.
19. I have no confidence, and no one save two Councillors have any confidence, that the present malaise can be cured by the forthcoming August elections.
20. The interests of Strathfieldsaye Shire and its ratepayers demand a cutting of the Gordian knot.
21. It is now the majority view of the Councillors of the Shire of Strathfieldsaye that the Council should be suspended and an Administrator appointed.

On these grounds, which are amply supported by the evidence, I am satisfied that the Council has failed in a serious and ongoing respect to provide for the good government of its municipal district in relation to its functions, and that this situation is likely to continue, regardless of the results of council elections due in August of this year.

CHIEF EXECUTIVE OFFICER'S REPORT
TO THE SPECIAL MEETING OF COUNCIL

9th. November, 1992

Use and Operation of the Strathfieldsaye Community Centre.

Council recently resolved that submissions be sought from the Community and User Groups of the Strathfieldsaye Community Centre concerning the operation of the Centre.

submissions have been received, 17 from individuals and 10 from organisations or groups. Individual submissions were received from:

E L Dal Santo
 Bill Mannes
 A & J & H Ryall
 M Noble and E. Gleeson
 L Parker
 C & A Woodford
 K Shune
 J Jennings
 H Bowles
 P Neander
 Mr and Mrs G Hall
 Mr and Mrs. L. Turner
 Russell Andrews
 A. & B. Jones
 Mrs. D. Paterson
 D Martin
 N Stillwell

and organisations which made submissions were:

Past Executive of Committee of Management
 Dodgers Baseball Club Inc.
 Nursing Mothers Association
 Strathfieldsaye Tennis Club
 Strathfieldsaye CWA
 Strathfieldsaye Cricket Club
 Colts United Soccer Club
 Strathfieldsaye Bowls Club
 Bendigo Community Health Centre
 Residents Group Letter (34 signatures)

SHIRE OF STRATHFIELDSAYE

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Summary of Submissions.

I will summarise the main points made in each of the submissions individually.

E.L. Dal Santo

- Have lived in Strathfieldsaye for five and half years and are foundation members of the Strathfieldsaye Community Sports Centre and current financial members.
- Donated \$100 to the plan and was very enthusiastic about the creation of the Centre.
- Four years later I feel cheated and deceived. The SCSC instead of being the focus of our community has pierced the very heart and soul of the people of Strathfieldsaye and left in it's wake a bitter and divided community. I certainly did not get what I paid for.
- Led to believe that the SCSC was for the local sportspeople and community of Strathfieldsaye. It was supposed to be a friendly place where one could have a game of tennis and walk to the Club for a drink or a meal. Families were supposed to be very important hence the mother's feeding room and the creche. Yes, a creche was always part of the plan contrary to what Mr. McInnes is now saying.
- The public meeting regarding the 24hr liquor licence was conducted by Cr. Keogh and Mr. McInnes with the finesse of well versed politicians. I was apprehensive about the detrimental effect the extended liquor licence could have on the local school and pre-school environment as well as the effect it could have on local residents. I went to the meeting with an open mind and when the questions regarding the safety aspects were too difficult to answer honestly, Cr. Keogh and Mr. McInnes merely brushed them aside and refused to answer them. It was obvious to me that it was not a public meeting but merely a facade for those people who will stop at nothing to satisfy their hunger for power and financial gains.
- Have we learned nothing from the drink and driving experiences of the last ten years. The reference to the Kennington Primary School and it's proximity to the Reservoir Hotel is used as justification however, is poor planning in one area adequate reason to validate poor planning in another? Do Council really believe that the parents from Kennington Primary School are thrilled with the school's location?
- Eight year old son played soccer for Colts United Soccer Club and part of the socialising involved a pie night and video at the Community Centre. It is obviously illegal now that we are aware that children under 18 years of age are not allowed on the premises without a parent or guardian.
- My own use of the Club has also been marginalised. I recently attended a yoga class at the Centre and was greeted by the organiser with the news that my 3 1/2 year old daughter could not be legally cared for in the room nominated creche.

SHIRE OF STRATHFIELDSAYE

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I am shocked and saddened by Cr. Flower's action on that black Sunday when he and those others of whom he could only remember their first names, made alterations to the Dukes Room. Those Senior Citizens worked long and hard to build their own hall. A hall that they generously handed over to me and to people like me so that my children could have a better lifestyle. In return for their generosity they were to have the use of a room in the Club. The Dukes Room was nominated as their home and it appeared as room 29 on the original plan. They have been pushed aside and treated so shabbily. No wonder they are angry, I am angry too at the lack of respect shown to our ageing community.

My children and I bike ride to and from school and access to school via Holmes Court across the bridge and along Club Court. It is now apparent that the SCSC demands a main road running past it with the presumed intention of it increasing it's use and therefore it's profit. I find this to be quite absurd.

I hope the dream of Mr. McInnes involving relocation of the school for football and netball facilities never becomes a reality.

These are the examples of the lack of thought and consideration given to the people, the school, the environment and the heritage factors. The SCSC is in a perfect setting for a Community Sports Centre and it is in a most inappropriate setting for a "Club" whose main concern is to raise revenue.

I agree wholeheartedly with sentiments expressed by Russell Andrews in the Bendigo Advertiser 31st October, 1992. The function of the Centre is moving further and further away from it's original concept. It has so far successfully isolated children under the age of 18, mothers with pre-school aged children and senior citizens. Who will be next?

I still believe in the idea of a Community Sports Complex. I want the Club to be a success but not at all costs. I don't believe that success can only be measured by a balance sheet and I hope that it is not too late for compromises so that our community can once again return to it's former position of friendships based on respect and trust.

Bill Mannes

Commend the Committee of Management on their efforts to operate the Complex satisfactorily. Many hundreds of voluntarily hours is very much appreciated by the majority of district residents. It is disappointing to read and hear of a small noisy, critical minority making statements ranging from half truth to false without taking the trouble to find out what the facts are.

Hindsight points out a number of faults in the planning and layout of the Complex but it is essential that co-operation and harmony are built on so that the necessary permanent alterations can be made in the not too distant future.

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9th. November, 1992

- The provision of full liquor licence and installation of gaming machines will be a means of creating the finance necessary to pay for the facilities and provide facilities for all the community overtime. Care should be taken with band-aid remedies such as the provision of new staff quarters, kiosk taken for a mothers room, etc.
- New bowling green will increase the need for improved accommodation. A large area on the south-east of the existing building with large windows overlooking the greens would be most desirable.
- I emphasise the need for co-operation and harmony, this especially applies to the various user groups. Sharing is absolutely essential to make the best use of the facilities.
- Because Strathfieldsaye has no public hall it is important that the Somerville Room be made available for bookings to hold dances and functions where local groups can raise funds at a cost suitable to people with young families. Formal type functions defeat the purpose of fundraising for many people. There is a need for a facility where people can provide their own supper, pay a nominal rental, make a charge that is affordable and allow local groups to raise funds in their Complex
- I suggest that Council discuss this important aspect with the Committee of Management as soon as convenient.

Alf, Joan and Heather Ryall

- Most concerned that the room showing on the original plan as reserved for Senior Citizens has, on incorrect advice to the Council, been effectively taken away from them. I am not suggesting that the room was for the exclusive use of the Seniors but they should surely have been able to make use of that room.
- If the information is correct that the Council was misled, I have not noticed that the person giving such incorrect advice to the Council has been disciplined in any way by the Council.
- Concern that the local CWA ladies branch will not be able to commence their annual meeting on Wednesday 4th. November at the Strathfieldsaye Community Centre but will find it necessary to commence their meeting in the back room of the local Strathfieldsaye Uniting Church. Many important visitors attending will not be impressed that they commence the meeting at 10.00 a.m. in the local Uniting Church room where they will have their luncheon prepared by the local CWA ladies and later the meeting will be continued at the Community Centre. The local CWA ladies have contributed many funds to the Strathfieldsaye community over the past 50 years.

SHIRE OF STRATHFIELDSAYE

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Has had a long and generally pleasant association with the Strathfieldsaye Shire Councillors and many of the staff. The Council has been envied by many other Councils and I want to congratulate the senior officers and staff for efficiently leading the Council to the present satisfactory financial status. I suggest that the time has arrived for the Councillors to provide greater oversight and control over the present Committee members in control of the Strathfieldsaye Community Complex.

I suggest that the Council at its Special Meeting on the 9th. November provide the interested ratepayers attending with copies of the original minutes of the Shire setting out the aims and purposes of the Community Complex, which were then being discussed. I believe many people contributed funds to the Complex believing that it was to be used for totally different purposes to that being pursued at present.

There are many other points that should be submitted and I will be pleased to enlarge on these submissions if permitted to do so at your Special Meeting.

M. Noble and E. Gleeson

Areas of satisfaction :-

Playground is wonderful.

Minority of Councillors who continue to uphold the rights of the unmonied community users

The former manager was welcoming, honest and fun.

The views are superb

The work done by some volunteers is impressive.

The food is fine - unfortunately too often the ambience is marred by smoke, TV and the functions in the next room.

It is a very pleasant place to have a quiet beer except for smoke, TV and next door functions.

Areas of concern and/or dissatisfaction :-

The total refusal to acknowledge that present practices are alienating to significant numbers of individuals and limiting on the use that can be made of the Complex by many user groups.

Obvious lack of concern for older citizens, children and women eg. deceit over the CWA/Senior Citizens facilities, deceit over availability of creche and safety fence. What has happened to the Jason recliner and the feeding room? Why can't the Tennis Club build a shelter? Why aren't the older residents being given first priority considering the contribution to community facilities over the years?

Lack of faith in personnel who act independently of permits and consultation Re: meetings/alterations to buildings and concern about accountability.

Failure to acknowledge reality of combination of alcohol/driving/children and to implement appropriate safety features.

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Lack of response to community calls for alcohol free areas and times within the Complex.
Noise level on some nights is annoying.
Ignoring community calls for no gaming machines.
Criticism is being dealt with by labelling eg. whingers, newcomers, wowsers rather than dealing with the issues.
Confusion over rights of minors to use the Club.
Complete drift away from sporting recreational facility which locals of all ages can enjoy;
apparent failure to recognise the importance of wooing and retaining the regular support of diverse groups of locals.

L. Parker

- Member of one of the user groups of the Complex.
- Would very much like to see a community kitchen as there isn't a community kitchen available
- Would like a non-licensed area and until it eventuates. I cannot see it as a Community Centre - it is a licensed club
- Let the user groups, users and non-users be the consultants at the grass roots as they are the ones who know what is wanted for their particular needs, not the persons who make it look good on paper
- That is what is there now and what a mess - Let common sense prevail.

C. & A. Woodford

- The Centre should be available for the residents of Strathfieldsaye to use most of the time, however due to liquor licence regulations is unable to be used by all.
- Would like to see the Centre used by a wide cross section of the community eg. concerts, shows, Brownies, Guides, Cubs, Scouts, Senior Citizens.
- The community have nowhere locally to go if they wish to cater for their own functions. Many organisations use this method of raising funds. Is it possible to come to some sort of arrangement to overcome this with the caterers?
- For the Centre to be self funding is very ideal, however if it isn't, should this really matter as Council is already subsidising similar existing facilities eg. Strathdale Hall.

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The issue of poker machines - Is it a forgone conclusion that they are to be installed? If so, when and why? I question whether there is enough money in the area to support pokies so I guess bus tours are to be encouraged to play the pokies at Strathfieldsaye. Where does that leave the community accessibility to the Community Centre?

There needs to be a safe passage along Club Court for non-motorists going to and from the Centre, its sporting facilities, school kinder, as well as Children's Services Centre.

The correct name of the facility should be used at all times especially when advertising and not referring to it as the Strath Club.

Why was the street name changed to Club Court?

I would like to know what the hopes and plans for the Centre are ie. what their long term goals are so the local community know what is fact and what directions the Centre is taking. This will also serve to stop the rumours that circulate.

I know and appreciate all the hard work that has been put in to raising funds to achieve what we have today. The Centre is a wonderful facility and we should be proud of the forethought and planning that has gone on for many, many years prior. Now lets build on it and make the facilities at the Centre available to a wider range of local people/organisations. We need to be flexible to allow this to happen. Lets have open and honest communication between Council, Management Committee and the Community.

All the unpleasanties that are going on between the Senior Citizens and the Centre Management/Council is a disgrace. It should never have happened. We need open and honest communication between all parties. What happened there did a lot of damage within the community.

Concerned about talk at the Public Meeting that the local school will, in time, go. While I think that yes, the school does need relocating for a variety of reasons, where does that leave the recently renovated Strathfieldsaye Children's Services Centre? Is that destined to go as well?

Lets have open and honest communication between all parties concerned and the community in general. Lets have a Planning Scheme that benefits most of the people most of the time for the betterment of the whole community.

K. Shine

Frequent visitor and potential resident of Strathfieldsaye. At first impressed with the attractive and presumably beneficial new Community Centre.

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- Now however, I have the following concerns :-
 - (a) The people of Strathfieldsaye eg. Senior Citizens, CWA, who have contributed to the district for many years are apparently unable to use the Centre in the way they were lead to believe.
 - (b) Possible introduction of pokies will make the facility an undesirable place for young people.
 - (c) Possible extension of the Liquor Licence will increase the potential for violence, drunkenness and dangerous driving in the surrounding residential area.
- Duty of Council is to put the welfare of the whole community before those of a dominant minority.

J. Jennings

- All Councillors have received a copy of this submission.
- A group of mothers from Strathfieldsaye Primary School have encountered difficulty in organising relaxation classes with child minding at the Centre.
- It is possible for part of the premises to be delicensed, however I suspect that some of the recent interior changes have rendered the building less suitable for separation and I am sure that these changes have rendered it less suitable for use by the general community.
- I cannot help but wonder why a partial licence wasn't sought in the first place.
- Despite the presence of hardworking volunteers on the Committee, I now have the feeling that there has been a clear intent by some on the Committee to turn the whole Community Centre into a Club with more than a little knowledge of the limitations this would impose on the general community.
- Concerned that in the process, Council may not have been fully informed, otherwise the checks and balances of obtaining Council approval before implementing changes would surely have been more effective in keeping this a true Community Centre.
- There is no alterative for community groups who wish to use the Strathfieldsaye Community Centre. They have every right to feel that their Community Centre has been highjacked and like me, are probably sick of hearing Committee members defend their position by claiming that there was never intended to be a creche or a room for the Senior Citizens. I have seen the architects drawings and the floor plan.

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Hilder Bowles

- Big things are coming to Strathfieldsaye with the advent of the poker machines, etc.
- The idea of extensions to the end overlooking the bowling and tennis is a great idea. This extension could provide somewhere where the groups could cater for their tournaments and also have a kitchen with fridge, stove, etc.
- Seniors, CWA and all others would be able to work in the new extensions and be away from the poker area and the Waterloo Room.
- I hope everything will work out well in the future and believe that this is the only way to work things out and keep people happy.

P. Neander

- Ratepayer and occasional user of the Strathfieldsaye Community Centre and President of Strathfieldsaye Primary School Council.
 - One of the big losers from the development of the Sports Club Complex and the subsequent redevelopment of the public hall into the Children's Services Centre has been the Strathfieldsaye Primary School. No longer is the facility available for visiting theatrical groups to perform for the benefit of our children, no longer is the public hall available for our children to present entertainment either to their parents or peers. No longer is there available any sort of facility that can be used by the school, on an occasional basis, for special events when required.
- It could be argued that the provision of a hall for use by the children attending school is not a Council responsibility, equally it can be argued that their parents are ratepayers of the municipality and thus should be entitled for their children to have access to such a facility.
- The school has been able to conduct some functions at the Club, however there is no guarantee that this will continue if the Club is equipped with gambling machines and the patronage increases.
 - It is generally acknowledged within the Strathfieldsaye community that the ratepayers have been the big losers in the whole situation of the development of the Sporting Club. The points I raise apply equally to the average ratepayer who no longer has access to the public hall. We can no longer hold a private function on unlicensed premises. We can no longer conduct a function using a caterer of our own choice for if we choose to use the Club, we must accept the cater attached to the Club, and so on.

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- I am not against the introduction of a licensed Club to Strathfieldsaye nor to the introduction of gambling machines to help provide better sporting facilities for our children, however somewhere we have lost the plot. The average ratepayer has been overlooked and the needs of the general community ignored.
- A complete review is needed of the Club to reassess its function and role within our growing community and possibly urgent consideration to an annexe being constructed adjacent to the Club that would serve as a public hall, a meeting place for Senior Citizens, and generally a facility that is available to and can be used by all members of the community.
- Maybe the Education Ministry could be convinced to contribute towards the costs of such a facility, creating a jointly owned and managed Community Centre that could be used by the school and the community.
- I do not believe it is too late to undo the damage that has been created by this poorly conducted debacle, however if steps are not taken very soon to heal the rift that is developing within our community, irreparable harm will be caused to the relationships between the various Clubs and groups within the Strathfieldsaye community.

Mr. and Mrs. Greg Hull

- As potential users of the Centre I am concerned that the facility fails to meet the expectations of user groups
- The Complex was built as a Community Centre, to encourage the forming of Youth Groups and Children's Clubs, etc. eg. indoor sports, Guides, Scouts, young mothers groups, nursing mothers craft groups, elderly citizens, CWA. These are examples of the functions I thought a Community Centre was capable of catering for in a community.
- The community is crying out for facilities to stimulate positive direction.
- What we are trying to promote in today's society is a healthy lifestyle with sport as a focus and now we have this facility pursuing an extended liquor licence to enhance gambling machines. To my knowledge the playing of gambling machines has not yet been given the title as a sporting activity.
- Perhaps in time to come another Complex could be built further from the central sporting facilities, high density housing and Shopping Centre to accommodate such amusements as gambling.

Mr. and Mrs. L. Turner

- On the front of the building a large sign reads "Strathfieldsaye Community Centre". Is it a Community Centre or is it a private Club?

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As current users of the Centre, as members of the Seniors Club and as ratepayers whose rates have been used to build the Centre, we would like to state that we feel the current situation to be quite ludicrous.

When we attended the inaugural meeting of the Seniors Club we were informed by management that we would all have to join the Sportsman's Club if we expected to be able to use the facilities. Admittedly that ruling was later withdrawn but it should never have been made in the first place.

When the Seniors Club was up and running we were informed that we were to lose the room allocated to us in favour of poker machines and a bar. When we protested this decision we were asked by Cr. Keogh if we thought every small minority group were entitled to a room in the Complex. Well we would like to state emphatically that yes, we do expect any small group or Club to be able to use this building, after all isn't a Community Centre made up of small groups of people and is not the building a Community Centre?

Why should a community have limited access to the Complex and a private catering company have first priority? Any small group should be able to have a fundraising day or night, any junior football club should be able to have a pie night without the necessity of the caterers permission. Any small group with a permanent weekly booking should not have to stand aside in favour of the caterer. Let him be on an even basis along with all others.

Personally do not know any of the Board members but if the letter published last Monday by one such member is any fair representation, I would suggest that Council spend some time working out some directives and guidelines as to their future operations, one directive being that they don't rush to the press and make statements without knowing the facts. Too much is taken as gospel when in reality it is hearsay.

We have no real objections to poker machines or the bar if extra facilities had been provided for them but when all other people and groups in the community are being pushed aside to make way for said machines, then we do object strongly.

We helped to pay for the facility as a Community Centre and did not expect to be asked to join a private Club to be able to use said facility.

Russell Andrews

It is interesting that while the consultation process is proceeding, Council is proposing to set aside money for more expansion plans. Are we to expect an even bigger Complex over which to wrangle? Concept plans without a clear sense of direction will not solve the current conflict.

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- A proper design brief for extensions must be prepared.
- Perhaps Council, like many ratepayers, is confused as to what the facility really is. Is it a Sports Club or a Community Centre and what do these terms mean anyway?
- Who does Council expect will be using the Complex and for what purpose? Should the Complex be financially self supporting? If this is the case, what responsibility does Council have for how revenue is generated? If Council knows the answers to these questions, please tell the ratepayers. If it doesn't, will it make up its mind before spending money on building plans. It is not good enough to leave these questions unanswered.
- The Committee of Management in the meantime is urgently pushing for a full liquor licence and is about to install gambling machines. So great is the rush that one Councillor member of the Committee initiated building alterations to accommodate the machines without first taking out the permits legally required.
- Is the motion recently passed by a majority of Councillors expressing confidence and satisfaction in the Committee and the way it is working, a hint of what they see the facilities function as being?
- We know that beer and poker generate money, but at what price? Both of these require space that cannot legally be shared with other activities. Are we in danger of creating a one generation Sports Clubhouse where aging sportsmen and women can reminis over a drink or a game of electronic poker while the kids of our growing community look on from outside? Are we going to have to keep "under-aged sportsmen" away from these licensed premises?

A. and B. Jones

- Not involved in any Clubs.
- We have lost our public hall facility, even though the Children's Services Centre is a great community facility.
- The Complex is a business venture but for the average, ordinary ratepayers, the Complex is not working - problems with exclusive catering rights.
- If alterations to the building proceed, should be a large multi purpose room with kitchen facilities that can be used by community groups, eg. Cubs, Scouts, Senior Citizens, etc. like the old public hall.
- We had to take a family 21st. Birthday function out of the area because we could not use the Community Centre in the way we would wish.

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The Centre may be fine for some Sportsclubs but what about the community?

We are not against the Club Committee but some changes to the use of the building are essential.

Mrs. D. Paterson

On September 1st. I wrote to the Secretary of the Club seeking information, this letter was hand delivered and at this date (28th. October), I have had no response.

As Council have designated a Committee to manage and run the affairs of the Complex, I find this a totally unacceptable business practice.

On October 7th. I phoned Mr. G. McInnes. He wasn't available to speak with me but I was informed by Mrs. McInnes that if it was in relation to the Club, it was most inconvenient and she was sick of the Club and its business. I can sympathise with Mrs. McInnes for the interruptions made to family lives by volunteer positions but we must be aware that the front being portrayed to the community is positive, otherwise we will be deterring potential users

Ratepayers must be able to access Committee members to have any enquiry resolved

Dallas Martin

I had a small involvement in the latter stages of the Strathfieldsaye Community Sports Complex. I had more to do with the raising of money through the Co-Operative and I am still a Director of the Co-Operative.

As past President of the Bowls Club I became interested in the activities of the Committee that had control of the area and few people would know of the commitment and physical work done by this small group.

I believe everything has been done correctly and well, the building is excellent and suits the surroundings very well.

As a bowler I am aware of the beauty of the area and of all the Club being part of a picturesque sporting area and I congratulate the Council for its foresight in setting aside this area.

In a short time I can see it developing into a sports area that would rival any I have seen. I have been aware of the objections to the liquor licence and gambling facilities proposed for the Club, however I feel that most of these objections have been made by a small group who have no concern for the majority of the community.

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- I believe all the Clubs in the group are working to make this an outstanding area for all members and residents of Strathfieldsaye and that the additional proposed facilities can only enhance this aim.

N. Stillwell

- Wishes to convey to Council abhorrence of the behaviour and proceedings of the meeting held in August at the Strathfieldsaye Community Complex called to discuss the application for the extended liquor licence. To call this meeting after a "happy hour " could only serve to enhance the wishes of those seeking the extended liquor licence without consideration of the wider community.
- What has been built in Club Court? The Strathfieldsaye Community Complex, the Club, the Sportsman's Club or the Sports Club? We must have this site identified and titled what it really is. The dictionary defines what this facility is :-
Community - Meaning a social group of any size whose members reside in a specific locality, share government, and have a cultural and historic heritage - the community - the public
Complex - Composed of interconnected parts.
Sportsman - A man who engages in sport.
Club - The building or rooms owned by or associated with such a group, sometimes lavishly decorated and furnished, and offering dining, gambling, theatrical and other facilities to members
Sports - Pertaining to or devoted to a sport or sports.
- Let us not forget to note that this part of Taylors Lane has now had a name change to Club Court.
- I chose to live in a rural environment and become involved in community activities. This Complex has not kindled community spirit but divided it. It is not too late to see that it is not fulfilling community expectations.
- Please seek the withdrawal of the application for gambling machines and the extended liquor licence and watch this Community Centre become debt free. It doesn't all depend on gambling and drinking - give our youth a chance at real life without these devices.

Past Executive of the Sports Centre

- Commend Council on its initiative and vision in establishing the Club and urge that Council continue to provide support so that the Club may realise its full potential.

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The basic philosophy behind the development is to cater for the needs of the existing sporting and community groups and to foster the use of the facilities by the wider community. Council's commitment to the project was conditional on the Club being financial self supportive - as a result management decisions have had to be made with this issue clearly in mind.

From the earlier stage of selling shares in the Co-Operative it has been clearly stated that the Club would be a licensed facility. Although gaming machines were not an issue at that time, we believe that their introduction is essential if the Club is to operate successfully in the future.

We wish to state our support for the goals that the current Committee of Management is working towards, namely to maximise community use of the existing facilities and to develop a sound financial base from which future development can be built.

The Strathfieldsaye Community and Sports Club has the potential to be the most successful Complex in the Bendigo region. Continued forward vision by a united Council and staff working positively and co-operatively with the Committee can ensure that this potential is fully realised for all members of the Strathfieldsaye community

Strathfieldsaye Dodgers Baseball Club

Dodgers call the Complex their home, although shared with other user groups at present, we believe some time in the future we may have a part of the Complex that could possibly be dedicated to our sport ie. our own change/shower room and not shared.

At present neither my Club nor the Complex have funds to expand the Complex to encompass the majority of needs for the user or future user groups.

In our short period (12 months) at the Complex I believe it is being managed to its best with the resources available. The Complex income depends greatly on bar trade and functions, the funds available to employ more full time staff is limited.

My Club firmly believes that to achieve our own Club goals and those of other user groups we must have a full licence and the availability of gaming machines to attract more funds.

Nursing Mothers Association

Express disappointment at the sudden removal of the baby care room at the Strathfieldsaye Community Centre. Sadly we are unable to present the Nursing Mothers Association of Australia Baby Care symbol to the Centre as the specially designed facility, which was recommended and assessed for the Award, no longer exists.

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- We applauded the Strathfieldsaye Council for including excellent facilities for baby care in the building of the Community Centre, aware of the time consideration and money (over \$6,000) spent on the room. It is extremely disappointing that the current Committee of Management has seen fit to remove these facilities, overlooking the needs of members and guests with babies and young children.
- We hope that the Council and Committee soon sees fit to replace the baby care room with a facility meeting the standards of the room originally provided and we look forward in anticipation to assessing the new baby care room with a view to presenting the baby care symbol, should the facility meet with N.M.A.A. stringent criteria.

Strathfieldsaye Tennis Club

- When our Club commenced using the kiosk facilities, negotiations occurred with the Cricket Club to organise afternoon tea times. The Bowling Club at first used the Dukes Room but found this was unsatisfactory and subsequently used the kiosk also. We find the kiosk becomes congested and with only one sink the arrangement is unsuitable for sporting clubs
- At the Tennis Club annual meeting 1991 it was resolved that membership of the Sporting Complex would be optional as many Tennis Club members cannot see the benefit of joining the Sporting Club and do not use or support it, other than for afternoon tea on a Saturday. Consequently at most, ten percent of our Club are financial members of the Sports Club.
- The Complex management last year set our ground rental at \$250. We appealed against this believing it was exorbitant given that we do not use water as other sporting clubs do. This appeal was unsuccessful. In fact we do not have a tap or any water facilities nor do we have a shelter as no successful agreement regarding the type of shelter has been agreed upon by the Tennis Club or the Club management.
- Being unable to self cater for functions has meant that the Tennis Club has been forced to look to other venues for social and fundraising events, however we recently ran a successful old time dance in the Complex and our aim is to bring members of the public into the Complex and raise money from outside the Tennis Club. After much negotiation the Club now are able to self cater from the kiosk for the supper for these events. Hire of the venue seems to be still uncertain as the management gave us conflicting information. Assistance from the management in using the Complex has not been readily available and we believe as a user group we should be entitled to reduced rates and not be charged the same as the public for use of the venue.

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The name Strathfieldsaye Community Sporting Complex does not adequately describe the building. It appears to be more of a Function Centre than a Community Centre. We agree that it is a magnificent building but it does not suit the needs of the community groups and sporting clubs of the district.

We do not support exclusive use of any room by any individual club or organisation but feel that suitable rooms must be available for user groups on a regular basis. The Dukes Room is a ideal size for most organisations to run activities in and with the loss of this room to poker machines, further consideration needs to be given to a room of a similar size being provided. Further, such a room would help alleviate the congestion near the kiosk on Saturday afternoons.

Strathfieldsaye CWA

Our concerns come under four separate headings :-

(a) Public Hall - Many local residents gave freely of their time and money to build, equip and maintain their local hall and we have now seen the use of this facility removed from the public and replaced by an expensive white elephant masquerading as a Community Centre. A public hall is available for individuals or groups in the community to hire for their own social and recreational needs. If food is required the hirers can choose their own caterer or choose to do the catering themselves. Over the past year or so the Council has arbitrarily removed the public hall from public use to be used exclusively as a kindergarten and Child Welfare Centre. The public hall function is supposedly transferred to the Community Centre but a lease has been given to one commercial caterer who now has sole rights to all catering in the Centre. This means that the Community Centre is too expensive for many purposes and we no longer have a hall where we can run any social occasion or hold a function for any purpose and do our own catering.

(b) Liquor Licence - We are aware of attempts to gain a full liquor licence for the Community Centre. If granted, this immediately determines that use of the Centre is limited to residents over the aged of 18 years. Can any Centre which excludes everyone under the age of 18 really claim to be a Community Centre?

(c) Gaming Machines - It has been proposed that gaming machines be established in the Centre. Once installed the public must obviously have access to them at all times when the building is open. No Club, society or private gathering can possibly operate in the same room as people playing gaming machines.

(d) User Costs - It is suggested that various user groups at the Community Centre must pay \$20 per annum for any of their members who are not already financial members of the Centre. This is tantamount to telling all user groups, mainly sporting clubs, to increase their annual membership fees by that amount.

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(e) General - The CWA believe the Council has been remiss in replacing a public hall with a commercial enterprise serving limited interests.

- We are not happy with the prospect of fully licensed premises with gaming machines adjoining the children's school and kindergarten. In the planning stages, never did we envisage the provision of Sports Club rooms would be linked to the sale of liquor and use of gaming machines.
- The CWA branch is in the unpleasant position of being unable to host group conferences when it is our turn to do so. There is no way we could pay the cost of catering at the Community Centre and there is no other venue large enough to accommodate all the members who normally attend such conferences.
- After all submissions are in, we believe they should be presented not only to the Shire Council but also to the whole community so that we can all share each others concerns.
- We should then have the opportunity to discuss our points of view at a public meeting.

Strathfieldsaye Cricket Club

- Express disappointment at the ridiculous publicity given to the Strathfieldsaye Sports Club by a small minority group.
- Club was created as a need for user groups of the Complex and for members of those groups and the community to enjoy the facilities provided.
- During the past two years the Club has struggled to operate as a profitable business mainly due to restricted trading hours. The current Committee have displayed positive foresight to identify the need for extended trading hours and installation of gaming machines so that the Club can remain financially viable.
- The small minority who have objected to the future development and facilities to be provided appear to be two Councillors and a minor group of non members of the Club, most of whom have only been residing in the Township of Strathfieldsaye for five minutes. Unfortunately this minority group appears to have influenced the views of the Senior Citizens Club and are 'hell bent' on causing disruptive, mischievous and scurrilous attention which can only be described as petty.

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- We welcome the Senior Citizens to our Club, however they must join together with existing user groups and share facilities that all user groups of the Complex have been sharing on a compatible basis since the Club first opened. When gaming machines arrive I am sure that like most Senior Citizens they will be most anxious to enjoy the leisure of playing the machines.
- If the Club was left in the amateur hands of the two Councillors concerned then the ratepayers of the Shire would need to contribute approximately \$50,000 per annum to maintain and keep the Club operating, as the Shire now does to maintain Strathdale Hall in Crook Street.
- I wonder whether those Councillors would have adopted the same negative and backward attitude if a similar Complex had been built at Spring Gully? Perhaps then they may have both elected to stay on the Councils Sub-Committees instead of opting to make themselves both unavailable as Shire Sub-Committee representatives. A reduction in their Council would seem appropriate now!
- You would think that Council, after appointing a Committee of Management to organise and arrange operations of the Club, would keep their noses out of the day to day running of the enterprise as the Club is on the verge of introducing gaming machines and operating as a viable proposition
- It is time for the local community to look to the future, provide full support to the Club, have total confidence in the Management Committee and forget about the insignificant Councillors who both appear to be misguiding local people and using others for political gain.

Colts United Soccer Club

- It seems ironic that after constructing a great Complex that has been in operation for only two years that you seek submissions from user groups.
- Colts United had their own club change rooms, built with our own manpower, money and a small Council grant, but after many meetings, Colts agreed to participate with Council plans and put in the requested contribution to the new Complex (\$3,000). As time went on costs rose and Colts again contributed a further \$5,000 along with many of our members buying additional debentures.
- Further to that, Colts have installed and paid \$3,000 for lights and sprinkler system plus many hours of Clubs labour and finance.
- We pay \$1,200 ground rental each year and over \$1,100 in Strathfieldsaye Community Sports Club membership fees. We are constantly raising money to maintain all these costs and Club running costs.

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- We have 180 social, playing and junior members and try to keep our fees as low as possible.
- It is most disturbing to read in our local newspaper that some Councillors believe that the newly formed Senior Citizens Club should be given preferential treatment over the members who have worked and contributed financially for years, and yes, we would be very happy to have our own room.
- We have 110 junior players with the number increasing each year. This is where we need a utility room with a suitable floor covering for the children to go, without being a hindrance to the member patrons and where the children could enjoy their own recreation activities.
- We support the application for a full liquor licence and gaming machines, as was highlighted by a recent Public Meeting where the vote was overwhelmingly in favour. We believe the money generated through increased patronage will only improve our facility and may ease the financial burden of all the user groups, ratepayers, as well as Council.
- There is an established user group Committee who have been working in harmony for the past two years for the betterment of all members.
- We believed after the Public Meeting that Council would have agreed to the wishes of the majority and let the governing Committee get on with the job of making the Community Sports Centre a viable proposition. With the funds raised by the full liquor licence and gaming machines, the Committee would then be able to build additional rooms and requirements for all concerned.
- Finally may unity and commonsense prevail amongst our Councillors, remembering the old adage "United we Stand - Divided we Fall". Lets pull together and get some positive input from our Councillors to our elected Committees of Management for the benefit of all.
- Submission made on behalf of players, both senior and junior and members of the Committee of Management of the Colts United Sports Club Inc.

Strathfieldsaye Bowls Club

- The Club wishes to express full support for the Management Committee.
- Services and facilities have been made available on request, and any misunderstandings have been resolved by amicable discussion.
- The motion of support for the Complex Management was passed unanimously at a Club meeting on 21st. October, 1992. The motion reads :-

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"The Strathfieldsaye Bowls Club Committee wish to inform the Strathfieldsaye Shire Council that they fully support the Community Complex Committee of Management, in particular regarding their endeavours to :-

1. *Obtain a full liquor licence for the Club.*
2. *Have gaming machines installed in the Club as a means of raising revenue.*

Further, the Committee of the Bowls Club believes that, as a duly elected governing body, the Committee of Management is the only group responsible for the booking and allocation of rooms and facilities within the Complex.

Any disputes arising from their decisions should be resolved by negotiation using goodwill and common sense between the parties concerned, without the intervention of the Shire Council."

In the future, the expanding membership of the Bowls Club will require larger member areas for match days, meetings and functions and more adequate arrangements for the preparation of afternoon teas and suppers.

Bendigo Community Health Centre

The facility is a great asset to the community and has recently been utilised to run Health Centre Programs for local residents. By holding programs in Strathfieldsaye it is far more accessible to local residents.

Accessibility is an important factor in peoples ability to be involved in programs and services that would enhance a healthier lifestyle. It is for this reason that we seek to offer programs at different locations closer to the community we seek to service.

A barrier to involvement is often the lack of child care for parents who wish to be involved.

In a recent program run at the Community Centre, a major problem to the provision of an ongoing service was the liquor licence on the whole building. This licence means that according to child care regulations, it is illegal to provide child care in any room within the building. As a result the program being offered has been both restricted and has changed its intended focus.

The Eastern Bendigo Committee believes that for the Strathfieldsaye Community Centre to be as its name suggests, it must be accessible and be able to be used by all groups within the community. This Health Centre would be able to provide more services and programs at such a site if a room/rooms was able to be used for child care.

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Residents Group Letter (34 Signatories)

- It is with great concern that the undersigned residents of the Shire register disapproval at the removal of the baby care room at the Strathfieldsaye Sports Club building. Not only has this facility been removed but there has been no apparent consideration made for even partial replacement.
- When the Club was opened over two years ago, the inclusion of the baby care room was a refreshing change. Parents with young children will be aware that few community buildings adequately cater for the feeding and changing of infants and small children. Criteria for an adequate baby care facility are listed :-
 1. Accessible to both parents.
 2. Safe movement for toddlers accompanying parents.
 3. A clean room, providing private, comfortable seating.
 4. Hot and cold water, rubbish disposal and hand drying.
 5. Changing bench of safe design and height.
- The former baby care room at the Club met these stringent criteria. The writers recognise that the room initially designed and designated for the purpose has been required for alterations at the Club, and feel that this should not be at the expense of the complete removal of such an excellent facility.
- The Group request Council to instruct the Committee of Management to immediately replace the baby care room and ensure duplication of the facilities originally available. Provision of baby care facilities of any lesser standard than those formerly provided should be viewed as a huge backwards step in the provision of services to members and visitors at this fine family oriented, Community Club.

Officer Comment

There are a number of issues raised in the submissions received that need to be addressed by the Council. I do not suggest that the Council should agree or alternatively, disagree with the issues raised, however it is important that the Council considers the issues and takes appropriate action. The underlying theme in many of the submissions is that the community no longer has the facilities provided by the former public hall, notwithstanding the fact that the Community Centre provides other facilities far in excess of the hall. The Council must determine its attitude to this suggestion and, if the Council believes that this matter is of concern, there are two obvious alternatives :-

- (a) Take steps to ensure that the existing building operates in a fashion that would satisfy the concerns regarding the loss of public hall facilities.
- (b) Address the situation by providing additional buildings to accommodate these functions.

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Even if the Council chose alternative (b), and took steps to plan and subsequently build extensions to the Centre, there is still an urgent need for the Council to establish a closer working relationship and clearer definition of functions with the Committee of Management. I am sure that there are matters that the Committee would wish to address with the Council, and accordingly a series of meetings should be arranged with the Committee as soon as possible. Matters that Council may wish to address with the Committee may include :-

- Catering Contract
- Lease Agreement
- Increased community use of the facility
- Clear, precise definition of the role/powers of the Committee

Officer Recommendation:

- "(a) That a meeting between the Committee of Management and the Council be arranged as soon as possible
- (b) That the Committee be requested to forward a list of matters it would wish to discuss with the Council
- (c) That the Council raise the following matters at the meeting :-
- Catering Contract
 - Lease Agreement
 - Increased community use of the facility
 - Clear, precise definition of the role/powers of the Committee "

RECEIVED 6TH NOVEMBER, 1992

Chief Executive Officer
Shire of Strathfieldsaye

Strathfieldsaye Community Centre--User Group Views

The Emu Creek Cricket Club (ECCC) has practiced and played competition matches in the Strathfieldsaye Shire since 1947.

Since 1970 the ECCC has been based at the J G Edwards oval which is part of the Strathfieldsaye Sporting Complex (SSC).

As you can see we are an extremely long established community group whose members represent a wide range of views and requirements.

In fact over 25 of our members come from the area immediately surrounding the SSC. When families are included, our club has contact with over 100 people who are directly interested in, use and care about the SSC. These people are constantly making the club aware of their views and requirements for the SSC.

It is the understanding of our club that the SSC was originally envisaged as a facility to service the growing (sporting) needs of the Strathfieldsaye area and as such should primarily be devoted to the direct and extended needs of those users.

To this end the ECCC and its' friends have over the development of the SSC played a direct and active role in the building of the complex and the surrounding facilities. Specifically we have devoted a considerable amount of time in the preparation of the J G Edwards oval, adjacent earthworks, fences and continuing maintenance thereof eg. mowing of areas not done by the shire. In addition many of our members have devoted time to the landscaping of the area surrounding the SSC building.

Apart from the labour we have contributed to the financing of the SSC with a donation of \$1000 and by virtue of the fact we have over 50 share holders of the co-operative amongst our members and friends.

From our involvement in the area for over 40 years and in the SSC since before it was commenced, we believe we have a strong and valid interest in the SSC usage and an obligation to see its' usage reflects the desires and interest of our members and friends.

There is no doubt that during the initial period the club was open, the management was not without criticism and in fact at times our members felt distinctly unwelcome. However, since the new committee of management was elected in 1991, with each

user group having a representative on the committee, there has been a real improvement in attention to user group requirements. Our access to management has been greatly enhanced by this system and we thoroughly endorse its' continuation.

Our club is whole heartedly behind the committee moves to make the SSC self supporting by the introduction of gaming machines and the associated application for a full liquor licence.

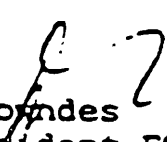
If the SSC is to be essentially a provider of local community services we must in these days of fiscal restrictions do our best to take as much of the burden off rate-payers not local and therefor less likely to use the facilities.

With regard to the operation of the centre, we believe that the democratically elected committee which is and should remain representative of the (sporting) user groups, should be allowed to manage the centre provided they do so within their constitution, guidelines and constraining laws. The committee should be the central point of management and should be allowed to operate without constant oversight and interference from outside influences. The recourse for unsatisfactory management is with the ballot box and should not be by non elected authorities.

User groups who presently find themselves not entirely happy with the management proposed development direction should perhaps consider the greater good of the majority and accept that the committee has the endorsement of most users.

In the event of further extensions to the complex being planned, it would be appreciated if the ECCC could be consulted so as to facilitate better use of the J G Edwards oval.

Yours Faithfully


E Loyndes
President ECCC
21 October 1992

FILE NO: 340-3-1

SPECIAL MEETING OF THE COUNCIL

15th. October, 1992

(1) Strathfieldsaye Community Centre

Moved by Cr. Keogh, seconded by Cr. Flower

"That the Strathfieldsaye Recreation Reserve Management Association Incorporated be advised that contact should be made with Council's Chief Environmental Health Officer to find out what alterations will be required to have the area complying with the provisions of the Food Act."

Carried

Moved by Cr. Wallis, seconded by Cr. Ferns

"That the Strathfieldsaye Recreation Reserve Management Association Incorporated be advised that

- 1 Council is concerned that the alterations to the Dukes Room were undertaken without consultation with Council's Architect, nor the prior approval of the Coliban Region Water Authority, nor prior discussions with Council's Chief Environmental Health Officer.
- 2 An application should be made forthwith to the Coliban Region Water Authority for retrospective approval to the plumbing alterations which have been undertaken.
- 3 The recently installed baby change bench in the former staff toilets be removed and the designation of the room changed back to "staff" and that if the Committee is concerned and wishes to provide baby change facilities, that discussions be held with Council and the Architect to see if they could be incorporated in one of the existing locker rooms."

Carried

Moved by Cr. Paton, seconded by Cr. Smith

"That the premises be inspected by the Council in company with its officers."

Carried

Moved by Cr. Ferns, seconded by Cr. Wallis

"That the Council seek immediate legal advice on the ability of Council to dismiss the Management Committee of the Strathfieldsaye Recreation Reserve and replace it with an Advisory Committee comprising the following :-

Mr. Geoff Cook

Mr. Steve Lourie

One representative of the following :-

Senior Citizens Club

Cricket Club

Tennis Club

Soccer Club

Baseball Club

Cr. Graeme Smith "

Lost

A division was called for :- In Favour - Crs. Wallis and Ferns, Against - Crs. Paton, Smith, Flower, Clark, Colvin and Keogh.

During the debate a formal motion was Moved by Cr. Keogh, seconded by Cr. Flower
"That the matter lay on the table."

Carried

A division was called for :- In Favour - Crs. Keogh, Colvin, Clark, Flower, Smith and Paton, Against - Crs. Ferns and Wallis.

Moved by Cr. Keogh, seconded by Cr. Flower
"That the premises be inspected and the meeting reconvened as soon as possible."

Carried

The meeting reconvened at 1.50 p.m. and the matter laying on the table was lifted.

A further formal motion was Moved by Cr. Colvin, seconded by Cr. Flower
"That the motion be put."

Carried

Cr. Colvin left the Council Chamber.

Moved by Cr. Wallis, seconded by Cr. Ferns
"That the Council advise the Committee of Management that the Council reaffirms that the Dukes Room be used as Clubrooms for the Senior Citizens Club."

Lost

A division was called for :- In Favour - Crs. Wallis, Smith and Ferns, Against - Crs. Paton, Flower, Clark and Keogh.

During the debate a formal motion was moved by Cr. Paton, seconded by Cr. Flower
"That the motion be put."

Carried

A division was called for :- In Favour - Crs. Paton, Smith, Flower, Clark and Keogh, Against - Crs. Ferns and Wallis.

Cr. Colvin returned to the Council Chamber.

Moved by Cr. Paton, seconded by Cr. Smith

"That the Council write to all user groups at the Strathfieldsaye Community Complex and advertise in the newspaper to ascertain their views, in writing, in respect to the operation and use of the Centre."

Carried

Moved by Cr. Ferns, seconded by Cr. Wallis

"That the Committee be advised that this Council does not support any alterations to works or services including installation of gaming machines until such time as responses in the previous resolution have been received and considered by Council."

Carried

Moved by Cr. Smith, seconded by Cr. Keogh

"That a Special Meeting of Council be called to consider the responses when received."

Carried

Joint Letter

Cr. Wallis produced a joint letter from members of the community expressing concern at the alterations to the baby change facilities at the Centre and it was agreed that this matter would be listed as a response when the Council has its Special Meeting to consider the views of users, etc.

APPENDIX 4

WITNESSES AT THE INQUIRYCouncillors

Cr Brian Keogh
Cr John Colvin
Cr Judith Clark
Cr Brian Flower
Cr Ian Grenfell
Cr Graham Smith
Cr Geoff Ferns
Cr Marilyn Wallis
Cr Kevin Paton

Former Councillors

Mr Ron Alexander
Dr Nonette Gordon
Mrs June Houlahan
Miss Wendy Barry

Staff

Mr Barry Edwards
Mr David Wright
Mr Paul Noisette
Mr Geoff Cook
Mr Alex Malone
Mr Ross Lovell
Ms Kate Halpin
Mr Rob Heath
Mr Brian Tung
Mr John Mooney
Mr Mark Walters
Mr Fred Cameron
Mr Peter Davies
Mr David Manzoney
Ms Catherine Rush

Planning and Engineering Consultants

Mr Rory Costelloe, Tomkinson
Mr Robert Ketterer
Mr Bret Bahem, Clive Singleton & Associates
Mr Trevor Budge, Trevor Budge & Associates
Mr Grant Scale, Department of Planning and Development
Mr Kim McGough, Loddon Campaspe Regional Planning Authority
Mr David Hunter, former Shire Engineer
Mr Richard Meldrum
Mr Donald Pollock

Other Consultants

Mr Roger Dench, D.M.A.
Mr Max Carr, D.M.A.
Mr Alan Tapley, D.M.A.

Strathfieldsaye Community Centre

Mr Gary McGuinness, President
Mr Eddie Carr, Vice President
Mr Brian Edwards
Mr Peter Bauska, Manager

Community Representatives

Mr Ken Briggs
Chief Superintendent Frank Fox
Father Frank Marriott
Mr Dennis McCormick
Mr Tom McClean
Mr Bernie O'Shannessy
Mr Tom Schultz
Mr John Jennings
Mr Noel Stilwell
Mr Patrick Davey
Mr Hugh Mason
Mr Bob Kelly
Mr Owen Davies
Mr Bruce Ralph
Mr Neil Clark

APPENDIX 5

PERSONS PROVIDING WRITTEN SUBMISSIONS

Mr Howard Terrill
Mr & Mrs Len Shelton
Mr Arthur McEwan
Mr Peter Clark
Mr W. Churchill
Mr A Ryall
Mr S. Bertram
Mr K. & Mrs S. Griffin
Mr J. & Mrs P. Crammond
Mr C. Neivandt
Mr Roy Jones
Mr K. & Mrs J. Beaumont
Ms Sheela Crook
Mrs Jeanne May
Mrs Joan Ryall, Country Womens Association
Mr John Jennings
Mr Paul Robinson
Mrs Carol Holdsworth
Mrs Sue Knight
Mr Alec Sandner
Mrs Jenny Shield, Spring Gully Reservoir and District Environment Group Inc.
Mr Alan Dingle
Mr Ron Jones, Strath Village Shopping Centre
Mr K. & Mrs J. Hughes
Mrs Thelma Dohnt

A number of other persons contacted the secretary but did not respond to the invitation to provide written information.

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS

Nos. 58 and 59

No. 58 — Tuesday, 29 March 1994

1 The Council met in accordance with adjournment, the President, pursuant to resolution, having fixed this day at 2.30 p.m. as the time of meeting.

2 The President took the Chair and read the Prayer.

3 **ASSENT TO ACTS** — The Honourable M.A. Birrell presented Messages from His Excellency 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 7 December 1993 —

Nurses Act

Health Services (Amendment) Act

Stock (Seller Liability and Declarations) Act

Employee Relations (Amendment) Act

Rural Finance (VEDC Abolition) Act

Telecommunications (Interception) (State Provisions) (Amendment) Act

Gaming Machine Control (General Amendment) Act

Police Regulation (Discipline) (Amendment) Act

Public Holidays Act

Transport (Amendment) Act

Education (Amendment) Act

Liquor Control (Amendment) Act

Equal Opportunity (Amendment) Act

Health and Community Services (Further Amendment) Act

Local Government (Miscellaneous Amendments) Act.

On 14 December 1993 —

Building Act

Melbourne Wholesale Fruit and Vegetable Market Trust (Amendment) Act

Planning and Environment (Amendment) Act

Crimes (Amendment) Act

Electricity Industry Act.

4 **ECONOMIC DEVELOPMENT (REPEAL) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "An Act to repeal the 'Economic Development Act 1981' and for other purposes" and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 5 **EMPLOYMENT AND TRAINING (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Employment and Training Act 1981' and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 6 **AGENT-GENERAL'S BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to repeal and re-enact with amendments the 'Agent-General's Act 1958' and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message 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 (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Albury-Wodonga Agreement Act 1973'*" and desiring the concurrence of the Council therein.
On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 8 **AUDIT BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to provide for the office of Auditor-General and the audit of public accounts, to amend, and repeal, the 'Audit Act 1958', to repeal or amend certain other Acts and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 9 **SMALL BUSINESS DEVELOPMENT CORPORATION (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Small Business Development Corporation Act 1976', to consequentially amend the 'Annual Reporting Act 1983' and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honourable W.R. Baxter, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 10 **ADMINISTRATION AND PROBATE (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Administration and Probate Act 1958' and the 'Wills Act 1958' and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 11 **MINERAL RESOURCES DEVELOPMENT (FURTHER AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Mineral Resources Development Act 1990' and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

12 PETROLEUM (AMENDMENT) BILL — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Petroleum Act 1958' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

13 BORROWING AND INVESTMENT POWERS (FURTHER AMENDMENT) BILL — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Borrowing and Investment Powers (Amendment) Act 1993' and make consequential amendments to the 'Public Sector Superannuation (Administration) Act 1993' and the 'Electricity Industry Act 1993' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

14 QUESTIONS — Questions without notice were taken pursuant to Standing Order No. 71A.

15 SUSPENSION OF STANDING ORDERS — QUESTIONS — The Honourable M.A. Birrell moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.

Question — put and resolved in the affirmative.

Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.

16 ADJOURNMENT OF BILLS — The Honourable R. I. Knowles moved, by leave, That —

(a) unless otherwise ordered, where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 27 May 1994, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in September 1994: Provided that any Bill transmitted from the Legislative Assembly which is in the hands of the Clerk no later than 10.00 a.m. on 30 May 1994 may be taken through all stages; and

(b) this Order shall have effect until 30 June 1994.

Question — put and resolved in the affirmative.

17 PETITIONS —

HERBICIDE SPRAYING — The Honourable B.T. Pullen presented a Petition bearing 501 signatures from certain citizens of Victoria praying that an independent enquiry be established into spraying of herbicide in pine plantations in the Ballarat district in late 1993 and the issue of spraying of herbicides into the Victorian environment.

Ordered to lie on the Table.

* * * * *

SEXUAL DISCRIMINATION — The Honourable P.R. Hall presented a Petition bearing 13 signatures from certain citizens of Victoria requesting that the *Equal Opportunity Act 1984* be amended to prohibit discrimination on the grounds of a person's sexuality.

Ordered to lie on the Table.

* * * * *

"THE RANGE" DEVELOPMENT, WILLIAMSTOWN — The Honourable L. Kokocinski presented a Petition bearing 32 signatures from certain citizens of Victoria requesting that the Urban Land Authority be made to act in an open and responsible manner in respect of "The Range" development in Williamstown, and that the parkland be left as originally set out or a process of amelioration begin.

Ordered to lie on the Table.

18 PAPERS —

BLF CUSTODIAN — The Honourable Haddon Storey moved, by leave, That there be laid before this House a copy of Report No. 26 dated 28 February 1994 given to Mr. President pursuant to section 7A of the *BLF (De-recognition) Act 1985*, by the Custodian appointed under section 7(1) of that Act.

Question — put and resolved in the affirmative.

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

* * * * *

NATIONAL ROAD TRAUMA ADVISORY COUNCIL — The Honourable W.R. Baxter moved, by leave, That there be laid before this House a copy of the Report of the National Road Trauma Advisory Council for the year 1992.

Question — put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable W.R. Baxter and ordered to lie on the Table.

* * * * *

WORKCOVER AUTHORITY — The Honourable R.M. Hallam moved, by leave, That there be laid before this House a copy of the Report and financial statements of the WorkCover Authority for the quarter ending 31 December 1993, given to Mr. President pursuant to section 38 of the *Accident Compensation Act 1985*.

Question — put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable R.M. Hallam and ordered to lie on the Table.

* * * * *

PARLIAMENTARY CONTRIBUTORY SUPERANNUATION FUND — The Honourable R.M. Hallam moved, by leave, That there be laid before this House a copy of the Report of the Actuarial Investigation of the Parliamentary Contributory Superannuation Fund as at 30 June 1993.

Question — put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable R.M. Hallam and ordered to lie on the Table.

* * * * *

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — ERRATUM ON THIRD REPORT — The Honourable P.R. Hall presented a Report from the Public Accounts and Estimates Committee upon an erratum for the Committee's third report to Parliament, together with an Appendix.

Ordered to lie on the Table and to be printed.

* * * * *

PUBLIC BODIES REVIEW COMMITTEE — METROPOLITAN FIRE BRIGADES BOARD — The Honourable W.A.N. Hartigan presented a Report from the Public Bodies Review Committee upon the Metropolitan Fire Brigades Board, together with Extracts from the Proceedings of the Committee and Minutes of Evidence.

Ordered to lie on the Table and the Report and Extracts from the Proceedings of the Committee to be printed.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE —

ALERT DIGESTS — The Honourable B.A.E. Skeggs presented the following Alert Digests from the Scrutiny of Acts and Regulations Committee:

Alert Digest No. 1 of 1994, together with an Appendix.

Alert Digest No. 2 of 1994, together with an Appendix and Extracts from the Proceedings of the Committee.

Alert Digest No. 3 of 1994, together with an Appendix.

Severally ordered to lie on the Table and to be printed.

* * * * *

SUBORDINATE LEGISLATION — The Honourable B.A.E. Skeggs presented the Fourth Report from the Scrutiny of Acts and Regulations Committee upon Subordinate Legislation concerning the Land Tax (Further Amendment) Regulations 1993 (S.R. No. 176/1993), together with Appendices.

Ordered to lie on the Table and to be printed.

* * * * *

AUDITOR-GENERAL — The following paper was laid upon the Table by the Clerk pursuant to an Order of the Council on 29 October 1992:

Auditor-General — Report on International Student Programs in Universities, November 1993.

* * * * *

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 Commission — Report, year ended 31 October 1993.

Border Groundwaters Agreement Review Committee — Report, 1992-93.

Dental Board — Report, year ended 30 September 1993 [incorporating the Report of the Specialist Practitioners Qualifications Committee].

Electoral Commissioner — Statement of functions conferred, 25 January 1994.

Flora and Fauna Guarantee Act 1988 — Order in Council of 14 December 1993 adding items to Schedule 2 — List of Taxa and Communities of Flora or Fauna which are threatened.

Gaming Machine Control Act 1991 — Victorian Gaming Commission (Amendment) Rules 1994.

Geelong Regional Commission — Report, 1 July 1993 to 3 December 1993.

Grain Elevators Board — Report, year ended 30 September 1993.

Interpretation of Legislation Act 1984 — Amended and replacement documents to accompany Statutory Rule No. 119/1992 (pursuant to the *Gas and Fuel Corporation Act 1958*) tabled on 12 August 1992 which, by section 32 (4) (b), are required to be laid upon the Table:

AS 1167.1 — 1993 — Welding and brazing — Filler metals for brazing and braze welding.

AS 1397 — 1993 — Steel sheet and strip — Hot-dipped zinc-coated or aluminium/zinc-coated.

ASME/ANSI — B16.5 — 1988 — Pipe Flanges and Flanged Fittings (amended by ASME/ANSI B16.5a — 1992 — Addenda).

ASME B16.9 — 1993 — Factory-Made Wrought Steel Buttwelding Fittings.

AG 102 — 1989 — Approval Requirements for Gas Water Heaters (amended by AG 102 — 1993).

- AG 201 — 1983 — Approval Requirements for Manual Shut-off Valves (amended by AG 201 — 1993).
- AG 202 — 1984 — Approval Requirements for Gas Appliance Regulators (amended by AG 202 — 1993).
- AG 204 — 1984 — Approval Requirements for Thermoelectric Flame Safeguards (amended by AG 204 — 1993).
- AG 208 — 1985 — Approval Requirements for Jointing Compounds and Materials for use in Gas Pipe Joints (amended by AG 208 — 1993).
- AG 209 — 1980 — Approval Requirements for Combination Controls (amended by AG 209 — 1993).
- AG 210 — 1984 — Approval Requirements for Electronic Flame Safeguards and Flame Detectors (amended by AG 210 — 1993).
- AG 212 — 1983 — Approval Requirements for Quick-Connect Devices (amended by AG 212 — 1993).
- AG 214 — 1985 — Approval Requirements for Automatic Shut-off Valves and Vent Valves (amended by AG 214 — 1993).
- AG 215 — 1985 — Approval Requirements for Leakage Detection Systems (amended by AG 215 — 1993).
- Land Acquisition and Compensation Act 1986 — Attorney-General's certificate of 11 January 1994 made under section 7(1)(c) of the Act.
- Loddon-Campaspe Regional Planning Authority — Report, year ended 30 September 1993.
- Martial Arts Board — Report, 1992-93.
- Melbourne College of Decoration —
Minister for Tertiary Education and Training's report of 10 January 1994 of failure of College to submit 1992 annual report to him within the prescribed period and the reasons therefor.
Report, 1992.
- Melbourne College of Printing and Graphic Arts —
Minister for Tertiary Education and Training's report of 17 December 1993 of failure of College to submit 1992 annual report to him within the prescribed period and the reasons therefor.
Report, 1992.
- Murray-Darling Basin Act 1993 — Approved Ministerial Council Schedule of Accession by Queensland to the Murray-Darling Basin Agreement.
- National Crime Authority — Report, 1992-93.
- National Rail Corporation (Victoria) Act 1991 — Variations to Agreement establishing the National Rail Corporation (two papers).
- Ombudsman — Report on the Investigation of the Removal and Placement of a Client of Intellectual Disabilities Services because of Allegations made by Facilitated Communication, February 1994, together with a further report on that report pursuant to section 23(6) of the *Ombudsman Act 1973* (two papers).
- Optometrists Registration Board — Report, 1992-93.
- Pathology Services Accreditation Board — Report, 1992-93.
- Physiotherapists Registration Board — Report, 1 January 1993 to 30 June 1993.

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

- Alberton Planning Scheme — Amendment L29.
- Alexandra Planning Scheme — Amendments L27, L29 and L30.
- Altona Planning Scheme — Amendment L35.
- Bacchus Marsh Planning Scheme — Amendment L36.
- Bairnsdale (City) Planning Scheme — Amendment L38.
- Ballaarat (City) Planning Scheme — Amendment L41.
- Ballan Planning Scheme — Amendment L11 Part 2.
- Bannockburn Planning Scheme — Amendments R3 and RL8.
- Barrabool Planning Scheme — Amendments L20, R3 and R8.
- Bass Planning Scheme — Amendment L24.
- Beechworth Planning Scheme — Amendments L17 to L19.
- Benalla (City) Planning Scheme — Amendments L27 and L29.
- Bendigo Planning Scheme — Amendments L35, L37, L39 and L42.
- Berwick Planning Scheme — Amendments L66 and L67.
- Box Hill Planning Scheme — Amendments L19 and L23.
- Bright Planning Scheme — Amendments L33 and L36.
- Broadmeadows Planning Scheme — Amendments L51 to L54.
- Brunswick Planning Scheme — Amendments L23, L25, L32, L34, L36, L38 and L40.
- Bulla Planning Scheme — Amendments L74, L83, L95 and L97.
- Buln Buln Planning Scheme — Amendments L24, L26, L28 and L29.
- Bungaree Planning Scheme — Amendments L23 and L25.
- Buninyong Planning Scheme — Amendments L33, L41, L44 and L47.
- Camberwell Planning Scheme — Amendments L23, L35, L38 and L39.
- Camperdown Planning Scheme — Amendment L5.
- Caulfield Planning Scheme — Amendment L24.
- Chelsea Planning Scheme — Amendment L8.
- Coburg Planning Scheme — Amendments L20, L35 and L36.
- Cranbourne Planning Scheme — Amendments L88 and L97.
- Croydon Planning Scheme — Amendments L54, L57, L58 and L61.
- Dandenong Planning Scheme — Amendment L30.
- Diamond Valley Planning Scheme — Amendments L30 Part 1 and L48.
- Doncaster and Templestowe Planning Scheme — Amendments L40, L58 Part 2, L59, L65 and L70.
- Eaglehawk Planning Scheme — Amendment L11.
- Echuca Planning Scheme — Amendment L25.
- Eltham Planning Scheme — Amendments L25, L34 and L42.
- Essendon Planning Scheme — Amendment L30.
- Fitzroy Planning Scheme — Amendments L27 and L31.
- Flinders Planning Scheme — Amendments L61, L81, L88, L98 and L118.
- Footscray Planning Scheme — Amendment L44.
- Frankston Planning Scheme — Amendments L48, L50 and L51.
- Gisborne Planning Scheme — Amendment L22.
- Greater Geelong Planning Scheme — Amendments L18, L25, L34, L47, R3, R28, R30 to R32, R36 to R38, R40, R44, R48, R54, R57, R58, R62, R66, R73, RL8 Parts 1 and 2 and RL63.
- Hampden Planning Scheme — Amendment L8.
- Hastings Planning Scheme — Amendments L106 and L107.
- Hawthorn Planning Scheme — Amendment L24.
- Healesville Planning Scheme — Amendment L36.
- Heidelberg Planning Scheme — Amendments L29, L42 and L62 Part 1.
- Heytesbury Planning Scheme — Amendment L13.

Planning and Environment Act 1987 — *continued*

- Horsham Planning Scheme — Amendment L44.
Huntly Planning Scheme — Amendments L33, L36 and L37.
Keilor Planning Scheme — Amendments L45 Part 1, L54, L61, L62, L69 and L85.
Kilmore Planning Scheme — Amendment L59.
Knox Planning Scheme — Amendment L70.
Korumburra Planning Scheme — Amendments L50 and L53.
Latrobe Regional Planning Scheme — Amendment R3.
Lillydale Planning Scheme — Amendments L85, L88 Part 1, L94, L96 Part 3, L113, L117 and L123 to L125.
Lowan Planning Scheme — Amendments L8 to L10.
Marong Planning Scheme — Amendment L35.
Maryborough Planning Scheme — Amendment L20.
McIvor Planning Scheme — Amendment L15.
Melbourne Planning Scheme — Amendments L60, L115, L120, L123, L133, L137 to L141, L144 to L146 and L151.
Melton Planning Scheme — Amendments L19, L27, L32, L33, L35 and L39.
Metropolitan Region Planning Schemes — Amendment R113.
Mildura (City) Planning Scheme — Amendment L37.
Moe Planning Scheme — Amendment L28.
Moorabbin Planning Scheme — Amendments L28 and L34.
Mordialloc Planning Scheme — Amendments L7, L8 and L11.
Mornington Planning Scheme — Amendments L34, L43 Part 2 and L47.
Newham and Woodend Planning Scheme — Amendments L25 Part 1 and L28.
Northcote Planning Scheme — Amendments L24, L25 and L28.
Nunawading Planning Scheme — Amendments L49 and L71.
Oakleigh Planning Scheme — Amendments L29, L30 Part 1 and L31.
Pakenham Planning Scheme — Amendments L73, L82, L85 and L87.
Phillip Island Planning Scheme — Amendments L48 and L50.
Portland Planning Scheme — Amendments L36.
Preston Planning Scheme — Amendment L47.
Queenscliffe Planning Scheme — Amendments R3 and R10.
Rodney Planning Scheme — Amendments L59 and L63.
Romsey Planning Scheme — Amendments L25 and L26.
St Kilda Planning Scheme — Amendments L16, L24, L25, L29 and L30.
Sandringham Planning Scheme — Amendment L12.
Seymour Planning Scheme — Amendments L28 and L30.
Shepparton (City) Planning Scheme — Amendments L48, L49 and L51.
Shepparton (Shire) Planning Scheme — Amendments L58, L60 and L62.
Sherbrooke Planning Scheme — Amendments L74 and L75.
South Melbourne Planning Scheme — Amendment L62.
Springvale Planning Scheme — Amendments L48 and L56.
Stawell (Shire) Planning Scheme — Amendment L18.
Strathfieldsaye Planning Scheme — Amendments L14 and L16.
Sunshine Planning Scheme — Amendments L51 and L68.
Swan Hill (City) Planning Scheme — Amendment L14.
Tambo Planning Scheme — Amendment L59.
Traralgon (City) Planning Scheme — Amendments L44 and L47.
Upper Yarra Planning Scheme — Amendments L31 and L36.
Victoria — All Planning Schemes — Amendment S23.
Wangaratta (City) Planning Scheme — Amendment L19.
Wangaratta (Shire) Planning Scheme — Amendments L11 and L13.

Planning and Environment Act 1987 — *continued*

- Warragul Planning Scheme — Amendments L26 and L27.
- Warrnambool (City) Planning Scheme — Amendment L32.
- Waverley Planning Scheme — Amendments L34 and L46.
- Werribee Planning Scheme — Amendments L52, L58, L60, L61, L63 and L64.
- Whittlesea Planning Scheme — Amendments L34, L87, L92 and L101.
- Williamstown Planning Scheme — Amendments L20, L24 and L26.
- Winchelsea Planning Scheme — Amendments L10 and L11.
- Wodonga Planning Scheme — Amendment L54.
- Wonthaggi Planning Scheme — Amendment L17.
- Yackandandah Planning Scheme — Amendment L18.
- Yarrowonga Planning Scheme — Amendment L22.

Public Authorities Finance Agency — Report, 1992-93 [*in lieu of that Tabled on 26 October 1993*].

Queen Victoria Medical Centre (Guarantees) Act 1982 — Treasurer's notice of guarantees executed, 23 November 1993.

Statutory Rules under the following Acts of Parliament:

- Administrative Appeals Tribunal Act 1984 — No. 225/1993.
- Adoption Act 1984 — Nos. 14 and 15/1994.
- Audit Act 1958 — No. 216/1993.
- Boilers and Pressure Vessels Act 1970 — No. 259/1993.
- Building Control Act 1981 — No. 260/1993.
- Business Franchise (Tobacco) Act 1974 — No. 273/1993.
- Business Names Act 1962 — No. 237/1993.
- Cancer Act 1958 — No. 16/1994.
- Cemeteries Act 1958 — No. 12/1994.
- Chattel Securities Act 1987 — No. 28/1994.
- Construction Industry Long Service Leave Act 1983 — No. 222/1993.
- Country Fire Authority Act 1958 — No. 263/1993.
- Credit Act 1984 — No. 228/1993.
- Electric Light and Power Act 1958—State Electricity Commission Act 1958 — No. 249/1993.
- Environment Protection Act 1970 — No. 227/1993.
- Evidence Act 1958 — No. 226/1993.
- Extractive Industries Act 1966 — No. 239/1993.
- Financial Institutions Duty Act 1982 — No. 274/1993; and No. 26/1994.
- Fisheries Act 1968 — No. 17/1994.
- Forests Act 1958 — No. 8/1994.
- Freedom of Information Act 1982 — No. 236/1993.
- Guardianship and Administration Board Act 1986 — No. 19/1994.
- Health Act 1958 — Nos. 231, 232, 238 and 261/1993; and No. 9/1994.
- Health Services Act 1988 — No. 258/1993.
- Land Tax Act 1958 — Nos. 275 and 276/1993.
- Liquor Control Act 1987 — Nos. 269 and 270/1993.
- Magistrates' Court Act 1989 — No. 234/1993.
- Marine Act 1988 — No. 22/1994.
- Melbourne and Metropolitan Board of Works Act 1958 — No. 235/1993.
- Metropolitan Fire Brigades Act 1958 — No. 262/1993.
- Mineral Resources Development Act 1990 — Nos. 5 to 7/1994.
- Optometrists Registration Act 1958 — No. 18/1994.
- Pay-roll Tax Act 1971 — No. 277/1993.
- Physiotherapists Act 1978 — No. 21/1994.

Statutory Rules — *continued*

Planning and Environment Act 1987 — No. 229/1993.

Public Sector Management Act 1992 — No. 10/1994.

Racing Act 1958 — Nos. 271 and 272/1993; and No. 2/1994.

Road Safety Act 1986 — Nos. 233, 264, 266 and 267/1993; and Nos. 3, 4, 11, 13, 23, 24 and 29/1994.

Royal Botanic Gardens Act 1991 — No. 1/1994.

Stamps Act 1958 — No. 278/1993.

State Electricity Commission Act 1958 — Nos. 240 to 248 and 250 to 257/1993.

State Superannuation Act 1988 — No. 221/1993.

Tobacco Act 1987 — No. 20/1994.

Transfer of Land Act 1958 — No. 220/1993.

Transport Act 1983 — Nos. 265 and 268/1993.

Valuation of Land Act 1960 — No. 224/1993.

Veterinary Surgeons Act 1958 — No. 230/1993.

Water Act 1989 — No. 223/1993.

Wildlife Act 1975 — Nos. 25 and 27/1994.

Swan Hill Pioneer Settlement Authority — Minister for Tourism's report of 10 December 1993 of failure of Authority to submit 1991-92 and 1992-93 annual reports to him within the prescribed period and the reasons therefor.

Transport Act 1983 — Order in Council of 14 December 1993 amending Schedule 8 of the Act.

Upper Yarra Valley and Dandenong Ranges Authority — Report, year ended 30 September 1993.

Wildlife Act 1975 — Notice of closure of areas to hunting, 19 March 1994.

* * * * *

PROCLAMATIONS — Proclamations of His Excellency the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Clerk pursuant to an Order of the Council on 27 October 1992:

Cemeteries (Amendment) Act 1980 — Section 2 — 1 March 1994 (*Gazette* No. G8, 24 February 1994).

City of Greater Geelong Act 1993 — Section 24 — 3 December 1993 (*Gazette* No. S92, 2 December 1993).

Crimes (Amendment) Act 1993 — Section 10 — 21 December 1993 (*Gazette* No. S95, 21 December 1993).

Education (Amendment) Act 1993 — Sections 3 and 11 — 9 December 1993 (*Gazette* No. G48, 9 December 1993).

Electricity Industry Act 1993 — Sections 26, 85, 98 and 99 — 14 December 1993 (*Gazette* No. S93, 14 December 1993); remaining provisions — 3 January 1994 (*Gazette* No. S97, 23 December 1993).

Equal Opportunity (Amendment) Act 1993 — Whole Act (except sections 1 and 2) — 1 March 1994 (*Gazette* No. G8, 24 February 1994).

Institute of Educational Administration (Repeal) Act 1993 — Parts 2, 3 and 4 — 30 November 1993 (*Gazette* No. S90, 30 November 1993).

Juries (Amendment) Act 1993 — 1 February 1994 (*Gazette* No. G4, 27 January 1994).

Melbourne Wholesale Fruit and Vegetable Market Trust (Amendment) Act 1993 — Parts 2 and 3 — 21 December 1993 (*Gazette* No. S95, 21 December 1993).

Proclamations — *continued*

Mineral Resources Development (Amendment) Act 1993 — Sections 4, 5, 7, 9, 10, 11(2), 11(3), 12 to 17, 18(b) to 25, 27 to 31, 33, 34, 36, 38 to 41 and 44 — 17 January 1994 (*Gazette* No. G49, 16 December 1993).

Racing (Further Amendment) Act 1993 — Sections 3, 4 and 7 to 10 — 2 December 1993 (*Gazette* No. G47, 2 December 1993); sections 5 and 6 — 1 February 1994 (*Gazette* No. G2, 13 January 1994).

State Taxation (Amendment) Act 1992 — Part 4 and section 12 — 7 December 1993 (*Gazette* No. G49, 16 December 1993).

TT-Line Gaming Act 1993 — Remaining provisions — 26 November 1993 (*Gazette* No. S87, 26 November 1993).

University of Ballarat Act 1993 — Remaining provisions — 1 January 1994 (*Gazette* No G50, 23 December 1993).

- 19 **ECONOMIC DEVELOPMENT (REPEAL) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.

The Honourable T.C. Theophanous moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 20 **EMPLOYMENT AND TRAINING (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.

The Honourable C.J. Hogg moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 21 **AGENT-GENERAL'S BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.

The Honourable C.J. Hogg (for the Honourable D.R. White) moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 22 **ALBURY-WODONGA AGREEMENT (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable P. Power moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 23 **AUDIT BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable C.J. Hogg (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 24 SMALL BUSINESS DEVELOPMENT CORPORATION (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable W.R. Baxter moved, That this Bill be now read a second time.
The Honourable C.J. Hogg (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until the next day of meeting.
- 25 ADMINISTRATION AND PROBATE (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable Haddon Storey) moved, That this Bill be now read a second time.
The Honourable C.J. Hogg (for the Honourable B.T. Pullen) moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until the next day of meeting.
- 26 MINERAL RESOURCES DEVELOPMENT (FURTHER AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.
The Honourable C.J. Hogg (for the Honourable D.R. White) moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until the next day of meeting.
- 27 PETROLEUM (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.
The Honourable C.J. Hogg (for the Honourable D.R. White) moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until the next day of meeting.
- 28 BORROWING AND INVESTMENT POWERS (FURTHER AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.
The Honourable C.J. Hogg (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until the next day of meeting.
- 29 ADJOURNMENT** — The Honourable R.I. Knowles 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 tomorrow.

A.V. BRAY
Clerk of the Legislative Council

No. 59 — Wednesday, 30 March 1994

- 1 The President took the Chair and read the Prayer.
- 2 **LAND (FURTHER MISCELLANEOUS MATTERS) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for *"An Act to revoke the reservations of certain Crown lands, to re-reserve some of those lands for other purposes, to authorise the granting of a lease over certain reserved Crown land, to discharge a trust from other land, to amend the 'Land Act 1958' and the 'Melbourne Lands Act 1987', to repeal the 'Railways (Thomson River Bridge) Act 1962' and for other purposes"* and desiring the concurrence of the Council therein.
On the motion of the Honourable M.A. Birrell, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 3 **PAPERS —**
AUDITOR-GENERAL — The following paper was laid upon the Table by the Clerk pursuant to an Order of the Council on 29 October 1992:
Auditor-General — Report on Grants and Subsidies to Non-Government Organisations, March 1994.
* * * * *
- PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the direction of an Act of Parliament, were laid upon the Table by the Clerk:
Statutory Rules under the following Acts of Parliament:
Magistrates' Court Act 1989 — No. 31.
Wildlife Act 1975 — No. 30.
* * * * *
- PROCLAMATION** — A proclamation of His Excellency the Governor in Council fixing an operative date in respect of the following Act was laid upon the Table by the Clerk pursuant to an Order of the Council on 27 October 1992:
Meat Industry Act 1993 — Section 91 — 24 March 1994 (*Gazette* No. G12, 24 March 1994).
- 4 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 3 inclusive, be postponed until the next day of meeting.
- 5 **STATE ELECTRICITY COMMISSION** — The Honourable T.C. Theophanous moved, That this House condemns the Government for its proposed restructure and privatization of the State Electricity Commission of Victoria which will lead to —
 - (a) higher electricity prices for most consumers and small businesses;
 - (b) higher electricity prices for regional and country Victoria;
 - (c) the establishment of five geographically based distribution companies which will effectively be private monopolies so far as 99 per cent of electricity consumers are concerned;
 - (d) the loss of Victoria's most important State asset which has provided a significant income stream to the State;
 - (e) the undermining of the fire mitigation program while increasing the burden of fire prevention and fire insurance to country Victorians;
 - (f) the undermining of energy conservation and demand management programs;
 - (g) the eventual abandonment of all community service obligations; and
 - (h) the transfer of private information about individual accounts and electricity usage patterns to private companies.

Debate ensued.

General Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders, the debate stood adjourned in the name of the Honourable R.M. Hallam.

6 JOINT SITTING — UNIVERSITY OF BALLARAT COUNCIL AND VICTORIA UNIVERSITY OF TECHNOLOGY COUNCIL — The President announced the receipt of —

- (a) letters from the Minister for Tertiary Education and Training dated 17 February and 3 March 1994 requesting that arrangements be made for a Joint Sitting of the Council and the Assembly to recommend three Members for appointment to the University of Ballarat Council and one Member for appointment to the Victoria University of Technology Council; 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 Tuesday, 19 April 1994 at 6.00 p.m., and desiring the concurrence of the Council.

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

The Honourable R.I. Knowles moved, by leave, That this House meet the Legislative Assembly for the purpose of sitting and voting together to recommend Members for appointment to the University of Ballarat Council and the Victoria University of Technology Council and, as proposed by the Assembly, the place and time of such meeting be the Legislative Assembly Chamber on Tuesday, 19 April 1994 at 6.00 p.m.

Question — put and resolved in the affirmative.

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

7 LOCAL GOVERNMENT (COMPETITIVE TENDERING) BILL — On the motion of the Honourable R.M. Hallam, leave was given to bring in a Bill to amend the *Local Government Act 1989*, 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.

8 BUSINESS POSTPONED — Ordered — That the consideration of Order of the Day, Government Business, No. 1, be postponed until later this day.

9 EMPLOYMENT AND TRAINING (AMENDMENT) BILL — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders —

10 QUESTIONS — Questions without notice were taken pursuant to Standing Order No. 71A.

11 EMPLOYMENT AND TRAINING (AMENDMENT) BILL — Debate continued on the question, That this Bill be now read a second time.

Question — That this 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.

12 LAND (FURTHER MISCELLANEOUS MATTERS) BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable M.A. Birrell) moved, That this Bill be now read a second time.

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

The Honourable C.J. Hogg (for the Honourable B.T. Pullen) moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

13 ADJOURNMENT — The Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until Tuesday, 19 April 1994.

Question — put and resolved in the affirmative.

The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 5.09 p.m., adjourned until Tuesday, 19 April 1994.

A.V. BRAY
Clerk of the Legislative Council

VICTORIA

MINUTES
OF THE
PROCEEDINGS
OF THE
LEGISLATIVE
COUNCIL

SESSION

1992-94

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