

VICTORIA



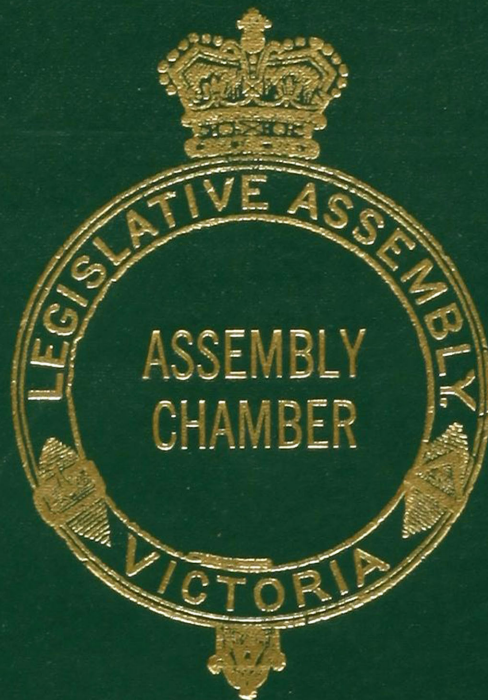
VOTES  
AND  
PROCEEDINGS  
OF THE  
LEGISLATIVE  
ASSEMBLY

---

SESSION  
1999-02

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VOL 2



ASSEMBLY CHAMBER

**VICTORIA**

**VOTES AND PROCEEDINGS  
OF THE  
LEGISLATIVE ASSEMBLY**

**SESSION 1999–2002**

**VOLUME 2**

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# LEGISLATIVE ASSEMBLY OF VICTORIA

## VOTES AND PROCEEDINGS Nos 1, 2 and 3

### No 1 — Wednesday 3 November 1999

The Parliament of Victoria begun and held at the City of Melbourne on Wednesday the third day of November, in the forty-eighth year of the Reign of Her Majesty Queen Elizabeth the Second; and in the year of Our Lord One thousand nine hundred and ninety-nine.

- 1 On which day, being the first day of the meeting of this Parliament, for the despatch of business, pursuant to Proclamation (hereinafter set forth), Raymond William Purdey, Clerk of the Legislative Assembly, Marcus Leonard Bromley, Deputy Clerk and Geoffrey Herbert Westcott, Assistant Clerk and Clerk of Committees, attending in the House, the said Proclamation was read at the Table by the Clerk:

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

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#### PROCLAMATION

I, Sir James Gobbo, AC, Governor of the State of Victoria, acting under section 8 and 20 of the *Constitution Act 1975* and all other powers vested in me, fix 3 November 1999 at 11.00 am as the time for the commencement and holding of the First session of the Fifty-fourth Parliament of Victoria for the dispatch of business, at the Parliament Houses, Melbourne. The Honourable the Members of the Legislative Council and the Members of the Legislative Assembly are required to attend at that time and place.

Given under my Hand and the Seal of the State of Victoria, at Melbourne this 7<sup>th</sup> day of October 1999.

(L.S.)

JAMES GOBBO  
Governor

By His Excellency's Command

J G KENNETT

Premier

- 2 **MESSAGE FROM COMMISSIONERS** — The following message from the Commissioners appointed by His Excellency the Governor to open the Parliament was delivered by the Usher of the Black Rod:

#### MEMBERS OF THE LEGISLATIVE ASSEMBLY:

The Commissioners from His Excellency the Governor 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.

Accordingly, the Members of the Legislative Assembly went to the Legislative Council Chamber, where the Honourable Mr Justice John Harber Phillips 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 a Commission to issue under the Seal of the State constituting us his Commissioners to do in his name all that is necessary to be performed in this Parliament. This will more fully appear from the Commission which will now be read by the Clerk.

Then the said Commission was read and is as follows:

BY HIS EXCELLENCY THE HONOURABLE SIR JAMES GOBBO, AC  
GOVERNOR OF VICTORIA

TO THE HONOURABLE MR JUSTICE JOHN HARBER PHILLIPS, AC  
CHIEF JUSTICE OF VICTORIA

AND

THE HONOURABLE MR JUSTICE JOHN SPENCE WINNEKE, AO  
PRESIDENT OF THE COURT OF APPEAL.

GREETING:

Acting under all available powers and with the consent of the Premier, I commission each of you, on my behalf, to begin the first session of the Fifty-fourth Parliament at 11.00 am in the morning on Wednesday the third day of November 1999 and to do all other things that it is necessary or usual for me to do on the opening of a new Parliament.

Given under my hand and the seal of Victoria on the 1<sup>st</sup> day of November 1999

(L.S.)

JAMES GOBBO  
Governor

By His Excellency's Command

STEVE BRACKS  
Premier

And 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 Speaker of the Legislative Assembly be chosen, His Excellency requests that the Legislative Assembly will proceed to the choice of a proper person to be such Speaker.

And the Members of the Assembly being returned —

- 3 **COMMISSION TO ADMINISTER OATH OR AFFIRMATION TO MEMBERS** — The Honourable Mr Justice Winneke, having entered the House and been conducted by the Serjeant-at-Arms to the Chair, handed to the Clerk at the Table a Commission, which was read as follows:

BY HIS EXCELLENCY THE HONOURABLE SIR JAMES GOBBO, AC  
GOVERNOR OF VICTORIA  
TO THE HONOURABLE MR JUSTICE JOHN SPENCE WINNEKE, AO  
PRESIDENT OF THE COURT OF APPEAL

GREETING:

Acting under section 23 of the *Constitution Act 1975* I authorise you, in the Parliament Houses, Melbourne, on this third day of November 1999, to administer the prescribed Oath or Affirmation of allegiance to Members of the Legislative Assembly.

Given under my hand and the seal of Victoria on this 1<sup>st</sup> day of November 1999

(L.S.)

JAMES GOBBO  
Governor

By His Excellency's Command

STEVE BRACKS  
Premier

- 4 WRITS — The Clerk announced that two Writs issued under the hand of His Excellency the Governor on 24 August 1999 and 21 September 1999 for the election of Members to serve in the Legislative Assembly of Victoria had been received from His Excellency, and that by the returns endorsed on the Writs it appeared that the following Members were duly elected for the districts set opposite their respective names, viz:

Albert Park	Johnstone William Thwaites
Altona	Lynne Janice Kosky
Ballarat East	Geoffrey Kemp Howard
Ballarat West	Karen Marie Overington
Bayswater	Gordon Wetzel Ashley
Bellarine	Garry Howard Spry
Benalla	Patrick John McNamara
Benambra	Antony Fulton Plowman
Bendigo East	Jacinta Marie Allan
Bendigo West	Robert Graham Cameron
Bennettswood	Ronald Charles Wilson
Bentleigh	Inga Peulich
Berwick	Robert Logan Dean
Box Hill	Robert William Clark
Brighton	Louise Asher
Broadmeadows	John Mansfield Brumby
Bulleen	Nicholas Kotsiras
Bundoora	Sherryl Maree Garbutt
Burwood	Jeffrey Gibb Kennett
Carrum	Jennifer Margaret Lindell
Caulfield	Helen Jean Shardey
Clayton	Hong Muy Lim
Coburg	Carlo Carli
Cranbourne	Gary James Rowe
Dandenong	John Pandazopoulos
Dandenong North	John Johannes Joseph Lenders
Doncaster	Victor John Perton
Dromana	Martin Francis Dixon
Eltham	Wayne Phillips
Essendon	Judith Marilyn Maddigan

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Evelyn	Christine Ann Fyffe
Footscray	Bruce Allan Mildenhall
Forest Hill	John Ingles Richardson
Frankston	Andrea Lea McCall
Frankston East	Matthew Shaw Viney
Geelong	Ian Douglas Trezise
Geelong North	Peter James Loney
Gippsland East	Craig Ingram
Gippsland South	Peter Julian Ryan
Gippsland West	Susan Margaret Davies
Gisborne	Joanne Therese Duncan
Glen Waverley	Ernest Ross Smith
Hawthorn	Edward Norman Baillieu
Ivanhoe	Craig Anthony Cuffe Langdon
Keilor	George Seitz
Kew	Andrew John McIntosh
Knox	Hurtle Reginald Lupton
Malvern	Robert Keith Bennett Doyle
Melbourne	Bronwyn Jane Pike
Melton	Donato Antonio Nardella
Mildura	Russell Irwin Savage
Mill Park	Alex Andrianopoulos
Mitcham	Anthony Gerard Peter Robinson
Monbulk	Stephen James McArthur
Mooroolbark	Lorraine Clare Elliott
Mordialloc	Geoffrey Graeme Leigh
Mornington	Robert Fitzgerald Cooper
Morwell	Keith Graeme Hamilton
Murray Valley	Kenneth Stephen Jasper
Narracan	Ian John Maxfield
Niddrie	Rob Justin Hulls
Northcote	Mary Elizabeth Delahunty
Oakleigh	Ann Patricia Barker
Pakenham	Robert Roy Cameron Maclellan
Pascoe Vale	Christine Mary Campbell
Polwarth	Terence Wynn Mulder
Portland	Denis Vincent Napthine
Prahran	Leonie Therese Burke
Preston	Michael Andrew Leighton
Richmond	Richard William Wynne
Ripon	Jochen Helper
Rodney	Noel John Maughan
Sandringham	Murray Hamilton RossThompson
Seymour	Benedict Paul Hardman
Shepparton	Donald Kilgour
South Barwon	Alister Irvine Paterson
Springvale	Timothy James Holding
Sunshine	Telmo Languiller
Swan Hill	Barry Edward Hector Steggall
Thomastown	Peter Batchelor
Tullamarine	Elizabeth Jean Beattie
Wantirna	Kimberley Arthur Wells
Warrandyte	Phillip Neville Honeywood

Warrnambool  
 Werribee  
 Williamstown  
 Wimmera  
 Yan Yean

John Adrian Vogels  
 Mary Jane Gillett  
 Stephen Philip Bracks  
 Hugh Francis Delahunty  
 Andre Haermeyer

- 5 **MEMBERS SWORN** — The members whose names are aforementioned took and subscribed the Oath or Affirmation as required by law, except Jeffrey Gibb Kennett (who was not then present).

The Commissioner then retired from the House.

- 6 **ELECTION OF SPEAKER** — Mr Batchelor, addressing himself to the Clerk, proposed to the House for their Speaker, Alex Andrianopoulos, and moved, That Alex Andrianopoulos do take the Chair of this House as Speaker, which motion was seconded by Mr Thwaites.

Mr Andrianopoulos accepted nomination.

And no other member being proposed, the Clerk thereupon declared that Alex Andrianopoulos had been duly elected as Speaker.

Mr Andrianopoulos was then taken out of his place by Mr Batchelor and Mr Thwaites and conducted to the Chair, where, standing upon the upper step, he returned his acknowledgment to the House for the great honour it had been pleased to confer upon him by choosing him to be its Speaker, and thereupon he sat down in the Chair; and then the Mace (which before lay under the Table) was laid upon the Table.

Then Mr Bracks, Dr Naphthine, Mr McNamara, and Mr Cooper congratulated the Speaker.

- 7 **THE SPEAKER** left the Chair at 11.55 am and resumed the Chair at 2.31 pm and read the Prayer.

- 8 **PRESENTATION OF THE SPEAKER** — The Speaker reported that he had, that day, proceeded to the Library, Parliament House, and that he had presented himself to His Excellency the Governor as the choice of the Legislative Assembly, and that His Excellency had been pleased to address him in the following terms:

Mr Speaker,

I have pleasure in congratulating you on your election to the high and important office of Speaker of the Legislative Assembly.

The able manner in which you have discharged the duties you have undertaken during your parliamentary career is recognised by members of the Legislative Assembly who in their wisdom have selected you as Speaker.

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

JAMES GOBBO  
 Governor of Victoria

Melbourne 3 November 1999

- 9 **MESSAGE FROM HIS EXCELLENCY THE GOVERNOR** — The following message was delivered by the Usher of the Black Rod:

Mr Speaker:

His Excellency the Governor desires the immediate attendance of the Members of the Legislative Assembly in the Legislative Council Chamber.



Accordingly, the Speaker with the House went to attend His Excellency — And having returned —

[The Speaker left the Chair at 3.10 pm and resumed the Chair at 5.07 pm]

- 10 **RESIGNATION OF SEAT** — The Speaker announced that he had this day received the following letter of resignation from the Honourable Member for Burwood:

3 November 1999

Dear Mr Speaker

I wish to inform you of my decision to retire from the Victorian Parliament effective from today's date, Wednesday 3<sup>rd</sup> November 1999.

This has been a very difficult decision after 23 years of Parliamentary service, while representing the citizens of my electoral district of Burwood.

My decision follows a long tradition by former Liberal Premiers Bolte, Hamer and Thompson, who on identifying their successors, immediately retired from the Parliament.

I believe there is merit in that tradition being continued.

It has been a great honour to have served as a Victorian Parliamentarian.

I leave having served in many positions within the Parliament, the last seven years as Premier of this great State.

I remain very proud of the new Victoria that we have all created, and hope that the confidence, quality and growth that now exists continues into the future.

To the staff of the Parliament, my electorate assistant Sue Green, my personal staff while in office, and the wonderful members of the Victorian Public Service, I thank them for their friendship, professionalism and service over many years.

To my Liberal colleagues, former and present, I thank them for the faith they placed in me to lead the Party for the best part of 16 years.

To all Parliamentarians, I wish you the very best in your deliberations on behalf of the people of Victoria.

I leave you enormously proud of our achievements over the years, but prouder still of the State of Victoria and its people.

I remain convinced there is no greater service than public service.

For now, have a good day.

Regards,

JEFF KENNETT

- 11 **DEATHS OF WILLIAM LAURENCE FLOYD, GORDON FRANCIS STIRLING AND FREDERICK PETER McLELLAN** — Motion made and question —

- 1 That this House expresses its sincere sorrow at the death of William Laurence Floyd, 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 Williamstown from 1955 to 1973.
- 2 That this House expresses its sincere sorrow at the death of Gordon Francis Stirling, 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 Williamstown from 1973 to 1988.

- 3 That this House expresses its sincere sorrow at the death of Frederick Peter McLellan, 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 Frankston East from 1992 to 1999.

(*Mr Bracks*) – put, after the Speaker and other Honourable Members had addressed the House in support of the motions and, Honourable Members rising in their places to signify their assent, agreed to unanimously.

- 12 **ADJOURNMENT** – Motion made and question – That, as a further mark of respect to the memories of the late Gordon Francis Stirling, Frederick Peter McLellan and William Laurence Floyd, the House do now adjourn until 10.15 pm this day (*Mr Bracks*) – put and agreed to.

And the House, at 9.20 pm adjourned until 10.15 pm this day.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

## No 2 – Wednesday 3 November 1999

(10.15 PM)

- 1 The House met pursuant to adjournment – The Speaker took the Chair.
- 2 **COMMISSION TO ADMINISTER OATH OR AFFIRMATION TO MEMBERS** –  
The Speaker announced that he had received from His Excellency the Governor the following Commission:

BY HIS EXCELLENCY THE HONOURABLE SIR JAMES GOBBO, AC  
GOVERNOR OF VICTORIA –

TO THE HONOURABLE ALEX ANDRIANOPOULOS, SPEAKER OF THE LEGISLATIVE  
ASSEMBLY 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 Assembly who has not already taken and subscribed the same since his or her election to the Legislative Assembly.

Given under my hand and the seal of Victoria on this third day of November 1999

(L. S.)

SIR JAMES GOBBO  
Governor

By His Excellency's Command,  
STEVE BRACKS  
Premier

- 3 **QUESTIONS** – (Pursuant to Standing Order No 124).

#### 4 PAPERS –

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** – Motion made, by leave, and question – That there be presented to this House a copy of the Public Accounts and Estimates Committee's Review of the Report on the Performance Audit of the Victorian Auditor-General's Office – June 1999 (*Mr Batchelor*) – put and agreed to.

The said report was presented by Mr Batchelor and ordered to lie on the Table and to be printed.

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** – Motion made, by leave, and question – That there be presented to this House a copy of the Public Accounts and Estimates Committee's Review of the Auditor-General's Reports Nos 39 to 41 – June 1999 (*Mr Batchelor*) – put and agreed to.

The said report was presented by Mr Batchelor and ordered to lie on the Table and to be printed.

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** – Motion made, by leave, and question – That there be presented to this House a copy of an Interim Report from the Public Accounts and Estimates Committee of the Inquiry into Environmental Accounting and Reporting – June 1999, together with minutes of evidence (*Mr Batchelor*) – put and agreed to.

The said report and minutes of evidence were presented by Mr Batchelor and ordered to lie on the Table and the report to be printed.

**ROAD SAFETY COMMITTEE** – Motion made, by leave, and question – That there be presented to this House a copy of the Report of the Road Safety Committee's Inquiry into the Incidence and Prevention of Pedestrian Accidents – June 1999, together with minutes of evidence (*Mr Richardson*) – put and agreed to.

The said report and minutes of evidence were presented by Mr Richardson and ordered to lie on the Table and the report to be printed.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** – Motion made, by leave, and question – That there be presented to this House a copy of the Report of the Scrutiny of Acts and Regulations Committee upon Redundant and Unclear Legislation concerning a review of the *Unlawful Assemblies and Processions Act 1958* – May 1999, together with minutes of evidence (*Mr Batchelor*) – put and agreed to.

The said report and minutes of evidence were presented by Mr Batchelor and ordered to lie on the Table and the report to be printed.

#### 5 PAPERS PURSUANT TO STATUTE –

The Speaker presented:

BLF (De-recognition) Act 1985 – Forty-fourth report of the Custodian.

Ordered to lie on the Table and to be printed.

The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

A.C.N. 065 325 206 Ltd (Formerly Ecogen Energy Ltd) – Report for the period 1 July 1998 to 29 June 1999

Adult, Community and Further Education Board – Report for the year 1998-99

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- Aluminium Smelters of Victoria Pty Ltd – Report for the period 1 July 1998 to 21 August 1998
- Anti-Cancer Council – Report for the year 1998
- Architects Registration Board of Victoria – Report for the year 1998–99
- Audit Victoria – Report for the year 1998–99
- Australian Grand Prix Corporation – Report for the year 1998–99
- Australian Power Exchange Pty Ltd – Report for the period 1 July 1998 to 31 March 1999
- Board of Studies – Report for the year 1998–99
- Building Control Commission – Report for the year 1998–99
- Cinemia Corporation – Report for the year 1998–99
- Constitution Act Amendment Act 1958 – Statement of functions conferred by the Electoral Commissioner, dated 10 August 1999
- Country Fire Authority – Report for the year 1998–99
- Docklands Authority – Report for the year 1998–99
- Drugs, Poisons and Controlled Substances Act 1981 – Documents pursuant to s 12H – Poisons Code:
- Amendment Nos 3 and 4 to the Standard for the Uniform Scheduling of Drugs and Poisons No 13
  - Notices regarding the amendments, commencement and availability of the Poisons Code
- Education Department – Report for the year 1998–99
- Emerald Tourist Railway Board – Report for the year 1998–99
- Emergency Services Superannuation Scheme – Report for the year 1998–99
- Environment Protection Act 1970:
- Order varying State Environment Protection Policy (Waters of Victoria) (*Government Gazette No S89, 22 June 1999*)
  - Order declaring Industrial Waste Management Policy (Waste Acid Sulfate Soils) (*Government Gazette No S125, 18 August 1999*)
- Financial Management Act 1994:
- Reports from the Minister for Conservation and Land Management that she had received the 1997–98 Annual Reports of the:
- Central Murray Regional Waste Management Group
  - Eastern Regional Waste Management Group
  - Goulburn Valley Regional Waste Management Group
  - North East Victorian Regional Waste Management Group
- Reports from the Minister for Conservation and Land Management that she had received the 1997–98 Audit Reports of the:
- Desert Fringe Victorian Regional Waste Management Group
  - Eastern Regional Waste Management Group
  - Highlands Regional Waste Management Group
  - Mildura Regional Waste Management Group
  - Mornington Peninsula Regional Waste Management Group

Report from the Minister for Finance and Assistant Treasurer that he had not received – (a) the Financial Statement for the year 1998-99, together with the audit report of the Auditor-General; and (b) the following 1998-99 Annual Reports, together with notification of the reasons for the delays:

*Department of Human Services*

Department of Human Services  
 Advanced Dental Technicians Qualifications Board  
 Chiropractors Registration Board  
 Dental Technicians Licensing Committee  
 Infertility Treatment Authority  
 Mental Health Review Board of Victoria  
 Nurses Board of Victoria  
 Optometrists Registration Board  
 Pharmacy Board of Victoria  
 Physiotherapists Registration Board of Victoria  
 Podiatrists Registration Board of Victoria  
 Psychologists Registration Board of Victoria  
 Victorian Health Promotion Foundation  
 Health Computing Service Victoria Ltd  
 Healthit Limited  
 Ambulance Officers' Training Centre  
 Alexandra and District Ambulance Service  
 Ambulance Service Victoria  
 Metropolitan Ambulance Service  
 Alexandra District Hospital  
 Austin and Repatriation Medical Centre  
 Alpine Health  
 Bairnsdale Regional Health Service  
 Ballarat Health Services  
 Barwon Health  
 Beaufort and Skipton Health Service  
 Beechworth Hospital  
 Benalla and District Memorial Hospital  
 Bendigo Healthcare Group  
 Bethlehem Hospital Incorporated  
 Boort District Hospital  
 Caritas Christi Hospice Ltd  
 Casterton Memorial Hospital  
 Central Wellington Health Service  
 Cobram District Hospital  
 Cohuna District Hospital  
 Colac Community Health Services  
 Coleraine and District Hospital  
 Corangamite Regional Hospital Services  
 Dental Health Services Victoria  
 Djerrivarrah Health Services  
 Dunmunkle Health Services  
 East Grampians Health Services  
 Echuca Regional Health  
 Edenhope and District Memorial Hospital  
 Far East Gippsland Health and Support Service  
 Gippsland Southern Health Service

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Goulburn Valley Health  
Hepburn Health Service  
Hesse Rural Health Service  
Heywood and District Memorial Hospital  
Inglewood Hospital  
Inner and Eastern Health Care Network  
Kerang and District Hospital  
Kilmore and District Hospital  
Koowerup Regional Health Service  
Kyabram and District Memorial Community Hospital  
Kyneton District Health Service  
Latrobe Regional Hospital  
Lorne Community Hospital  
Maffra District Hospital  
Maldon Hospital  
Mallee Track Health and Community Service  
Manangatang and District Hospital  
Mansfield District Hospital  
McIvor Health and Community Services  
Mercy Public Hospitals Incorporated  
Mildura Base Hospital  
Mt Alexander Hospital  
Nathalia District Hospital  
North Western Health Care Network  
Numurkah District Health Service  
O'Connell Family Centre (Grey Sisters)  
Omeo District Hospital  
Otway Health and Community Services  
Peninsula Health Care Network  
Port Fairy Hospital  
Portland and District Hospital  
Queen Elizabeth Centre, The  
Robinvale District Hospital and Health Services  
Rochester and Elmore District Health Service  
Seymour District Memorial Hospital  
South Gippsland Hospital  
Southern Health Care Network  
St Vincent's Hospital (Melbourne) Ltd  
Stawell District Hospital  
Swan Hill District Hospital  
Tallangatta Hospital  
Terang and Mortlake Health Service  
Timboon and District Healthcare Service  
Tweddle Child and Family Health Service  
Upper Murray Health and Community Services  
Wangaratta District Base Hospital  
Warracknabeal District Hospital  
Warrnambool and District Base Hospital  
West Gippsland Healthcare Group  
Western District Health Service  
Wimmera Health Care Group  
Wodonga Regional Health Service  
Women's and Children's Health Care Network

Wonthaggi and District Hospital  
 Wycheproof and District Health Service  
 Yarram District Health Service  
 Yarrawonga District Hospital  
 Yea and District Memorial Hospital

*Portfolio - Department of Infrastructure*

Met Train 1 (formerly Bayside Trains)  
 Met Tram 1 (formerly Swanston Trams)  
 Met Tram 2 (formerly Yarra Trams)  
 V/Line Freight Corporation  
 V/Line Passenger Corporation

*Portfolio - Justice*

Department of Justice  
 Equal Opportunity Commission  
 Legal Ombudsman  
 Legal Practice Board  
 Office of Public Prosecutions  
 Public Advocate, Office of the  
 Victorian Legal Aid  
 Victorian Electoral Commission  
 Victorian Institute of Forensic Medicine  
 Queen Victoria Women's Centre Trust  
 Police Board of Victoria  
 Victoria Police

*Portfolio - Natural Resources and Environment*

Agriculture Victoria Services Pty Ltd  
 Alpine Resorts Co-ordinating Council  
 Australian Food Industry Science Centre  
 Bairnsdale Regional Waste Management Group  
 Barwon Region Water Authority  
 Casey's Weir and Major Creek Rural Water Authority  
 Catchment Management Council  
 Central Gippsland Region Water Authority  
 Central Highlands Region Water Authority  
 Coliban Region Water Authority  
 Corangamite Catchment Management Board  
 East Gippsland Catchment Management Authority  
 East Gippsland Region Water Authority  
 Eastern Regional Waste Management Group  
 EcoRecycle Victoria  
 Emu Industry Development Committee  
 Energy Efficiency Victoria (Renewable Energy)  
 Environment Conservation Council  
 Environment Protection Authority  
 Falls Creek Alpine Resort Management Board  
 First Mildura Irrigation Trust  
 Gippsland and Southern Rural Water Authority  
 Glenelg Region Water Authority  
 Glenelg-Hopkins Catchment Management Authority  
 Goulburn Broken Catchment Management Authority  
 Goulburn Valley Region Water Authority

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Goulburn-Murray Rural Water Authority  
Grampians Region Water Authority  
Lake Mountain Alpine Resort Management Board  
Lower Murray Region Water Authority  
Mallee Catchment Management Authority  
Melbourne Parks and Waterways  
Mt Baw Baw Alpine Resort Management Board  
Mt Buller Alpine Resort Management Board  
Mt Hotham Alpine Resort Management Board  
Mt Stirling Alpine Resort Management Board  
Murray Valley Citrus Marketing Board  
Murray Valley Wine Grape Industry Development Committee  
National Parks Advisory Council  
North Central Catchment Management Authority  
North East Catchment Management Authority  
North East Region Water Authority  
Northern Regional Waste Management Group  
Northern Victorian Fresh Tomato Industry Development Committee  
Parks Victoria  
Phillip Island Nature Park Board of Management  
Portland Coast Region Water Authority  
Royal Botanic Gardens  
South Eastern Regional Waste Management Group  
South Gippsland Region Water Authority  
South West Water Authority  
Sunraysia Rural Water Authority  
Trust for Nature  
Veterinary Practitioners Registration Board of Victoria (1998)  
Victorian Broiler Industry Negotiating Committee  
Victorian Dairy Industry Authority  
Victorian Strawberry Industry Development Committee  
Waste Management Council  
Water Training Centre  
West Gippsland Catchment Management Authority  
Western Region Water Authority  
Western Regional Waste Management Group  
Westernport Region Water Authority  
Wimmera Catchment Management Authority  
Wimmera-Mallee Rural Water Authority  
Yarra Bend Park Trust

*Portfolio - Premier and Cabinet*

Department of Premier and Cabinet  
Council of Trustees of the National Gallery of Victoria  
Office of Public Employment  
Office of the Ombudsman  
Victorian Arts Centre Trust  
Victorian Multicultural Commission  
Victorian Relief Committee

*Portfolio - Treasury and Finance*

Department of Treasury and Finance  
Chief Electrical Inspector, Office of the  
Gascor Holdings No. 3 Pty Ltd



Local Authorities Superannuation Board  
 Office of the Regulator-General  
 South East Medical Complex Ltd  
 State Trustees Limited  
 Transmission Pipelines Australia (Holdings) Pty Ltd  
 Transport Accident Commission  
 Victorian Plantations Corporation  
 Victorian Superannuation Board  
 Western Underground Gas Storage (WUGS Pty Ltd)

Report from the Minister for Health that he had received the Report for the 11 month period ended 30 November 1998 of the Chiropodists Registration Board

Report from the Minister for Health that he had received the Report for the year ended 30 September 1998 of the Dental Board

Fisheries Co-Management Council – Report for the year 1998–99

Gascor Pty Ltd – Report for the year 1998–99

Gascor Holdings No 1 Pty Ltd – Financial Statements for the period 1 July 1998 to 30 March 1999

Gascor Holdings No 2 Pty Ltd – Financial Statements for the period 1 July 1998 to 24 February 1999

Gasmart (Vic) Pty Ltd – Report for the period 1 July 1998 to 31 March 1999

Gas Release Co Pty Ltd – Report for the year 1998–99

Gas Safety Office – Report for the year 1998–99

Gas Services Business Pty Ltd – Report for the year 1998–99

Gas Transmission Corporation – Report for the year 1998–99

Generation Victoria (Ecogen Energy) – Financial Statements for the year 1998–99

Geelong Performing Arts Centre Trust – Report for the year 1998–99

Greyhound Racing Control Board – Report for the year 1998–99

Harness Racing Board – Report for the year 1998–99

Hastings Port (Holding) Corporation – Report for the year 1998–99

Heritage Council – Report for the year 1998–99

Infrastructure Department – Report for the year 1998–99

Interpretation of Legislation Act 1984:

Notice under s 32(3)(a)(iii) in relation to Statutory Rule No 87 (*Government Gazette No G30, 29 July 1999*)

Notice under s 32(4)(a)(iii) in relation to an Order varying State Environment Protection Policy (Waters of Victoria) (*Government Gazette No G34, 26 August 1999*)

Notice under s 32(4)(a)(iii) in relation to Amendment No 4 of the Building Code of Australia 1996 (*Government Gazette No G42, 21 October 1999*)

Legal Practitioners Liability Committee – Report for the year 1998–99

Library Board of Victoria – Report for the year 1998–99

Liquor Licensing Commission – Report for period 1 July 1998 to 17 February 1999

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- Longford Royal Commission (Report) Act 1999 – Report of the Longford Royal Commission – The Esso Longford Gas Plant Accident
- Loy Yang B Power Station Pty Ltd – Report for the year 1998–99
- Marine Board of Victoria – Report for the year 1998–99
- Melbourne City Link Act 1995 – Notification from the Minister for Planning and Local Government of the following Agreements and Statements of Variation which amend the Melbourne City Link Agreement:
- Sixth Amending Deed (dated 20 July 1999)
  - Seventh Amending Deed (dated 5 August 1999)
  - Eighth Amending Deed (dated 12 August 1999)
  - City Link and Extension Projects Integration and Facilitation Agreement Second Amending Deed (20 July 1999)
  - Statement of Variation No 4/1999: Changes to the Project Scope and Technical Requirements, Request for Change No 4 (RevA)
  - Statement of Variation No 5/1999: Changes to the Project Scope and Technical Requirements, request for Change No 7 (RevA)
  - Statement of Variation No 6/1999: Changes to the Project Scope and Technical Requirements, Request for Change No 8
  - Statement of Variation No 7/1999: Changes to the Project Scope and Technical Requirements, Request for Change No 9
  - Statement of Variation No 8/1999: Changes to the Project Scope and Technical Requirements, Request for Change No 10
- Orders pursuant to s 8(4) increasing the Project Area (two orders)
- Melbourne City Link Authority – Report for the year 1998–99
- Melbourne Convention and Exhibition Trust – Report for the year 1998–99
- Melbourne Market Authority – Report for the year 1998–99 (two papers)
- Melbourne Port Corporation – Report for the year 1998–99 (two papers)
- Melbourne Water Corporation – Report for the year 1998–99
- Members of Parliament (Register of Interests) Act 1978:
- Summary of Returns June 1999 and Summary of Variation Notified between 27 May and 30 September 1999 – Ordered to be printed
  - Cumulative Summary of Returns September 1999 – Ordered to be printed
- MET TRAIN 2 (formerly Hillside Trains) – Report for the year 1998–99
- Metropolitan Fire and Emergency Services Board – Report for the year 1998–99
- Museums Board of Victoria – Report for the year 1998–99
- National Power Exchange Pty Ltd – Financial Statement for the period 1 July 1998 to 31 March 1999
- Natural Resources and Environment Department – Report for the year 1998–99 (two papers)
- Overseas Projects Corporation of Victoria Ltd – Report for the year 1998–99
- Parliamentary Committees Act 1968 – Response of the Minister for Finance on action taken with respect to the recommendations made by the Public Accounts and Estimates Committee’s Report on the Information Technology and the Year 2000 Problem – Is the Victorian Public Sector Ready?
- Parliamentary Contributory Superannuation Fund – Report for the year 1998–99

Parliamentary Officers Act 1975:

Statement of Appointments and Alterations of Classifications during the year 1998-99 in the:

Department of the Legislative Council  
 Department of the Legislative Assembly  
 Department of the Parliamentary Library  
 Department of the Parliamentary Services  
 Department of the Parliamentary Debates

Statement of Persons Temporarily Employed during the year 1998-99 in the:

Department of the Legislative Council  
 Department of the Legislative Assembly  
 Department of the Parliamentary Library  
 Department of the Parliamentary Services  
 Department of the Parliamentary Debates

Planning and Environment Act 1987:

Notices of approval of the following new Planning Schemes:

Alpine Planning Scheme  
 Banyule Planning Scheme  
 Brimbank Planning Scheme  
 Cardinia Planning Scheme  
 Casey Planning Scheme  
 Colac Otway Planning Scheme  
 Corangamite Planning Scheme  
 Delatite Planning Scheme  
 East Gippsland Planning Scheme  
 Gannawarra Planning Scheme  
 Glen Eira Planning Scheme  
 Greater Shepparton Planning Scheme  
 Melton Planning Scheme  
 Moira Planning Scheme  
 Mount Alexander Planning Scheme  
 Southern Grampians Planning Scheme  
 Strathbogie Planning Scheme  
 Swan Hill Planning Scheme  
 Towong Planning Scheme  
 Whitehorse Planning Scheme  
 Whittlesea Planning Scheme  
 Wodonga Planning Scheme

Notices of approval of amendments to the following Planning Schemes:

All Planning Schemes – Nos S82, S83  
 Alpine Resorts Planning Scheme – No C3  
 Ararat Planning Scheme – No L5  
 Avon Planning Scheme No – L12  
 Bacchus Marsh Planning Scheme – No L59  
 Bairnsdale (Shire) Planning Scheme – No L63  
 Ballan Planning Scheme – Nos L19, L20  
 Ballarat Planning Scheme – Nos C2, C3, C6, C18  
 Banyule Planning Scheme – Nos C2, L28  
 Bayside Planning Scheme – No L22  
 Belfast Planning Scheme – No L17  
 Berwick Planning Scheme – Nos L134, L144

Boroondara Planning Scheme — Nos L42, L47, L53, L54, L59, L61, L63, L64  
Brimbank Planning Scheme — No C2, L46, L68, L70  
Campaspe Planning Scheme — No C5  
Cardinia Planning Scheme — No C1  
Cranbourne Planning Scheme — No L216  
Darebin Planning Scheme — Nos L60, L62, L66, L70, L72, L73, L74, L75  
Doncaster and Templestowe Planning Scheme — Nos L141, L142  
Frankston Planning Scheme — Nos L105, L109, L115, L116  
Glen Eira Planning Scheme — No L37  
Glenelg Planning Scheme — No C1  
Greater Bendigo Planning Scheme — Nos L81, L87  
Greater Dandenong Planning Scheme — No C3  
Greater Geelong Planning Scheme — No R236, R246, RL185, RL237  
Hobsons Bay Planning Scheme — No L15  
Hume Planning Scheme — No L57  
Indigo Planning Scheme — No C2  
Kingston Planning Scheme — Nos L50, L51, L53  
Knox Planning Scheme — Nos L156, L183, L185, L187  
Maribyrnong Planning Scheme — No L38  
Maroondah Planning Scheme — Nos L32, L37  
Melbourne Planning Scheme — Nos C3, C4, C5, C6, C7, C9  
Mildura (Shire) Planning Scheme — No L48  
Moe Planning Scheme — Nos L48, L49  
Moirra Planning Scheme — Nos C1, L30  
Monash Planning Scheme — No L54  
Moonee Valley Planning Scheme — Nos C2, C3, C6  
Moreland Planning Scheme — Nos L64, L65  
Mornington Peninsula Planning Scheme — Nos C1, C2  
Mount Alexander Planning Scheme — No C2  
Murrindindi Planning Scheme — No C2  
Nillumbik Planning Scheme — Nos L20, L24, L25  
Pakenham Planning Scheme — No L172  
Phillip Island Planning Scheme — No L78  
Port of Melbourne Planning Scheme — No L31  
Port Phillip Planning Scheme — No C9  
Rosedale Planning Scheme — No L53  
Shepparton City Planning Scheme — No L63  
Sherbrooke Planning Scheme — No L139  
Stawell (City) Planning Scheme — No L34  
Stonnington Planning Scheme — Nos L39, L47 Part A, L48, L49, L50, L52, L53, L55,  
L78, L81, L83, L84, L91, L92  
Surf Coast Planning Scheme — Nos L57, R55, R58  
Swan Hill Shire Planning Scheme — No L26  
Victoria Planning Provisions — No VC7  
Warmambool Planning Scheme — No C1  
Whitehorse Planning Scheme — Nos C1, C5  
Woorayl Planning Scheme — No L60  
Yarra Planning Scheme — Nos C1, C5, C7  
Yarra Ranges Planning Scheme — Nos L100, L105, L108, L111

Plumbing Industry Board — Report for the period 1 July 1998 to 31 December 1998

Plumbing Industry Commission — Report for the period 1 January 1999 to 30 June 1999

Police Review Commission — Report for the year 1998–99

Prevention of Cruelty to Animals Act 1986:

- Australian Code of Practice for the Care and Use of Animals for Scientific Purposes
- Code of Practice for the Land Transport of Horses (Victoria)
- Code of Practice for the Land Transport of Poultry (Victoria)
- Code of Practice for the Land Transport of Pigs (Victoria)
- Variation of the Code of Accepted Farming Practice for the Welfare of Livestock — Transport of Livestock (1985)

Public Record Office — Report for the year 1998–99

Public Transport Corporation — Report for the year 1998–99

Quiet Life Limited — Report for the year 1998–99

Renewable Energy Authority Victoria — Report for the year 1998–99

Roads Corporation (VicRoads) — Report for the year 1998–99

Royal Botanic Gardens Board — Report for the year 1998–99 (two papers)

Rural Finance Corporation of Victoria — Report for the year 1998–99

South East Water Limited — Report for the year 1998–99

Stamps Act 1958 — Report of exemptions approved and refunds made pursuant to s 137R for the year 1998–99

State Development Department — Report for the year 1998–99

State Electricity Commission of Victoria — Report for the year 1998–99

State Training Board — Report for the year 1998–99

Statutory Rules under the following Acts:

- Accident Compensation Act 1985 — SR No 91
- Building Act 1993 — SR No 74
- County Court Act 1958 — SR Nos 78, 79, 114
- Country Fire Authority Act 1958 — SR No 92
- Credit (Administration) Act 1984 — SR No 105
- Crimes Act 1958 — SR Nos 70, 113
- Docklands Authority Act 1991 — SR Nos 73
- Drugs, Poisons and Controlled Substances Act 1981 — SR No 107
- Fair Trading Act 1999 — SR No 103
- Financial Institutions Duty Act 1982 — SR No 89
- Firearms Act 1996 — SR No 102
- Fisheries Act 1995 — SR Nos 90, 109
- Friendly Societies Act 1996 — SR No 72
- Fundraising Appeals Act 1998 — SR No 83
- Gas Industry Act 1994 — SR Nos 76, 77
- Gas Safety Act 1997 — SR Nos 99, 100
- Health Act 1958 — SR No 108
- Health Services Act 1988 — SR No 95
- Liquor Control Reform Act 1998 — SR No 62
- Local Government Act 1989 — SR No 62
- Magistrates' Court Act 1989 — SR No 97
- Metropolitan Fire Brigades Act 1958 — SR No 68
- Motor Car Traders Act 1986 — SR No 104
- Occupational Health and Safety Act 1985 — SR Nos 84, 94
- Police Regulation Act 1958 — SR No 101
- Public Transport Competition Act 1995 — SR No 60
- Residential Tenancies Act 1997 — SR No 88

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- Road Safety Act 1986 — SR No 59
  - Shop Trading Reform Act 1996 — SR No 62
  - State Superannuation Act 1988 — SR No 63
  - Subordinate Legislation Act 1994 — SR Nos 67, 71, 75, 82, 85, 86, 93, 98, 111, 116, 119
  - Supreme Court Act 1986 — SR Nos 96, 113, 117, 118
  - The Constitution Act Amendment Act 1958 — SR No 62
  - Tobacco Act 1987 — SR Nos 87, 110
  - Transport Accident Act 1986 — SR Nos 64, 65, 66
  - Transport Act 1983 — SR Nos 61, 112
  - Travel Agents Act 1986 — SR No 106
  - Victims of Crime Assistance Act 1996 — SR No 69
  - Victorian Civil and Administrative Tribunal Act 1998 — SR Nos 80, 115
  - Zoological Parks and Gardens Act 1995 — SR No 81
- Subordinate Legislation Act 1994:
- Ministers' exception certificates in relation to Statutory Rule Nos 67, 69, 70, 71, 78, 79, 80, 81, 85, 86, 93, 96, 97, 98, 113, 114, 115, 117, 118, 119
  - Ministers' exemption certificates in relation to Statutory Rule Nos 59, 61, 62, 63, 64, 65, 66, 68, 72, 73, 75, 82, 87, 89, 92, 94, 101, 102, 108, 110
- Terec Limited — Report for the year 1998–99
  - Tourism Victoria — Report for the year 1998–99 (two papers)
  - Treasury Corporation of Victoria — Report for the year 1998–99
  - Tricontinental Holdings Limited — Report for the year 1998
  - Urban Land Corporation — Report for the year 1998–99
  - Vencorp (Victorian Energy Networks Corporation) — Report for the year 1998–99
  - Victims of Crime Assistance Tribunal — Report for the year 1998–99
  - Victoria Grants Commission — Report for the year ended 31 August 1999
  - Victorian Casino and Gaming Authority — Report for the year 1998–99
  - Victorian Channels Authority — Report for the year 1998–99
  - Victorian Civil and Administrative Tribunal — Report for year 1998–99
  - Victorian Coastal Council — Report for the year 1998–99
  - Victorian Electricity Metering Pty Ltd — Report for the year 1998–99
  - Victorian Funds Management Corporation — Report for the year 1998–99
  - Victorian Managed Insurance Authority — Report for the year 1998–99
  - Victorian Meat Authority — Report for the year 1998–99
  - Victorian Medical Consortium Pty Ltd — Report for the year 1998–99
  - Victorian Power Exchange Pty Ltd — Report for the year 1998–99
  - Victorian Rail Track — Report for the year 1998–99
  - Victorian WorkCover Authority — Report for the year 1998–99
  - Young Farmers' Finance Council — Report for the year 1998–99
  - Zoological Parks and Gardens Board — Report for the year 1998–99.

6 **PRIVILEGE BILL — ADMINISTRATION AND PROBATE (STATUTE LAW REVISION) BILL** — Mr Bracks obtained leave, with Mr Thwaites, to bring in a Bill 'to make minor amendments to the *Administration and Probate Act 1958*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.

7 **HIS EXCELLENCY THE GOVERNOR'S SPEECH** — The Speaker reported that the House had, that day, attended His Excellency the Governor in the Legislative Council Chamber, when His Excellency was pleased to make a Speech to both Houses of Parliament, which speech was as follows:

*Mr President and Honourable Members of the Legislative Council:*

*Mr Speaker and Members of the Legislative Assembly*

The general election on 18 September and supplementary election for Frankston East on 16 October resulted in a change of government in Victoria.

The Leader of the Australian Labor Party, Mr Bracks, was offered and given the commission to govern after advising me that he enjoyed the support of two Independent Members of the Legislative Assembly and one Independent Member-elect of the Legislative Assembly, and could form a minority government.

I have called you together today for the first session of the 54th Parliament to deliberate on the policy directions for the term of the new government.

The Australian Labor Party was pleased to enter into a formal memorandum of understanding with the Independent Members for Mildura and Gippsland West, and the Independent Member-elect for Gippsland East, based on their Independents' Charter Victoria 1999.

In his written response to the Charter, Mr Bracks indicated that he supported the Charter in its entirety, and noted that it was his Party's policy to implement the reforms it proposed to revitalise Victoria's democratic institutions, increase community participation in decision making and strengthen the power of key independent watchdogs.

In particular, the five points listed in the Charter formed the basis of the Australian Labor Party's election campaign and policy development process. The majority of Victorians who supported the Australian Labor Party did so on the understanding that they were voting for a government that would:

- promote open and accountable government;
- improve the democratic operation of the Parliament;
- establish clear plans, strategies and targets to address the urgent needs of rural and regional Victoria;
- introduce an improved code of conduct between government and all other Members of the Parliament; and
- defer any further privatisation of public assets or long-term contracting of Government services, until an independent inquiry has assessed experience to date.

The Government's legislative program will sow the seeds of lasting and permanent democratic reform, focussing on the implementation of its program for good government and reform of the Parliament. The Government will also commence implementation of its key commitments in the areas of health, education, community safety and growing the whole of the State together with the community.

The Government's first item of legislation will restore the powers of the Auditor-General by repealing the 1997 Audit (Amendment) Act. The legislation will:

- restore the independence of the Auditor-General to conduct audits in his own right;

- enshrine the independence of the Office of the Auditor-General in the Victorian Constitution;
- increase the recurrent funding of the Office of the Auditor-General; and
- ensure that all future appointments to the office of Auditor-General are made on the recommendation of the joint Parliamentary Public Accounts and Estimates Committee.

The Government's first priority is to restore public confidence in our democratic institutions. The Government believes that Victorians demand and deserve a Government with a real commitment to democratic practice. To this end, the Government will:

- increase access to public documents by amending the Freedom of Information Act;
- restore the independence of the Director of Public Prosecutions and enshrine that office in the Victorian Constitution; and
- abolish compulsory competitive tendering in Local Government.

The process of renewal will extend to the Parliament, and the Government will introduce legislation to reform the Legislative Council.

Should the Legislative Council block the Government's legislation to reform that chamber, the legislation will be referred to the new Victorian Constitutional Commission for consideration of putting a question by way of plebiscite to the Victorian community.

The Government will establish the Victorian Constitutional Commission, made up of eminent persons representative of the community, so that it can begin its work of reviewing the State Constitution.

Further, the Government will act to extend Parliamentary sitting days to a minimum of 50 per year, reform Question Time by providing for a minimum of ten questions, and establish properly resourced Standing Committees to review legislation and the operation of the Executive Government.

These measures reflect the Government's belief that open public debate is vital for a healthy democracy. The Government acknowledges and supports the right of the Parliament and the community to scrutinise the actions of the Executive.

The Government will establish a Royal Commission into the Ambulance/Intergraph issue, including the handling of related Freedom of Information requests.

The new Government is committed to restoring public confidence through a new era of openness and accountability.

It will abolish Ministerial credit cards and introduce tough new guidelines to ensure public servants and statutory office holders do not misuse taxpayers' funds.

The Government will also initiate a review of key government consultancies, make public major government contracts, and commission an Audit Review to provide an assessment of major contracts entered into by the previous government.

The Government believes that Victorians are citizens rather than customers and deserve accountability and decent standards in service delivery.

At the same time, the Government will commence planning for an Essential Services Commission to protect the interests of Victorian consumers of privatised essential services

The Government is committed to ensuring that each of our state's citizens is treated equally — with honesty, dignity and respect.

The Government is especially proud of Victoria's reputation as the nation's multicultural capital and of the bipartisan support multiculturalism has enjoyed throughout many decades.



The Government is confident that through this continuing bi-partisanship Victoria's status as a tolerant, mature, multicultural society will continue to grow and flourish.

The Government is committed to a substantial four year program of reform to reinvigorate the State and restore pride and public confidence in Victoria's school and hospital systems and the quality of services.

The Government will deliver better health, education and community services, and help to build a proud and inclusive community of citizens founded on decency, openness and fairness.

The Government recognises the desire of Victorians to live in a society where all citizens are valued, listened to and respected, and in which all members of the community build the State together and meet its challenges together.

Such a society is not divided into winners and losers. The Government is committed to building the whole State, and not just one part of it. This was the clear wish of the Victorian electorate, particularly those Victorians living in rural and regional communities. The Government believes in a state that grows together, not as a series of competing postcodes.

The Government will act immediately to rebuild our regional and rural communities.

It will introduce legislation to establish a \$170 million Regional Infrastructure Development Fund. The Fund will revive local economies by providing for infrastructure projects in regional and rural Victoria.

The appointment of a Minister for State and Regional Development, to be supported by a new Department of State and Regional Development will strengthen the focus on regional development programs and opportunities. The Office of Rural Affairs will also be upgraded.

The Cabinet will meet regularly in regional and rural Victoria as a "Community Cabinet." The first "Community Cabinet" will be convened during this session.

The Government will also abolish the Catchment Management Authority tariff which many country and regional Victorians see as an unfair impost.

A key priority will be to forge a new partnership with Local Government. The Government believes that participation in grass roots democracy is vital to a fully engaged citizenship, and that control over the future of their streets, suburbs and towns must be restored to local communities. The Government will:

- convene a meeting of Mayors and Shire Presidents from rural and regional Victoria to discuss priority actions to be taken to rejuvenate regional Victoria;
- announce interim height controls on the foreshore, to prevent inappropriate development;
- commence the preparation of guidelines that clearly define the scope and limits of Ministerial intervention in planning matters; and
- hold a major meeting with all Local Councils to establish a new partnership between State and Local Government in planning.

The Government has an innovative transport plan to link the State's regional cities and towns with Melbourne through the provision of affordable and safe transport routes. It will arrange for feasibility studies on a number of major improvements.

Working in partnership with the private sector, the Government will contribute \$20 million for a Rapid Transit Link from Melbourne to the Airport and \$20 million for a fast rail link to Geelong. These initiatives will cut travel times to 15 minutes from the Airport to Melbourne and 45 minutes from Melbourne to Geelong.

The Government will also contribute \$20 million for a fast rail upgrade to Bendigo, aiming for an 80 minute link to Melbourne.

The Government will also contribute \$15 million to upgrade the Traralgon line, and \$25 million for a fast rail link to Ballarat — cutting travel time to under 60 minutes.

For the first time in the State's history, its great provincial cities will be properly connected to Melbourne. These links will ensure that Victoria's provincial cities thrive, attracting new residents and new industries. These links will carry commuters, produce, manufactured goods and exports. By joining our regions and towns to the capital, the Government will help provide the setting for a new economic and social geography for Victoria. It will answer the powerful claim that regional Victoria has made for a fair share of job growth and prosperity.

The Government is committed to driving that new growth and new prosperity beyond Victoria's provincial cities and into all of country Victoria, by contributing \$40 million to the standardisation of the rural freight network from the Regional Infrastructure Development Fund. Standardisation will overcome a problem that has existed since Federation but which has never been adequately addressed.

The Government's measures will ensure that Victoria enters the new century free of the transport and development problems that have held it back for one hundred years. These services will be the new life lines of the State, reinvigorating regional Victoria and renewing Melbourne by taking population pressure off its outer suburbs.

To initiate this process, the Government will:

- announce a review of the performance of transport services that have replaced country passenger services closed since 1992;
- commence discussions with rail companies in relation to the upgrading of major provincial cities to Melbourne rail networks;
- finalise tenders to improve and widen the Geelong Freeway; and
- negotiate with Transurban to address the disadvantages faced by country motorists in relation to Citylink tolls, with the intention of achieving a better deal for them.

The Government will also make roads safer across the State. It will use a one-off dividend of \$240 million from the Transport Accident Commission to fix accident black-spots across the State. A full 50 per cent of that \$240 million will be spent in country Victoria.

Country roads now account for 21 per cent of all road injuries and 40 per cent of all road deaths. Targeting black-spots will both save lives and reduce costs.

The Government recognises that building the whole of the State will require the targeting of struggling suburbs and towns, to realise their full potential.

The Government will provide \$60 million over three years for community infrastructure projects in areas of high unemployment. The objective is to generate 2,600 jobs every year for three years.

The Government will also go into partnership with the private sector to recruit 4,700 new apprentices and trainees and get them into jobs. This represents a four year commitment of \$26.25 million.

In addition, over four years, the Government will subsidise 2,500 disadvantaged and long-term unemployed young people into new training places. The Government rejects the notion of a lost generation and will work instead to ensure that every Victorian is given ample opportunity to participate in the life of the State.

The Government will boost public and community housing by \$90 million over three years, to build 800 housing units and create 1,800 new jobs directly and more than 3,000 new jobs indirectly.

The Government believes in growing the whole of the State and will take immediate action to restore confidence in Victoria. Victoria must create wealth and provide sustained economic growth if it is to prosper. That prosperity must be based on high productivity, a highly skilled workforce, wages that ensure a high standard of living, and international competitiveness.

The key to the Government's approach will be inclusiveness. The Government believes that Victoria is more than an economy — it is a society, and that economic prosperity is not an abstract goal but a social objective. The Government will seek to share the benefits of prosperity among all Victorians.

The Government will develop and implement industry plans in traditional and emerging sectors based on a strategic audit of Victorian industry. It will also establish an Infrastructure Planning Council, a range of Industry Consultative Committees and a Council of Small Business representatives.

The Government's review of the Retail Tenancies Act will focus on its operation and adequacy in protecting small and medium sized retail businesses.

The Government will also consult widely with the dairy industry to develop a dairy industry plan and give all dairy farmers a vote in relation to industry arrangements.

Recognising the importance of information technology in the social and economic life of the State, the Government is committed to making information technology accessible to industry and the community, including regional and rural Victoria.

More generally, the Government will aggressively promote Victoria as an investment opportunity throughout Australia and internationally.

The Government is committed to providing all Victorians with access to a quality education and lifelong learning opportunities.

The Government believes that education is a public right, and favours an education system based on co-operation rather than competition.

The Government will take a new approach to education — giving every Victorian child the best possible start in a world class education system in which every parent, teacher and student can take pride.

The Government will discontinue the Schools of the Third Millennium program.

The Government believes that privatisation of our state school system is incompatible with the needs of Victorian children. It is implacably opposed to the introduction of notions of privilege into state education and strongly committed to a high standard of education for all.

It will cut class sizes to 21 or less for prep, year 1 and year 2, and will employ an extra 650 teachers in its first term.

The Government will commit \$57 million to needy non-government schools, and will put \$10 million a year into school maintenance over three years. It will also provide extra support for smaller rural schools, by introducing shared specialist teacher programs.

The Government will also establish a Post-Compulsory Education Taskforce, expand the VCE and offer students the chance to complete their education at a TAFE College. The Government is committed to linking schools, TAFE Institutes, employers and communities together in a planned approach to post-secondary education and training.

The Government believes that Victorians deserve decent health services based on need rather than capacity to pay. It recognises the size of the task ahead in restoring confidence and pride in a health system. The Government honours Victoria's health workers, who have maintained a high level of commitment through difficult times, and commits itself to reciprocating their dedication with decent resources and a markedly different approach to health service delivery. The Government reaffirms its commitment to rural and regional

hospitals and health care services. It will demonstrate through its programs its fundamental belief that no Victorian who falls sick should be disadvantaged by postcode or income.

As part of its first steps to restoring confidence in the Victorian health system, the Government will:

- stop the privatisation process at the Austin and Repatriation Medical Centre, and other hospitals and nursing homes where privatisation contracts have not been entered into;
- review public hospital casemix funding, with particular reference to its impact on the quality of care, country hospital services and the care of patients after they leave hospital;
- re-open 290 hospital beds;
- redirect \$18 million from the Health Network bureaucracy to make hospitals cleaner and reduce emergency waiting times;
- increase funding for community health programs by \$37 million over four years; and
- repair the public dental program - including reducing costs to pensioners and shortening waiting lists.

The Government is also committed to putting more nurses into hospitals, providing substantial funding for mental health, and a Hospital to Home Program which guarantees that decent health care does not end at the hospital door.

The Government will help to ease the childcare burden with a subsidy to every four year old in a low income family, and will help community owned childcare centres with direct grants for maintenance and equipment.

In the first term, maternal and child health services will benefit from an extra \$10 million, and the Government will employ an additional 100 school nurses to care for children in their junior secondary years.

The Government recognises that the heart-beat of the state's economy is the people who work in it, and that a safe workplace is an essential right of every employee. The Government will take immediate steps to address the unacceptable levels of workplace death and injury.

The Government will introduce legislation to restore the right of seriously injured workers to sue at common law.

The Government will also introduce a new crime of industrial manslaughter.

It is fundamental to the Government's vision of a better Victoria to ensure that Victorians feel safe and secure in their own homes, streets and communities.

The key objective of the State's police and emergency services is to protect the personal safety and security of all Victorians. Accordingly, the Government will put 800 more police on the frontline, and will end the closure of police stations.

It will also abolish the Police Board and Police Review Commission, and establish a new, independent Police Appeals Board to deal with matters affecting police discipline, promotion and transfer.

As part of a comprehensive plan to address the tragic problem of illicit drug use, the Government will trial up to five medically supervised injecting facilities, in consultation with local councils and communities. An Expert Committee will be established to:

- commence discussion with local councils in relation to drug injecting facilities in the areas announced by the Government;
- examine the changing dimensions of the drug problem, and in particular the increasing number of deaths associated with increased heroin use; and

- provide advice on the implementation of the Government's drug policy.

The Government recognises that education, rehabilitation and stronger policing must also be part of an effective strategy for addressing the problem of illicit drug use.

The Government's environmental agenda will make Victoria a better place to live. It will build the principles of ecologically sustainable development into the process of decision-making across the whole of Government, and strengthen environmental monitoring and reporting requirements.

The Government will announce plans to negotiate with the New South Wales and Federal Governments to return 28 per cent of the original flow to the Snowy River.

The Government will also initiate a process to nominate Wilson's Promontory National Park for world heritage listing, and will terminate the feasibility study for damming the Mitchell River.

The Government recognises, and aims to enhance Victoria's reputation as a producer of "clean, green" food. It will assist Victoria in gaining a greater competitive edge in export markets through a Naturally Victorian marketing campaign for food and some processed food products.

The Government is committed to a civilised and properly regulated Victorian Gaming Industry, in order to protect the Victorian community from irresponsible conduct. The Government will:

- act to ensure truth in advertising in the gambling industry;
- introduce an enforceable code of conduct for gaming operators and venue owners; and
- review current problem gambling advertisements to determine their effectiveness.

The Government will also act immediately to start negotiations with the Australian Football League to explore all feasible options to retain Waverley Park as an AFL venue.

Before moving to other legislation to be introduced by the Government this year, it is with deep regret that I advise the Parliament of the deaths of three members of the Legislative Assembly: William Laurence (known as Larry) Floyd, Member for Williamstown from 1955 to 1973; his successor, Gordon Francis Stirling, Member for Williamstown from 1973 to 1988; and Frederick (known as Peter) McLellan, Member for Frankston East from 1992 until September last.

In addition to the major legislative initiatives I have described, the Government will also introduce a number of other Bills which are necessary for the good government of Victoria:

- a Bill to ensure that there are appropriate emergency powers available for the effective management of any incidents caused by the millennium bug;
- a Bill to provide that certain decisions of the Federal Court and Family Court have effect as decisions of the Supreme Court, following the High Court's judgment earlier this year that vesting of State jurisdiction in Federal Courts is invalid;
- a Bill to overcome the possible negative effects of a decision currently reserved by the High Court on jury selection practices, which, if adverse to the State, has the potential to undermine existing criminal convictions;
- a Bill to authorise visiting health care professionals to provide health care services to visitors in Victoria, in connection with special events such as the Sydney Olympics, without being registered under Victorian law; and
- a Bill to give the Melbourne Sports and Aquatic Centre Trust the legal capacity to assume responsibility for the State Netball and Hockey Centre under construction at Royal Park, in order to ensure the effective management of the facility.

Mr President and Honourable Members of the Legislative Council;  
Mr Speaker and Members of the Legislative Assembly:

The Government's plans have been costed by Access Economics. They are achievable, and lock in a four year Budget surplus.

The Government's financial management plan is the toughest in the nation. It will be overseen by an Expenditure Review Committee which is already in operation.

The Government believes that proper financial management is fundamental to giving Victorians the good government they expect and deserve. The Government is committed to tough financial principles that will be centred upon the restoration of the powers of the Office of Auditor-General. These new powers will be enshrined in the Constitution. In restoring the powers of the Auditor-General, the Government sends the strongest possible signal that it will govern with openness and accountability.

The Auditor-General will report independently to the Parliament on Budget Day on the state of the budget surplus. Every government program will be publicly scrutinised. Victoria will therefore have the strongest independent guardian of its financial security in its history.

The Government believes that the values by which strong families and strong communities live - the values of honour and openness and compassion - are the values which should be reflected in public policy.

These values will be the hallmarks of this Government's program of legislation, and the measures against which it will be proud to be judged.

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

3 November 1999

SIR JAMES GOBBO, AC  
Governor of Victoria.

- 8 **ADDRESS-IN-REPLY TO THE GOVERNOR'S SPEECH** — Motion made and question proposed — That the following Address, in reply to the speech of His Excellency the Governor to both Houses of Parliament, be agreed to by this House —

Your Excellency:

We, the Legislative Assembly of Victoria assembled in Parliament, wish to express our Loyalty to our Sovereign, and to thank Your Excellency for the Speech which you have made to the Parliament (*Ms Allan*) — and, after debate —

And the House having continued to sit after 12 midnight —

THURSDAY 4 NOVEMBER 1999

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

Ordered — That the debate be adjourned until tomorrow.

- 9 **ELECTION OF CHAIRMAN OF COMMITTEES** — Mr Batchelor proposed to the House for appointment as Chairman of Committees, Judith Marilyn Maddigan, and moved, That Judith Marilyn Maddigan be appointed Chairman of Committees of this House, which motion was seconded by Mr Thwaites.

Mrs Maddigan accepted nomination.

And no other Member being proposed, the Speaker announced that Judith Marilyn Maddigan had been duly elected as Chairman of Committees.

- 
- 10 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourn until tomorrow at 10.00 am (*Mr Batchelor*) — put and agreed to.
- 11 **OPERATION OF ACTS — PROCLAMATIONS** — Motion made, by leave, and question — That this House authorises and requires the Clerk 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 (*Mr Batchelor*) — put and agreed to.
- 12 **APPOINTMENT OF PARLIAMENTARY OFFICER** — The Speaker informed the House that his predecessor has appointed Mr Gavin Francis Bourke to be Serjeant-at-Arms, following the appointment of Mr Geoffrey Herbert Westcott as Assistant Clerk and Clerk of Committees
- 13 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Batchelor*) — put and agreed to.
- 14 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.  
And the House, at 1.26 am, adjourned until later this day.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

## No 3 — Thursday 4 November 1999

- 1 The House met pursuant to adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 3 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
- Home Loan Schemes** — Seeking that the Government sponsored Home Loan Schemes under the lending instrument called Capital Indexed Loans sold since 1984/85 under the sub headings — CAPIL, Deferred Interest Scheme (DIS), Indexed Repayment Loan (IRL), Home Opportunity Loan Scheme (HOLS) and Shared Home Opportunity Scheme (SHOS) — (a) be recalculated; (b) have payment and interest set at affordable levels; and (c) be amended in order to assist the low income bracket Victorians the loans were meant to assist, bearing 28 signatures (*by Mr Lenders*).
- Water Supply to Melton, Rockbank and Toolern Vale** — Seeking that the Government immediately commissions and builds a water connection pipeline between the Melbourne Water and Western Water networks to provide security of water supply to Melton, Rockbank and Toolern Vale, bearing 778 signatures (*by Mr Nardella*).

**Traffic Lights at Intersections of Western Highway and Leakes and Troupes Roads, Rockbank** — Seeking that the Government immediately installs traffic lights at the intersections of the Western Highway & Leakes Road and the Western Highway & Troupes Road (North), Rockbank to ensure the safety of both vehicular and pedestrian traffic, bearing 798 signatures (*by Mr Nardella*).

**Northern Hospital, Epping** — Seeking that the Government issues funding to the Northern Hospital, Epping, for the installation of vital dialysis machinery so that the hospital can be better equipped to perform its health care duties, bearing 1,085 signatures (*by Mr Leighton*).

**Preston and Northcote Community Hospital site** — Seeking that the Government makes no decision on the Preston and Northcote Community Hospital site without consultation and agreement of the community, bearing 52 signatures (*by Mr Leighton*).

Severally ordered to lie on the Table.

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

Driver Education Centre of Australia Ltd — Report for the year 1998

Melbourne and Olympic Parks Trust — Report for the year 1998–99

Melbourne Sports and Aquatic Centre Trust — Report for the year 1998–99

Parliamentary Committees Act 1968:

Interim Response of the Attorney-General to the Law Reform Committee's Report on the Review of the Fences Act 1968

Interim Response of the Attorney-General to the Scrutiny of Acts and Regulations Committee's Report into the Right to Silence

Victorian Institute of Sport — Report for the year 1998–99

The following proclamations fixing operative dates were laid upon the Table by the Clerk pursuant to an Order of the House dated 3 November 1999:

Agricultural Acts (Further Amendment) Act 1987 — Section 26 on 12 August 1999 (*Gazette G30, 29 July 1999*)

Building (Plumbing) Act 1998 — Section 6 on 1 July 1999 (*Gazette G22 3 June 1999*)

Electricity Industry Acts (Further Amendment) Act 1999 — Sections 16, 18 and 19 on 25 June 1999 (*Gazette G25, 24 June 1999*)

Electricity Industry (Amendment) Act 1996 — Section 6 on 25 June 1999 (*Gazette G25, 24 June 1999*)

Electricity Industry (Further Amendment) Act 1994 — Section 5 on 1 July 1999 (*Gazette G26, 1 July 1999*)

Electricity Industry (Miscellaneous Amendment) Act 1997 — Sections 12 and 15 on 25 June 1999 (*Gazette G25, 24 June 1999*)

Fair Trading Act 1999 — Remaining provisions on 1 September 1999 (*Gazette G33, 19 August 1999*)

Fair Trading (Inspectors Powers and Other Amendments) Act 1999 — Remaining provisions on 1 September 1999 (*Gazette G33, 19 August 1999*)

Gas Industry Acts (Amendment) Act 1998 — Section 13(2) on 3 June 1999 (*Gazette G22, 3 June 1999*). Sections 31 and 32 on 24 June 1999 (*Gazette G25, 24 June 1999*). Remaining provisions of Part 4 on 1 September 1999 (*Gazette G31, 5 August 1999*)



- Gas Industry Acts (Further Amendment) Act 1999 — Sections 34 and 35 on 24 June 1999 (*Gazette G25, 24 June 1999*)
- Gas Pipelines Access (Victoria) Act 1998 — Remaining provisions (except for Division 2 of Part 3) on 1 July 1999 (*Gazette G26, 1 July 1999*)
- Local Government (Governance and Melton) Act 1998 — Remaining provisions on 1 July 1999 (*Gazette G24, 17 June 1999*)
- Longford Royal Commission (Report) Act 1999 — Act comes into operation on 8 June 1999 (*Gazette S83, 8 June 1999*)
- Police Regulation and Firearms (Amendment) Act 1999 — Remaining provisions on 22 August 1999 (*Gazette G32, 12 August 1999*)
- Rail Corporations (Amendment) Act 1997 — Section 4 on 1 July 1999 (*Gazette G26, 1 July 1999*). Section 37 on 24 August 1999 (*Gazette G33, 19 August 1999*)
- Rail Corporations (Further Amendment) Act 1998 — Section 16 on 1 July 1999 (*Gazette G26, 1 July 1999*). Remaining provisions on 24 August 1999 (*Gazette G33, 19 August 1999*)
- Rail Corporations and Transport Acts (Amendment) Act 1999 — Part 2 (except sections 6, 7, 12 and 15), Part 3 and section 49 on 24 August 1999 (*Gazette G33, 19 August 1999*).

**5 SESSIONAL ORDERS — Motion made and question proposed — That —**

- 1 The House shall meet on Tuesday, Wednesday and Thursday, the Speaker to take the Chair at 2.00 pm on Tuesday and 9.30 am on Wednesday and Thursday.
- 2 So much of Standing Orders be suspended to allow during the present Session that:
  - (1) Government Business shall take precedence over all other business save for motions of want of confidence in the Government and as provided for in Sessional Orders 3, 4, 8, 9, 12 and 14.
  - (2) Other than on Grievance Days pursuant to Sessional Order 4, the House is to proceed with its business each day in the following order unless a matter concerning the privileges of the House arises:

**Tuesdays**

Oral Questions

Formal business

Statements by Members (Sessional Order 8)

Government Business

General Business

**Wednesdays**

Formal business

Statements by Members (Sessional Order 8)

Matters of Public Importance (Sessional Order 9)

Government Business

Oral Questions (at 2.00 pm)

Government Business *continued*

General Business

**Thursdays**

Formal business

Statements by Members (Sessional Order 8)

Government Business

Oral Questions (at 2.00 pm)

Government Business *continued*

General Business

- (3) Where the House resolves to sit on a Friday, the order of business shall be the same as for a Thursday.

**3 Notwithstanding Sessional Order 2:**

- (1) So much of Standing Order No 124 as allows Members to ask oral questions without notice at the time of giving notices of motion be suspended and that Members ask oral questions without notice at 2.00 pm each sitting day (other than on a Tuesday where a motion expressing sorrow at the death of a Member or any other person may take precedence) and that on all sitting days questions may be asked from the time the Speaker calls on questions until the lapse of 30 minutes or 10 questions have been answered, whichever is the longer provided that these Sessional Orders shall not permit more than one question time each sitting day.

- (2) At 2.00 pm on each sitting day (other than a Tuesday) the Speaker shall interrupt the business before the House, or if the House be in Committee, the Chairman shall report progress and the Speaker shall then interrupt such business, and shall direct the bells to be rung for one minute; provided that in the event that a division is in progress at 2.00 pm such division shall be completed and the result announced and if such division be upon a closure motion any question required to be brought to conclusion as a result of such division shall be so brought to conclusion.

- (3) Any business under discussion and not disposed of at 2.00 pm shall be resumed immediately at the conclusion of the asking of oral questions, and any Member speaking at the time of interruption may, upon the resumption of debate thereon, continue such speech.

- (4) All questions shall be direct, succinct and seeking factual information.

- (5) All answers to questions shall be direct, factual and succinct.

- 4** (1) Standing Order No 59 be suspended and the first Order of the Day, following statements by Members, on every third sitting Wednesday after the opening of the Session shall be the question "That grievances be noted". Any Member may speak to such question for not more than 15 minutes and the whole discussion on the question shall not exceed two and a half hours.

- (2) On Grievance Days so much of Standing Orders be suspended to allow during the present Session business to be called on in the following order unless a matter concerning the privileges of the House arises:

Formal business

Statements by Members (Sessional Order 8)

Grievances (two and a half hours)

Government Business

Oral Questions (at 2.00 pm)

Government Business *continued*

General Business

- 
- 5 Notwithstanding the right of a Minister to move a motion for the adjournment of the House pursuant to Standing Order No 25:
- (1) At 10.00 pm on each sitting day the Speaker shall interrupt the business before the House, or if the House be in Committee, the Chairman shall report progress and the Speaker shall then interrupt such business, provided that: in the event that a division is in progress at the time of such interruption such division shall be completed and the result announced and if such division be upon a closure motion any question required to be brought to conclusion as a result of such division shall be so brought to conclusion.
  - (2) Upon such interruption of business:
    - (a) Before a motion for the adjournment is proposed by the Speaker, a Minister may move that the sitting be continued; which motion shall be put forthwith without amendment or debate and if such motion is agreed to, the House or Committee shall resume the proceedings at the point at which they had been interrupted; or
    - (b) If a Minister does not so move, the Speaker shall forthwith propose the question "That the House do now adjourn" which question shall be open to debate in accordance with the rules and practices of the House and paragraph (4); at the conclusion of the debate, the Speaker notwithstanding the provisions of Standing Order No 24 shall adjourn the House without putting any question until the time of the next meeting.
  - (3) Any business under discussion and not disposed of at the time of the adjournment shall be set down on the Notice Paper for the next sitting and any Member speaking at the time of interruption may, upon the resumption of debate thereon, continue such speech.
  - (4) On the motion "That the House do now adjourn" the time available for the raising of matters on the motion be 30 minutes and the time limit per member be three minutes.
- 6
- (1) Standing Orders shall be suspended to allow for the programming of Government Business and the following procedures.
  - (2) Before the House meets for business in any week, the Leader of the House and the Deputy Leader of the Opposition (or their nominees) may meet as a Government Business Programming Committee with a view to reaching agreement on the manner in which the House is to deal with Government Business of the week. On the conclusion of each of such meetings, such Leader and Deputy Leader (or their nominees) are at liberty to make public details of the outcome of the meetings.
  - (3) On the first day of the sitting week the Leader of the House or his or her nominee before the calling on of Government Business may move without leave a motion setting times and dates by which consideration of specified Bills or items of business have to be completed in that sitting week. Debate thereon shall not exceed 30 minutes and, in speaking thereon, no Member shall exceed five minutes.
  - (4) At a change of business, following a special meeting of the Government Business Programming Committee convened in accordance with the aims of paragraph (2), and without leave, the Leader of the House or his or her nominee may move a motion to amend the resolution under paragraph (3). Debate thereon shall not exceed 30 minutes and, in speaking thereon no Member shall exceed five

- minutes. Any change to the program cannot come into operation until one hour after the motion is agreed to.
- (5) Amendments to be proposed in Committee of the Whole to a specified Bill may be circulated in the House during the debate on the question "That this Bill be now read a second time" after an announcement and request of a Minister or a Member (without leave but not when another Member is speaking) foreshadowing such amendments: Provided that these amendments are circulated two hours before the expiration of the completion time set under paragraph (3). Such announcement and request shall not be debated.
  - (6) On the expiration of the completion time set under paragraph (3), the Chair, in relation to a specified motion, shall put forthwith the question on any amendment and/or motion already proposed from the Chair for the purpose of bringing to a conclusion any proceedings on the motion.
  - (7) On the expiration of the completion time set under paragraph (3), the Chair, in relation to a specified Bill, shall put forthwith the question on any amendment or motion already proposed from the Chair for the purpose of bringing to a conclusion any proceedings on the Bill and:
    - (a) as required, the remaining questions necessary for the passage of the Bill through the House and transmission to the Legislative Council shall be combined (except in the case of a Bill that requires the second reading and third reading to be passed with an absolute majority of the whole number of the Members of the Legislative Assembly, the questions for the second and third readings shall be put separately), the Committee stage of a Bill being dispensed with if no Government amendments have been circulated pursuant to paragraph (5) ; and
    - (b) in the case of the consideration of any Bill in Committee of the Whole or on any of the remaining stages at that time, the Chair shall put a combined question or a number of questions (the form and number being at the discretion of the Chair) disposing of any clauses and schedules and any amendment and new clauses and schedules desired by the Government — copies of which have been circulated in the House pursuant to paragraph (5) — and any other questions required to dispose of the Bill (as the case may be) before the Committee of the Whole or the House. (No other amendments, new clauses or schedules shall be proposed).
  - (8) After the House has concluded the proceedings under paragraph (6) or (7), in the case of each remaining specified Bill or item of Government Business, the Chair shall:
    - (a) in the case of a Bill, put in a combined question, as required, the questions necessary for the passage of the Bill through the House and transmission to the Legislative Council (including any amendments and new clauses and schedules desired by the Government which have been circulated pursuant to paragraph (5)), the Committee stage being dispensed with; and
    - (b) in the case of a Bill that requires the second reading and third reading to be passed with an absolute majority of the whole number of the Members of the Legislative Assembly, put separately the questions necessary for the passage of the Bill through the House and transmission to the Legislative Council, (including a combined question relating to any amendments and new clauses and schedules desired by the Government which have been circulated pursuant to paragraph (5)), the Committee stage being dispensed with; and

- (c) in relation to any Bill being considered in the Committee of the Whole, put a combined question or a number of questions (the form and number being at the discretion of the Chair) disposing of any clauses and schedules and any amendment and new clauses and schedules desired by the Government — copies of which have been circulated in the House pursuant to paragraph (5) — and any other questions required to dispose of the Bill (as the case may be) before the Committee of the Whole or the House. (No other amendments, new clauses or schedules shall be proposed); and
  - (d) in the case of a remaining item of business other than a Bill, put a combined question (if required) which brings to a conclusion the proceedings.
- (9) If, on the expiration of the completion time set under paragraph (3), the House or Committee is considering a non-specified motion or Bill, and there are specified motions or Bills to be completed, the Speaker shall interrupt the business before the House, or if the House be in Committee, the Chairman shall report progress and the Speaker shall then interrupt such business: provided that in the event that a division is in progress such division shall be completed and the result announced and if such division be upon a closure motion any question required to be brought to conclusion as a result of such division shall be so brought to conclusion. The House shall then consider such motions or Bills as required by paragraph (8). At the completion of such motions or Bills the House or Committee shall immediately resume the interrupted business and any Member speaking at the time of interruption may, upon the resumption of debate thereon, continue such speech.
- (10) The Chair shall not accept any points of order once the expiration of the completion time under paragraph (3) has arrived and until all the required questions under paragraph (6), (7) or (8) have been dealt with.
- (11) Standing and/or Sessional Orders relating to closure of debate (except for the use of the closure on dilatory motions) or guillotine shall not apply to any proceedings in respect of a specified Bill or item of business.
- 7 (1) Where a person who has been referred to by name, or in such a way as to be readily identified in the House or in the Committee of the Whole House, makes a submission in writing to the Speaker:
- (a) claiming that the person has been adversely affected in reputation or in respect of dealings or associations with others, or injured in occupation, trade, office or financial credit, or that the person's privacy has been unreasonably invaded, by reason of that reference to the person; and
  - (b) requesting that the person be able to incorporate an appropriate response in the parliamentary record
- and if the Speaker is satisfied:
- (c) that the subject of the submission is not so obviously trivial, or the submission so frivolous, vexatious or offensive in character as to make it inappropriate that it be considered by the Privileges Committee; and
  - (d) that it is practicable for the Committee to consider the submission under this Sessional Order
- the Speaker shall refer the submission to that Committee.
- (2) The Committee may decide not to consider a submission referred to it under this Sessional Order if the Committee considers that the subject of the submission is not sufficiently serious or the submission is frivolous, vexatious or offensive in character, and such a decision shall be reported to the House.

- (3) If the Committee decides to consider a submission under this Sessional Order, the Committee may confer with the person who made the submission and any Member who referred in the House to that person.
  - (4) In considering a submission under this Sessional Order, the Committee shall meet in private session.
  - (5) The Committee shall not publish a submission referred to it under this Sessional Order or its proceedings in relation to such a submission, but may present minutes of its proceedings and all or part of such submission to the House.
  - (6) In considering a submission under this Sessional Order and reporting to the House the Committee shall not consider or judge the truth or any statements made in the House or Committee of the Whole House or of the submission.
  - (7) In its report to the House on a submission under this Sessional Order, the Committee may make either of the following recommendations:
    - (a) that no further action be taken by the House or by the Committee in relation to the submission; or
    - (b) that a response by the person who made the submission, in terms specified in the report and agreed to by the person and the Committee, be published by the House or incorporated in Hansardand shall not make any other recommendations.
  - (8) A document presented to the House under paragraph (5) or (7):
    - (a) in the case of a response by a person who made a submission, shall be succinct and strictly relevant to the questions in issue and shall not contain anything offensive in character; and
    - (b) shall not contain any matter the publication of which would have the effect of:
      - (i) unreasonably adversely affecting or injuring a person, or unreasonably invading a person's privacy, in the manner referred to in paragraph (1); or
      - (ii) unreasonably adding to or aggravating any such adverse effect, injury or invasion of privacy suffered by a person.
  - (9) The Committee may agree to guidelines and procedures, not inconsistent with this Sessional Order, to apply to the consideration by it of submissions.
- 8 Following formal business, if any, on each sitting day Members are permitted to make statements on any topic of concern and any Member may be called by the Chair to make such statement for a period not exceeding 90 seconds and the period allowed for these statements shall not exceed 15 minutes.
- 9 Standing Orders Nos 26 and 27 be suspended and that:
- (1) Save for on Grievance Days pursuant to Sessional Order 4, precedence shall be given to matters of public importance immediately after statements by Members pursuant to Sessional Order 8 each sitting Wednesday. A Member may propose to the Speaker that a definite matter of public importance be submitted to the House for discussion. Proposals for discussion accepted by the Speaker shall rotate between those made by non-Government Members and those by Government Members. Acceptance of matters proposed from non-Government Members shall be at the Speaker's discretion and determined on a pro-rata basis according to the non-Government representation in the House.

- (2) The Member proposing the matter shall present to the Speaker, not later than 4.00 pm on the day prior to the day on which a matter may be discussed, a written statement of the matter proposed to be discussed.
  - (3) In the event that more than one Member proposes matters for discussion on a particular day, the Speaker shall determine the subject for discussion.
  - (4) The Speaker shall reach a decision as to whether a matter is in order and shall advise the Leader of each party and the Independents the subject determined for discussion not later than 5.00 pm on the day prior to the day on which the matter is to be discussed.
  - (5) Only one matter shall be discussed on any one sitting day.
  - (6) On the day of the proposed discussion the Speaker shall read the written statement of the matter proposed to be discussed to the House. The Speaker shall then call upon the Member who had proposed the matter to speak.
  - (7) The discussion shall be no longer than two and a half hours, the first Government and non-Government speakers may speak for a maximum of 15 minutes and any other Member for a maximum of 10 minutes.
  - (8) At any time during the discussion, a motion may be made by any Member "That the business of the day be called on" and such motion shall be put forthwith and decided without amendment or debate and, if agreed to, the business of the day shall be proceeded with immediately. No other question seeking to end the discussion shall be proposed.
- 10 So much of Standing Order No 117 be suspended to allow the following procedure if the Speaker considers the conduct of a Member to be disorderly:
- (1) If the Speaker considers the conduct of a Member to be disorderly or on report of the Chairman of Committees, considers the conduct of a Member to be disorderly, the Speaker may order the Member to withdraw from the House for up to a maximum period of one and a half hours which order shall not be open to debate or dissent; and
  - (2) Such suspension will not prohibit a Member from returning to the Chamber for the purpose of voting in a division; and
  - (3) If a Member is ordered to withdraw under paragraph (1) and the sitting of the House concludes before the expiration of the time ordered by the Speaker, the Member shall not take his or her seat in the House on the next sitting day until after the remainder of the time has expired, to be calculated from the end of the ringing of the bells; and
  - (4) If a Member does not immediately withdraw from the House when ordered to do so under paragraph (1), the Speaker may name the Member pursuant to Standing Order No 117 and shall forthwith put the question, on a motion being made, "That such Member be suspended from the service of this House".
- 11 Standing Order No 104 be amended in the first paragraph by substituting "twenty minutes" for "thirty minutes".
- 12 The practice of the House in moving motions of condolence be suspended and that the following procedure be adopted:
- (1) Precedence on a Tuesday will be ordinarily given by courtesy to a motion of condolence in the event of the death of:
    - (a) a sitting Member or a Member from the preceding Parliament;

- (b) a past or present Governor, Premier, Presiding Officer, Leader of the Opposition, Leader of a recognised political party, Leader of the Government or Opposition in the Legislative Council; or
  - (c) a person who had previous distinguished ministerial service or other distinguished service in Victoria.
- (2) In relation to the deaths of former Members not referred to in paragraph (1), before formal business on a Tuesday the Speaker shall announce the death of that Member and ask Members to rise in their places as a mark of respect to the memory of the deceased and the Speaker shall convey a message of sympathy from the House to the relatives of the deceased.
- 13 So much of Standing Order No 248B be suspended so as to allow a Member, after giving prior notice to the Clerk, to personally read the terms of the petition and the number of signatories during the time for statements by Members pursuant to Sessional Order 8. In the event that a Member so elects, he or she cannot move that the petition be taken into consideration as provided in Standing Order No 248C.
- 14 Notwithstanding the provisions of these Sessional Orders, General Business Notices of Motion and Orders of the Day may, at the discretion of the Government, be called on in substitution of a discussion of a matter of public of importance pursuant to Sessional Order 9.
- 15 Notwithstanding Standing Order No 177:
- (1) On any day where the House does not rise for a lunch break a division shall not be permitted on any question between 1.00 pm and 2.00 pm. If a division is required between such times, debate on the item of shall stand adjourned until later that day and the next item of business shall be called on.
  - (2) On any day where the Committee of the Whole House does not rise for a lunch break a division in Committee shall not be permitted on any question between 1.00 pm and 2.00 pm. If a division in Committee is required between such times, progress shall be reported until later that day and the next item of business shall be called on.
  - (3) Motions under Standing Order No 70 (closure of debate) or under Standing Order No 105 (guillotine) shall not be moved between the hours of 1.00 pm and 2.00 pm.

*(Mr Batchelor).*

*The Speaker deferred putting the question in relation to the proposed Sessional Orders in order to allow consideration of amendments —*

Sessional Orders 1 and 2 — put and agreed to.

Sessional Order 3 — Amendments proposed —

- 1 Paragraph (1), omit the expression from "on all sitting days" to the end of the paragraph and insert:
- "
- (a) on all Tuesdays questions may be asked from the time the Speaker calls on questions until the lapse of 45 minutes or 15 questions have been answered, whichever is the longer;
  - (b) on all other days questions may be asked from the time the Speaker calls on questions until the lapse of 30 minutes or 10 questions have been answered, whichever is the longer;



provided that these Sessional Orders shall not permit more than one question time each sitting day."

- 2 Paragraph (2), after the words "before the House" insert the expression ", including a Grievance Debate pursuant to Sessional Order 4".
- 3 Paragraph (3), omit the expression from "be resumed immediately at the conclusion" to the end of the paragraph and insert:

"

(a) on Wednesdays:

- (i) where the time permitted for a Grievance Debate or consideration of General Business, pursuant to Sessional Orders 4 and 9 respectively, has not expired, be resumed immediately at the conclusion of oral questions;
- (ii) where the time for consideration of General Business has expired pursuant to Sessional Order 9, stand adjourned until later that day;

(b) on Thursdays and Fridays be resumed immediately at the conclusion of Matters of Public Importance;

and any Member speaking at the time of interruption may, upon the resumption of debate thereon, continue such speech."

- 4 Omit paragraph (4) (*Mr McArthur*) — and, after debate —

Question — That these amendments be agreed to — put.

The House divided.

AYES, 42

Ms Asher	Mrs Fyffe	Mr Mulder	Mr Steggall
Mr Ashley	Mr Honeywood	Dr Naphthine	Mr Thompson
Mr Baillieu	Mr Jasper	Mr Paterson	Mr Vogels
Ms Burke	Mr Kilgour	Mr Perton	Mr Wells
Mr Clark	Mr Kotsiras	Mrs Peulich	Mr Wilson
Mr Cooper	Mr Leigh	Mr Phillips	
Dr Dean	Mr Lupton	Mr Plowman	
Mr Delahunty	Mr McArthur	Mr Richardson	
( <i>Wimmera</i> )	Ms McCall	Mr Rowe	
Mr Dixon	Mr McIntosh	Mr Ryan	<i>Tellers</i>
Mr Doyle	Mr McNamara	Mrs Shardey	Mr Maughan
Mrs Elliott	Mr Maclellan	Mr Spry	Mr Smith

NOES, 44

Ms Barker	Ms Garbutt	Mr Leighton	Mr Robinson
Mr Batchelor	Ms Gillett	Mr Lenders	Mr Savage
Ms Beattie	Mr Haermeyer	Mr Lim	Mr Seitz
Mr Bracks	Mr Hamilton	Ms Lindell	Mr Thwaites
Mr Brumby	Mr Hardman	Mr Loney	Mr Trezise
Mr Cameron	Mr Helper	Mrs Maddigan	Mr Viney
Ms Campbell	Mr Holding	Mr Maxfield	Mr Wynne
Mr Carli	Mr Howard	Mr Mildenhall	
Ms Davies	Mr Hulls	Mr Nardella	
Ms Delahunty	Mr Ingram	Ms Overington	<i>Tellers</i>
( <i>Northcote</i> )	Ms Kosky	Mr Pandazopoulos	Ms Allan
Ms Duncan	Mr Languiller	Ms Pike	Mr Langdon

And so it passed in the negative.

Question — That Sessional Order 3 be agreed to — put and agreed to.

Sessional Order 4 — Amendment proposed —

- 5 Paragraph (1), omit the words "two and a half" and insert "four" (*Mr McArthur*) — and, after debate —

Question — That this amendment be agreed to — put.

The House divided.

AYES, 42

Ms Asher	Mrs Fyffe	Mr Mulder	Mr Steggall
Mr Ashley	Mr Honeywood	Dr Naphthine	Mr Thompson
Mr Baillieu	Mr Jasper	Mr Paterson	Mr Vogels
Ms Burke	Mr Kilgour	Mr Perton	Mr Wells
Mr Clark	Mr Kotsiras	Mrs Peulich	Mr Wilson
Mr Cooper	Mr Leigh	Mr Phillips	
Dr Dean	Mr Lupton	Mr Plowman	
Mr Delahunty	Mr McArthur	Mr Richardson	
( <i>Wimmera</i> )	Ms McCall	Mr Rowe	
Mr Dixon	Mr McIntosh	Mr Ryan	<i>Tellers</i>
Mr Doyle	Mr McNamara	Mrs Shardey	Mr Maughan
Mrs Elliott	Mr Maclellan	Mr Spry	Mr Smith

NOES, 44

Ms Barker	Ms Garbutt	Mr Leighton	Mr Robinson
Mr Batchelor	Ms Gillett	Mr Lenders	Mr Savage
Ms Beattie	Mr Haermeyer	Mr Lim	Mr Seitz
Mr Bracks	Mr Hamilton	Ms Lindell	Mr Thwaites
Mr Brumby	Mr Hardman	Mr Loney	Mr Trezise
Mr Cameron	Mr Helper	Mrs Maddigan	Mr Viney
Ms Campbell	Mr Holding	Mr Maxfield	Mr Wynne
Mr Carli	Mr Howard	Mr Mildenhall	
Ms Davies	Mr Hulls	Mr Nardella	
Ms Delahunty	Mr Ingram	Ms Overington	<i>Tellers</i>
( <i>Northcote</i> )	Ms Kosky	Mr Pandazopoulos	Ms Allan
Ms Duncan	Mr Languiller	Ms Pike	Mr Langdon

And so it passed in the negative.

Question — That Sessional Order 4 be agreed to — put and agreed to.

Sessional Order 5 — Amendments proposed —

- 6 Paragraph (1), omit the expression "At 10.00 pm on each sitting day" and insert the expression:

"On each sitting day, at the following times:

Tuesdays: 10.00 pm

Wednesdays: 10.00 pm

Thursdays (where the House has not resolved to sit on a Friday): 4.30 pm

Thursdays (where the House has resolved to sit on a Friday): 10.00 pm

Fridays: 4.30 pm".

- 7 Paragraph (2)(b), after the words "does not so move" insert the expression ", or if such motion is defeated".
- 8 Paragraph (2)(b), omit all the expression from "notwithstanding" to the end of the paragraph and insert:

"shall put the question and:

(i) if it is carried in the affirmative, shall adjourn the House until the time of the next meeting;

(ii) if it is negated, any business under discussion and not disposed of at the time of interruption of business shall be resumed immediately and any Member speaking at the time of interruption may, upon the resumption of debate thereon, continue such speech;

provided that these Sessional Orders shall not permit more than one adjournment debate each sitting day."

- 9 Paragraph (4), omit the expression "30 minutes" and insert the words "one hour".

- 10 Insert the following paragraph after paragraph (4):

"(5) The time for raising matters, and the time limit per Member, shall not include the time taken for points of orders and other interruptions." (*Mr McArthur*) — and, after debate —

Question — That these amendments be agreed to — put.

The House divided.

AYES, 42

Ms Asher	Mrs Fyffe	Mr Mulder	Mr Steggall
Mr Ashley	Mr Honeywood	Dr Napthine	Mr Thompson
Mr Baillieu	Mr Jasper	Mr Paterson	Mr Vogels
Ms Burke	Mr Kilgour	Mr Perton	Mr Wells
Mr Clark	Mr Kotsiras	Mrs Peulich	Mr Wilson
Mr Cooper	Mr Leigh	Mr Phillips	
Dr Dean	Mr Lupton	Mr Plowman	
Mr Delahunty	Mr McArthur	Mr Richardson	
( <i>Wimmera</i> )	Ms McCall	Mr Rowe	
Mr Dixon	Mr McIntosh	Mr Ryan	<i>Tellers</i>
Mr Doyle	Mr McNamara	Mrs Shardey	Mr Maughan
Mrs Elliott	Mr Maclellan	Mr Spry	Mr Smith

NOES, 44

Ms Barker	Ms Garbutt	Mr Leighton	Mr Robinson
Mr Batchelor	Ms Gillett	Mr Lenders	Mr Savage
Ms Beattie	Mr Haermeyer	Mr Lim	Mr Seitz
Mr Bracks	Mr Hamilton	Ms Lindell	Mr Thwaites
Mr Brumby	Mr Hardman	Mr Loney	Mr Trezise
Mr Cameron	Mr Helper	Mrs Maddigan	Mr Viney
Ms Campbell	Mr Holding	Mr Maxfield	Mr Wynne
Mr Carli	Mr Howard	Mr Mildenhall	
Ms Davies	Mr Hulls	Mr Nardella	
Ms Delahunty	Mr Ingram	Ms Overington	<i>Tellers</i>
( <i>Northcote</i> )	Ms Kosky	Mr Pandazopoulos	Ms Allan
Ms Duncan	Mr Languiller	Ms Pike	Mr Langdon

And so it passed in the negative.

Question — That Sessional Order 5 be agreed to — put and agreed to.

Sessional Order 6 — Amendment proposed —

11 Omit this Sessional Order (*Mr McArthur*) — and, after debate —

Question — That this amendment be agreed to — put.

The House divided.

AYES, 42

Ms Asher	Mr Honeywood	Dr Napthine	Mr Thompson
Mr Ashley	Mr Jasper	Mr Paterson	Mr Vogels
Mr Baillieu	Mr Kilgour	Mr Perton	Mr Wells
Ms Burke	Mr Kotsiras	Mrs Peulich	Mr Wilson
Mr Clark	Mr Leigh	Mr Phillips	
Mr Cooper	Mr Lupton	Mr Plowman	
Dr Dean	Mr McArthur	Mr Richardson	
Mr Delahunty	Ms McCall	Mr Rowe	
( <i>Wimmera</i> )	Mr McIntosh	Mr Ryan	
Mr Dixon	Mr McNamara	Mrs Shardey	<i>Tellers</i>
Mr Doyle	Mr Maclellan	Mr Spry	Mr Maughan
Mrs Elliott	Mr Mulder	Mr Steggall	Mr Smith
Mrs Fyffe			

NOES, 44

Ms Barker	Ms Garbutt	Mr Leighton	Mr Robinson
Mr Batchelor	Ms Gillett	Mr Lenders	Mr Savage
Ms Beattie	Mr Haermeyer	Mr Lim	Mr Seitz
Mr Bracks	Mr Hamilton	Ms Lindell	Mr Thwaites
Mr Brumby	Mr Hardman	Mr Loney	Mr Trezise
Mr Cameron	Mr Helper	Mrs Maddigan	Mr Viney
Ms Campbell	Mr Holding	Mr Maxfield	Mr Wynne
Mr Carli	Mr Howard	Mr Mildenhall	
Ms Davies	Mr Hulls	Mr Nardella	
Ms Delahunty	Mr Ingram	Ms Overington	<i>Tellers</i>
( <i>Northcote</i> )	Ms Kosky	Mr Pandazopoulos	Ms Allan
Ms Duncan	Mr Languiller	Ms Pike	Mr Langdon

And so it passed in the negative.

Question — That Sessional Order 6 be agreed to — put and agreed to.

Sessional Orders 7 and 8 — put and agreed to.

Sessional Order 9 — Amendments proposed —

- 12 Paragraph (1), omit the expression "Save for on Grievance Days pursuant to Sessional Order 4, precedence shall be given to matters of public importance immediately after statements by Members pursuant to Sessional Order 8 each sitting Wednesday" and insert:

"Precedence shall be given to matters of public importance immediately after question time each sitting Tuesday, Thursday and Friday."

- 13 Paragraph (1), omit the words commencing "Proposals for discussion" to the end of the paragraph and insert the following expression:

"Proposals for discussion accepted by the Speaker shall rotate between Members by application of the following process:

Total number of Members

Less Ministers and the Speaker

Balance equals the number of Members entitled to submit proposals

of such entitled Members, rotation shall be in the ratio of: Liberal Party Members: National Party Members: Independent Members: Labor Party Members."

- 14 Paragraph (7), omit the words "two and a half hours" and insert the words "one hour" (*Mr McArthur*) — and, after debate —

Question — That these amendments be agreed to — put.

The House divided.

AYES, 42

Ms Asher  
Mr Ashley  
Mr Baillieu  
Ms Burke  
Mr Clark  
Mr Cooper  
Dr Dean  
Mr Delahunty  
(*Wimmera*)  
Mr Dixon  
Mr Doyle  
Mrs Elliott

Mrs Fyffe  
Mr Honeywood  
Mr Jasper  
Mr Kilgour  
Mr Kotsiras  
Mr Leigh  
Mr Lupton  
Mr McArthur  
Ms McCall  
Mr McIntosh  
Mr McNamara  
Mr Maciellan

Mr Mulder  
Dr Napthine  
Mr Paterson  
Mr Perton  
Mrs Peulich  
Mr Phillips  
Mr Plowman  
Mr Richardson  
Mr Rowe  
Mr Ryan  
Mrs Shardey  
Mr Spry

Mr Steggall  
Mr Thompson  
Mr Vogels  
Mr Wells  
Mr Wilson

*Tellers*  
Mr Maughan  
Mr Smith

NOES, 44

Ms Barker	Ms Garbutt	Mr Leighton	Mr Robinson
Mr Batchelor	Ms Gillett	Mr Lenders	Mr Savage
Ms Beattie	Mr Haermeyer	Mr Lim	Mr Seitz
Mr Bracks	Mr Hamilton	Ms Lindell	Mr Thwaites
Mr Brumby	Mr Hardman	Mr Loney	Mr Trezise
Mr Cameron	Mr Helper	Mrs Maddigan	Mr Viney
Ms Campbell	Mr Holding	Mr Maxfield	Mr Wynne
Mr Carli	Mr Howard	Mr Mildenhall	
Ms Davies	Mr Hulls	Mr Nardella	
Ms Delahunty	Mr Ingram	Ms Overington	<i>Tellers</i>
( <i>Northcote</i> )	Ms Kosky	Mr Pandazopoulos	Ms Allan
Ms Duncan	Mr Languiller	Ms Pike	Mr Langdon

And so it passed in the negative.

Question — That Sessional Order 9 be agreed to — put and agreed to.

Sessional Orders 10 and 11 — put and agreed to.

Sessional Order 12 — Amendment proposed —

15 Omit this Sessional Order (*Mr McArthur*) — and, after debate —

Question — That this amendment be agreed to — put.

The House divided.

AYES, 42

Ms Asher	Mrs Fyffe	Mr Mulder	Mr Steggall
Mr Ashley	Mr Honeywood	Dr Napthine	Mr Thompson
Mr Baillieu	Mr Jasper	Mr Paterson	Mr Vogels
Ms Burke	Mr Kilgour	Mr Perton	Mr Wells
Mr Clark	Mr Kotsiras	Mrs Peulich	Mr Wilson
Mr Cooper	Mr Leigh	Mr Phillips	
Dr Dean	Mr Lupton	Mr Plowman	
Mr Delahunty	Mr McArthur	Mr Richardson	
( <i>Wimmera</i> )	Ms McCall	Mr Rowe	
Mr Dixon	Mr McIntosh	Mr Ryan	<i>Tellers</i>
Mr Doyle	Mr McNamara	Mrs Shardey	Mr Maughan
Mrs Elliott	Mr Maclellan	Mr Spry	Mr Smith

NOES, 44

Ms Barker	Ms Garbutt	Mr Leighton	Mr Robinson
Mr Batchelor	Ms Gillett	Mr Lenders	Mr Savage
Ms Beattie	Mr Haermeyer	Mr Lim	Mr Seitz
Mr Bracks	Mr Hamilton	Ms Lindell	Mr Thwaites
Mr Brumby	Mr Hardman	Mr Loney	Mr Trezise
Mr Cameron	Mr Helper	Mrs Maddigan	Mr Viney
Ms Campbell	Mr Holding	Mr Maxfield	Mr Wynne
Mr Carli	Mr Howard	Mr Mildenhall	
Ms Davies	Mr Hulls	Mr Nardella	
Ms Delahunty	Mr Ingram	Ms Overington	<i>Tellers</i>
( <i>Northcote</i> )	Ms Kosky	Mr Pandazopoulos	Ms Allan
Ms Duncan	Mr Languiller	Ms Pike	Mr Langdon

And so it passed in the negative.

Question — That Sessional Order 12 be agreed to — put and agreed to.

Sessional Order 13 — put and agreed to.

Sessional Order 14 — Amendment proposed —

16 Omit this Sessional Order and insert the following Sessional Order:

"AA Notwithstanding anything contained in the Standing Orders, during the present Session precedence shall be given to General Business until 2.00 pm or for four hours, whichever is the longer, each sitting Wednesday and the procedure for consideration of such General Business shall be as follows:

- (1) The right to nominate two items per sitting Wednesday shall be at the discretion of the Speaker and determined on a pro-rata basis according to the representation in the House other than from the party forming Government.
- (2) These items can be either notices of motion or Orders of the Day and shall be notified to the Speaker by 5.00 pm on the previous day. In the absence of nominations by the stipulated time the right or rights to nominate is or are lost for that sitting Wednesday and the next item of General Business shall be called on.
- (3) If the same item is nominated twice by different nominees that item shall be selected as the only nominated item for discussion.
- (4) In the event that debate:
  - (a) on any one item continues for two hours; or
  - (b) on any combined item pursuant to paragraph (3) continues for four hours; the debate shall be interrupted and any item under discussion which is not disposed of at such time shall be set down on the Notice Paper for the next sitting day and any Member speaking at the time of interruption may, upon the resumption of debate thereon, continue such speech.
- (5) At the conclusion of the debate on the nominated item or items priority shall be given to motions for leave to bring in non-Government bills, Orders of the Day for the moving of the second reading of non-Government bills and consideration of petitions.
- (6) On the moving of the second reading of non-Government bills debate shall be adjourned for two weeks." (*Mr McArthur*) — and, after debate —

Question — That these amendments be agreed to — put.

The House divided.

AYES, 42

Ms Asher	Mrs Fyffe	Mr Mulder	Mr Steggall
Mr Ashley	Mr Honeywood	Dr Napthine	Mr Thompson
Mr Baillieu	Mr Jasper	Mr Paterson	Mr Vogels
Ms Burke	Mr Kilgour	Mr Perton	Mr Wells
Mr Clark	Mr Kotsiras	Mrs Peulich	Mr Wilson
Mr Cooper	Mr Leigh	Mr Phillips	
Dr Dean	Mr Lupton	Mr Plowman	
Mr Delahunty	Mr McArthur	Mr Richardson	
( <i>Wimmera</i> )	Ms McCall	Mr Rowe	
Mr Dixon	Mr McIntosh	Mr Ryan	<i>Tellers</i>
Mr Doyle	Mr McNamara	Mrs Shardey	Mr Maughan
Mrs Elliott	Mr Maclellan	Mr Spry	Mr Smith

NOES, 44

Ms Barker	Ms Garbutt	Mr Leighton	Mr Robinson
Mr Batchelor	Ms Gillett	Mr Lenders	Mr Savage
Ms Beattie	Mr Haermeyer	Mr Lim	Mr Seitz
Mr Bracks	Mr Hamilton	Ms Lindell	Mr Thwaites
Mr Brumby	Mr Hardman	Mr Loney	Mr Trezise
Mr Cameron	Mr Helper	Mrs Maddigan	Mr Viney
Ms Campbell	Mr Holding	Mr Maxfield	Mr Wynne
Mr Carli	Mr Howard	Mr Mildenhall	
Ms Davies	Mr Hulls	Mr Nardella	
Ms Delahunty	Mr Ingram	Ms Overington	<i>Tellers</i>
( <i>Northcote</i> )	Ms Kosky	Mr Pandazopoulos	Ms Allan
Ms Duncan	Mr Languiller	Ms Pike	Mr Langdon

And so it passed in the negative.

Question — That Sessional Order 14 be agreed to — put and agreed to.

Sessional Order 15 — Amendment proposed —

17 Omit this Sessional Order (*Mr McArthur*) — and, after debate —

Question — That this amendment be agreed to — put.

The House divided.

AYES, 42

Ms Asher	Mrs Fyffe	Mr Mulder	Mr Steggall
Mr Ashley	Mr Honeywood	Dr Napthine	Mr Thompson
Mr Baillieu	Mr Jasper	Mr Paterson	Mr Vogels
Ms Burke	Mr Kilgour	Mr Perton	Mr Wells
Mr Clark	Mr Kotsiras	Mrs Peulich	Mr Wilson
Mr Cooper	Mr Leigh	Mr Phillips	
Dr Dean	Mr Lupton	Mr Plowman	
Mr Delahunty	Mr McArthur	Mr Richardson	
( <i>Wimmera</i> )	Ms McCall	Mr Rowe	
Mr Dixon	Mr McIntosh	Mr Ryan	<i>Tellers</i>
Mr Doyle	Mr McNamara	Mrs Shardey	Mr Maughan
Mrs Elliott	Mr Maclellan	Mr Spry	Mr Smith



## NOES, 44

Ms Barker	Ms Garbutt	Mr Leighton	Mr Robinson
Mr Batchelor	Ms Gillett	Mr Lenders	Mr Savage
Ms Beattie	Mr Haermeyer	Mr Lim	Mr Seitz
Mr Bracks	Mr Hamilton	Ms Lindell	Mr Thwaites
Mr Brumby	Mr Hardman	Mr Loney	Mr Trezise
Mr Cameron	Mr Helper	Mrs Maddigan	Mr Viney
Ms Campbell	Mr Holding	Mr Maxfield	Mr Wynne
Mr Carli	Mr Howard	Mr Mildenhall	
Ms Davies	Mr Hulls	Mr Nardella	
Ms Delahunty	Mr Ingram	Ms Overington	<i>Tellers</i>
(Northcote)	Ms Kosky	Mr Pandazopoulos	Ms Allan
Ms Duncan	Mr Languiller	Ms Pike	Mr Langdon

And so it passed in the negative.

Question — That Sessional Order 15 be agreed to — put and agreed to.

Motion made and question — That after Sessional Order 15 there be inserted the following further Sessional Order:

"CC (1) Following the presentation of a Report of the Scrutiny of Acts and Regulations Committee to the House which:

- (a) recommends under Part 5 of the Subordinate Legislation Act 1994 the disallowance in whole or in part of:
  - (i) a statutory rule; or
  - (ii) an instrument to which Part 5 of the Subordinate Legislation Act 1994 applies as if it were a statutory rule within the meaning of that Act; or
- (b) reports that there was a failure to table under section 15 of the Subordinate Legislation Act 1994:
  - (i) a statutory rule; or
  - (ii) an instrument to which section 15 of the Subordinate Legislation Act 1994 applies as if it were a statutory rule within the meaning of that Act —

a Member may give notice of a motion for the disallowance in whole or in part of such statutory rule or instrument which shall be set down for consideration to take precedence on the Notice Paper on the next sitting Thursday after notice is given.

- (2) A Member shall be entitled to give notice of a motion for the disallowance in whole or in part of:
  - (a) a statutory rule; or
  - (b) an instrument to which section 15 of the Subordinate Legislation Act 1994 applies as if it were a statutory rule within the meaning of that Act —

and such notice shall be set down for consideration to take precedence on the Notice Paper on the next sitting Thursday after notice is given: provided that, where notice has been given pursuant to paragraph (1), such notice shall take precedence.

- (3) No Member shall speak for more than five minutes on any motion moved under this Sessional Order and the debate shall be no longer than two hours."
 

(Mr McArthur) — and, after debate —

Question — That the proposed new Sessional Order be added — put.  
The House divided.

AYES, 42

Ms Asher	Mrs Fyffe	Mr Mulder	Mr Steggall
Mr Ashley	Mr Honeywood	Dr Napthine	Mr Thompson
Mr Baillieu	Mr Jasper	Mr Paterson	Mr Vogels
Ms Burke	Mr Kilgour	Mr Perton	Mr Wells
Mr Clark	Mr Kotsiras	Mrs Peulich	Mr Wilson
Mr Cooper	Mr Leigh	Mr Phillips	
Dr Dean	Mr Lupton	Mr Plowman	
Mr Delahunty	Mr McArthur	Mr Richardson	
( <i>Wimmera</i> )	Ms McCall	Mr Rowe	
Mr Dixon	Mr McIntosh	Mr Ryan	<i>Tellers</i>
Mr Doyle	Mr McNamara	Mrs Shardey	Mr Maughan
Mrs Elliott	Mr Maclellan	Mr Spry	Mr Smith

NOES, 44

Ms Barker	Ms Gillett	Mr Lim	Mr Thwaites
Mr Batchelor	Mr Haermeyer	Ms Lindell	Mr Trezise
Ms Beattie	Mr Hamilton	Mr Loney	Mr Viney
Mr Bracks	Mr Hardman	Mrs Maddigan	Mr Wynne
Mr Brumby	Mr Helper	Mr Maxfield	
Mr Cameron	Mr Holding	Mr Mildenhall	
Ms Campbell	Mr Howard	Mr Nardella	
Mr Carli	Mr Hulls	Ms Overington	
Ms Davies	Mr Ingram	Mr Pandazopoulos	
Ms Delahunty	Ms Kosky	Ms Pike	
( <i>Northcote</i> )	Mr Languiller	Mr Robinson	<i>Tellers</i>
Ms Duncan	Mr Leighton	Mr Savage	Ms Allan
Ms Garbutt	Mr Lenders	Mr Seitz	Mr Langdon

And so it passed in the negative.

Question — That the Sessional Orders be agreed to — put.  
The House divided.

AYES, 44

Ms Barker	Ms Garbutt	Mr Leighton	Mr Robinson
Mr Batchelor	Ms Gillett	Mr Lenders	Mr Savage
Ms Beattie	Mr Haermeyer	Mr Lim	Mr Seitz
Mr Bracks	Mr Hamilton	Ms Lindell	Mr Thwaites
Mr Brumby	Mr Hardman	Mr Loney	Mr Trezise
Mr Cameron	Mr Helper	Mrs Maddigan	Mr Viney
Ms Campbell	Mr Holding	Mr Maxfield	Mr Wynne
Mr Carli	Mr Howard	Mr Mildenhall	
Ms Davies	Mr Hulls	Mr Nardella	
Ms Delahunty	Mr Ingram	Ms Overington	<i>Tellers</i>
( <i>Northcote</i> )	Ms Kosky	Mr Pandazopoulos	Ms Allan
Ms Duncan	Mr Languiller	Ms Pike	Mr Langdon

## NOES, 42

Ms Asher	Mrs Fyffe	Mr Mulder	Mr Steggall
Mr Ashley	Mr Honeywood	Dr Napthine	Mr Thompson
Mr Baillieu	Mr Jasper	Mr Paterson	Mr Vogels
Ms Burke	Mr Kilgour	Mr Perton	Mr Wells
Mr Clark	Mr Kotsiras	Mrs Peulich	Mr Wilson
Mr Cooper	Mr Leigh	Mr Phillips	
Dr Dean	Mr Lupton	Mr Plowman	
Mr Delahunty	Mr McArthur	Mr Richardson	
( <i>Wimmera</i> )	Ms McCall	Mr Rowe	
Mr Dixon	Mr McIntosh	Mr Ryan	<i>Tellers</i>
Mr Doyle	Mr McNamara	Mrs Shardey	Mr Maughan
Mrs Elliott	Mr Maclellan	Mr Spry	Mr Smith

And so it was resolved in the affirmative.

- 6 **TEMPORARY CHAIRMEN OF COMMITTEES** — The following Warrant, nominating the Temporary Chairmen of Committees, was laid upon the Table by the Speaker:

## VICTORIA

## LEGISLATIVE ASSEMBLY

Pursuant to the provisions of Standing Order No 12 of the Legislative Assembly, I do hereby nominate — Ann Patricia Barker, Susan Margaret Davies, Kenneth Stephen Jasper, Donald Kilgour, Peter James Loney, Hurtle Reginald Lupton, Donato Antonio Nardella, Inga Peulich, Wayne Phillips, Antony Fulton Plowman, John Ingles Richardson, Russell Irwin Savage, and George Seitz to act as Temporary Chairmen of Committees whenever requested so to do by the Chairman of Committees.

Given under my hand this Fourth day of November, One Thousand Nine Hundred and Ninety-Nine.

A ANDRIANOPOULOS

*Speaker*

- 7 **TEMPORARY RELIEF TO THE SPEAKER AND THE DEPUTY SPEAKER** — Motion made, by leave, and question — That during any absence of the Deputy Speaker, the Speaker be authorised to call upon any of the Temporary Chairmen of Committees to temporarily relieve him in the Chair and that during any absence of the Speaker, the Deputy Speaker be similarly authorised to call upon any of the Temporary Chairmen (*Mr Batchelor*) — put and agreed to.
- 8 **FINANCIAL AUDIT OF AUDITOR-GENERAL'S OFFICE** — Motion made, by leave, and question — That, pursuant to section 17 of the *Audit Act 1994* — (1) Mr Douglas N Bartley of KPMG be appointed to conduct the financial audit of the Auditor-General's Office for the 1998–99 financial year in accordance with the conditions of appointment and remuneration contained in the Report of the Public Accounts and Estimates Committee on the Appointment of Independent Auditors to Conduct Financial and Performance Audits of the Victorian Auditor-General's Office (Parliamentary Paper No 7, Session 1998); and (2) the level of remuneration for this financial audit be \$10,750 — (*Mr Batchelor*) — put and agreed to.

Ordered — That a message be sent to the Legislative Council acquainting them of the Resolution and seeking their concurrence therein.

- 
- 9 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Batchelor*) — put and agreed to.
- 10 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.  
And the House, at 11.53 pm, adjourned until Tuesday 9 November 1999.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

## LEGISLATIVE ASSEMBLY OF VICTORIA

# VOTES AND PROCEEDINGS

## Nos 4, 5 and 6

### No 4 — Tuesday 9 November 1999

- 1 The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 3 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:  

**Genetically Engineered Food/Ingredients** — Seeking that the Health Ministers will, at the meeting on 22 October, oppose the introduction of unlabelled genetically engineered food and ingredients, bearing 82 signatures (*by Mr Steggall*).

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

Agriculture Victoria Services Pty Ltd — Report for the year 1998–99  
Chief Electrical Inspector — Report of the Office for the year 1998–99  
Environment Conservation Council — Report for the year 1998–99  
Environment Protection Authority — Report for the year 1998–99  
Justice Department — Report for the year 1998–99  
Legal Practice Board — Report for the year 1998–99  
Victorian Catchment Management Council — Report for the year 1998–99  
Victorian Dairy Industry Authority — Report for the year 1998–99.
- 5 **SITTING OF THE HOUSE** — Motion made and question — That on Thursday 11 November 1999, the Speaker do take the Chair at 12 noon (*Mr Batchelor*) — put and agreed to.
- 6 **STATEMENTS BY MEMBERS** — Statements by Members were made.
- 7 **POSTPONEMENT OF NOTICES OF MOTION** — Ordered — That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day.
- 8 **ADDRESS-IN-REPLY TO THE GOVERNOR'S SPEECH** — Order read for resuming debate on question — That the following Address, in reply to the speech of His Excellency the Governor to both Houses of Parliament, be agreed to by this House (for Address see p 27 *ante*); debate resumed.

*Business having been interrupted at 10.00 pm  
pursuant to Sessional Orders.*

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

Debate continued on question — That the following Address, in reply to the speech of His Excellency the Governor to both Houses of Parliament, be agreed to by this House (for Address see p 27 *ante*).

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

Ordered — That the debate be adjourned until tomorrow.

- 9 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Acquainting the Assembly that they have concurred with the Assembly in the appointment of Mr Douglas N Bartley to conduct the financial audit of the Victorian Auditor-General's Office.
- 10 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Batchelor*) — put and agreed to.
- 11 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.  
And the House, at 11.29 pm, adjourned until tomorrow.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

## No 5 — Wednesday 10 November 1999

- 1 The Speaker 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:  
Murray Valley Citrus Marketing Board — Report for the year 1998–99  
National Parks Advisory Council — Report for the year 1998–99.
- 3 **STATEMENTS BY MEMBERS** — Statements by Members were made.
- 4 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE** — The House was informed that Mr Doyle had proposed that a definite matter of public importance be submitted to the House for discussion, namely —  
'That the Government's election commitment to establish heroin "shooting galleries" should be abandoned unless comprehensive community consultation satisfactorily resolves the specific health, legal, planning and social implications associated with such a radical decision.'
- Mr Doyle addressed the House — Discussion ensued.

- 5 **AUDIT (AMENDMENT) BILL** — Mr Bracks obtained leave, with Mr Thwaites, to bring in a Bill '*to provide for the appointment of the Auditor-General under Part V of the **Constitution Act 1975**, to amend the **Audit Act 1994** with respect to the functions and powers of the Auditor-General, to repeal the **Audit (Amendment) Act 1997**, to make consequential amendments to other Acts and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 6 **FREEDOM OF INFORMATION (MISCELLANEOUS AMENDMENTS) BILL** — Mr Hulls obtained leave, with Mr Thwaites, to bring in a Bill '*to amend the **Freedom of Information Act 1982** to provide for increased access to documents under that Act and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 7 **LOCAL GOVERNMENT (BEST VALUE PRINCIPLES) BILL** — Mr Cameron, after debate, obtained leave with Mr Thwaites, to bring in a Bill '*to amend the **Local Government Act 1989** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 8 **REGIONAL INFRASTRUCTURE DEVELOPMENT FUND BILL** — Mr Brumby obtained leave, with Mr Bracks, to bring in a Bill '*to provide for a fund to be called the **Regional Infrastructure Development Fund** to be established in the Public Account as part of the Trust Fund and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 9 **ESSENTIAL SERVICES (YEAR 2000) BILL** — Mr Bracks obtained leave, with Mr Thwaites, to bring in a Bill '*to provide a temporary system of emergency powers to deal with events arising from year 2000 computer problems, to amend the **Emergency Management Act 1986** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 10 **HEALTH PRACTITIONERS (SPECIAL EVENTS EXEMPTION) BILL** — Mr Thwaites obtained leave, with Mr Hulls, to bring in a Bill '*to allow visiting health practitioners to provide health care services in the State in connection with special events without becoming registered under State law and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 11 **LEGAL PRACTICE (AMENDMENT) BILL** — Mr Hulls obtained leave, with Mr Bracks, to bring in a Bill '*to amend the **Legal Practice Act 1996** with respect to the powers of the Legal Profession Tribunal and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 12 **POSTPONEMENT OF NOTICES OF MOTION** — Ordered — That the consideration of Government Business, Notices of Motion, Nos 8 to 12 inclusive, be postponed until later this day.
- 13 **ADDRESS-IN-REPLY TO THE GOVERNOR'S SPEECH** — Order read for resuming debate on question — That the following Address, in reply to the speech of His Excellency the Governor to both Houses of Parliament, be agreed to by this House (for Address see p 27 ante); debate resumed.

*Business having been interrupted at 2.00 pm  
pursuant to Sessional Orders.*

- 14 **QUESTIONS** — (Pursuant to Standing Order No 124).

- 15 **ADDRESS-IN-REPLY TO THE GOVERNOR'S SPEECH** — Debate resumed on question — That the following Address, in reply to the speech of His Excellency the Governor to both Houses of Parliament, be agreed to by this House (for Address see p 27 *ante*).  
Motion made and question — That the debate be now adjourned (*Mr Ryan*) — put and agreed to.  
Ordered — That the debate be adjourned until tomorrow.
- 16 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Pandazopoulos*) — put and agreed to.
- 17 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.  
And the House, at 10.58 pm, adjourned until tomorrow.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

## No 6 — Thursday 11 November 1999

- 1 The House met pursuant to adjournment — The Speaker took the Chair and read the Prayer.
- 2 **MINISTERIAL STATEMENT — CONNECTING VICTORIA** — Mr Brumby made a Ministerial Statement on Connecting Victoria — The Victorian Government's Strategy for Information and Communication Technologies.  
Motion made, by leave, and question proposed — That this House takes note of the Ministerial Statement (*Mr Brumby*) — and, after debate —  
Motion made and question — That the debate be now adjourned (*Ms Kosky*) — put and agreed to.  
Ordered — That the debate be adjourned until tomorrow.
- 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:
- Corangamite Catchment Management Authority — Report for the year 1998–99
  - East Gippsland Catchment Management Authority — Report for the year 1998–99
  - Financial Management Act 1994 — Financial Report for the State of Victoria, incorporating the annual financial statement for the year 1998–99 together with the Auditor-General's report on that statement — Ordered to be printed
  - Glenelg Hopkins Catchment Management Authority — Report for the year 1998–99
  - Goulburn Broken Catchment Management Authority — Report for the year 1998–99
  - Mallee Catchment Management Authority — Report for the year 1998–99
  - North Central Catchment Management Authority — Report for the year 1998–99
  - North East Catchment Management Authority — Report for the year 1998–99



Parliamentary Committees Act 1968 — Interim response of the Premier to the Federal-State Relations Committee's Third Report on Federalism and the Role of the States: Comparisons and Recommendations

Port Phillip Catchment and Land Protection Board — Report for the year 1998–99

West Gippsland Catchment Management Authority — Report for the year 1998–99.

- 4 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourn until Tuesday 23 November 1999 (*Mr Batchelor*) — put and agreed to.
- 5 **STATEMENTS BY MEMBERS** — Statements by Members were made.
- 6 **POSTPONEMENT OF NOTICES OF MOTION** — Ordered — That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day.
- 7 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 1, be postponed until later this day.
- 8 **FREEDOM OF INFORMATION (MISCELLANEOUS AMENDMENTS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Cameron*).  
Motion made and question — That the debate be now adjourned (*Dr Dean*) — put and agreed to.  
Ordered — That the debate be adjourned until Thursday 25 November 1999.
- 9 **LOCAL GOVERNMENT (BEST VALUE PRINCIPLES) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Cameron*).  
Motion made and question — That the debate be now adjourned (*Ms Burke*) — put and agreed to.  
Ordered — That the debate be adjourned until Thursday 25 November 1999.
- 10 **REGIONAL INFRASTRUCTURE DEVELOPMENT FUND BILL** — Order read for this Bill to be now read a second time.  
*Business having been interrupted at 2.00 pm pursuant to Sessional Orders.*
- 11 **ISSUE OF WRIT** — The Speaker announced that he had, that day, issued a Writ for a by-election for the Electoral District of Burwood to be held on 11 December 1999.
- 12 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 13 **REGIONAL INFRASTRUCTURE DEVELOPMENT FUND BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).  
Motion made and question — That the debate be now adjourned (*Mr Ryan*) — put and agreed to.  
Ordered — That the debate be adjourned until Thursday 25 November 1999.
- 14 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 5 be postponed until later this day.

- 15 **HEALTH PRACTITIONERS (SPECIAL EVENTS EXEMPTION) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Thwaites*).  
Motion made and question — That the debate be now adjourned (*Mr Doyle*) — put and agreed to.  
Ordered, after debate — That the debate be adjourned until Tuesday 23 November 1999.
- 16 **LEGAL PRACTICE (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).  
Motion made and question — That the debate be now adjourned (*Dr Dean*) — put and agreed to.  
Ordered, after debate — That the debate be adjourned until Tuesday 23 November 1999.
- 17 **ESSENTIAL SERVICES (YEAR 2000) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).  
*Mr Batchelor made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.*  
Motion made and question — That the debate be now adjourned (*Dr Napthine*) — put and agreed to.  
Ordered, after debate — That the debate be adjourned until Tuesday 23 November 1999.
- 18 **AUDIT (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Bracks*).  
Motion made and question — That the debate be now adjourned (*Dr Napthine*) — put and agreed to.  
Ordered — That the debate be adjourned until Thursday 25 November 1999.
- 19 **ADDRESS-IN-REPLY TO THE GOVERNOR'S SPEECH** — Order read for resuming debate on question — That the following Address, in reply to the speech of His Excellency the Governor to both Houses of Parliament, be agreed to by this House (for Address see p 27 *ante*); debate resumed.  
Motion made and question — That the debate be now adjourned (*Mr Paterson*) — put and agreed to.  
Ordered — That the debate be adjourned until tomorrow.
- 20 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Ms Delahunty, Northcote*) — put and agreed to.
- 21 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.  
And the House, at 5.27 pm, adjourned until Tuesday 23 November 1999.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS  
Nos 7, 8 and 9

No 7 — Tuesday 23 November 1999

- 1 The House met pursuant to adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 3 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:
  - Rail Line — Broadmeadows to Tullamarine Airport** — Seeking that submissions be called for in relation to the entire proposal to develop a third rail line along the Broadmeadows line to the Tullamarine Airport and that no other action be taken until an Environmental Effects Statement is completed, bearing 43 signatures (*by Mrs Maddigan*).Ordered to lie on the Table.
- 4 **PAPERS PURSUANT TO STATUTE** — The following papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:
  - Auditor-General — Report of the Office for the year 1998–99
  - Bethlehem Hospital Inc — Report for the year 1998–99 (two papers)
  - Caritas Christi Hospice Limited — Financial Statements for the year 1998–99
  - City West Water Limited — Report for the year 1998–99
  - Equal Opportunity Commission — Report for the year 1998–99 — Ordered to be printed
  - Financial Management Act 1994:
    - Reports from the Minister for Agriculture that he had received the 1998–99 Annual Reports of the:
      - Victorian Broiler Industry Negotiation Committee
      - Victorian Strawberry Industry Development Committee
    - Report from the Minister for Environment and Conservation that she had received the 1998–99 Annual Report of the Water Training Centre.
    - Reports from the Minister for Environment and Conservation that she had received the Annual Reports for the period 30 April 1998 to 31 October 1998 of the:
      - Lake Mountain Alpine Resort Management Board
      - Mt Baw Alpine Resort Management Board
      - Mt Stirling Alpine Resort Management Board
  - First Mildura Irrigation Trust — Report for the year 1998–99
  - Gippsland and Southern Rural Water Authority — Report for the year 1998–99
  - Goulburn-Murray Rural Water Authority — Report for the year 1998–99

- Human Services Department — Report for the year 1998–99
- North Western Health Care Network — Report for the year 1998–99 (two papers)
- Peninsula Health Care Network — Report for the year 1998–99
- Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:
- Bayside Planning Scheme — No L14
  - Frankston Planning Scheme — No L87
  - Greater Shepparton Planning Scheme — No C2
  - Hobsons Bay Planning Scheme — No L17
  - Kingston Planning Scheme — Nos L43, L44
  - Nillumbik Planning Scheme — Nos L21, L26
  - Yarra Planning Scheme — No C4
- Public Employment Office — Report for the year 1998–99
- Public Prosecutions — Report of the Director, Committee and Office for the year 1998–99
- Queen Victoria Women's Centre Trust — Report for the year 1998–99
- Southern Health Care Network — Report for the year 1998–99
- St Vincent's Hospital — Report for the year 1998–99 (two papers)
- State Trustees Limited — Report for the year 1998–99 (two papers)
- Statutory Rule under the Road Safety Act 1986 — SR No 120
- Sunraysia Rural Water Authority — Report for the year 1998–99
- Victorian Electoral Commission — Report for the year 1998–99
- Victorian Government Purchasing Board — Report for the year 1998–99 (two papers)
- Victorian Multicultural Commission — Report for the year 1998–99
- Wimmera Catchment Management Authority — Report for the year 1998–99
- Wimmera-Mallee Rural Water Authority — Report for the year 1998–99
- Women's and Children's Health Care Network — Report for the year 1998–99
- Yarra Valley Water Limited — Report for the year 1998–99.

- 5 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, pursuant to Sessional Order 6(3), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 25 November 1999:

- Essential Services (Year 2000) Bill
- Health Practitioners (Special Events Exemption) Bill
- Legal Practice (Amendment) Bill

(*Mr Batchelor*) — put and agreed to.

- 6 **STATEMENTS BY MEMBERS** — Statements by Members were made.

- 7 **MESSAGES FROM HIS EXCELLENCY THE GOVERNOR** — The Speaker announced the presentation of messages from His Excellency the Governor recommending appropriations for the purposes of the following bills:
- Audit (Amendment) Bill
  - Essential Services (Year 2000) Bill
  - Freedom of Information (Miscellaneous Amendments) Bill
  - Regional Infrastructure Development Fund Bill.
- 8 **POSTPONEMENT OF NOTICES OF MOTION** — Ordered — That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day.
- 9 **ESSENTIAL SERVICES (YEAR 2000) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Business having been interrupted at 10.00 pm  
pursuant to Sessional Orders.*
- 10 **ADJOURNMENT** — The Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 11.27 pm.

R W PURDEY  
Clerk of the Legislative Assembly

A ANDRIANOPOULOS  
Speaker

## No 8 — Wednesday 24 November 1999

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:
- Grace McKellar Centre, Geelong** — Seeking that the Government reverses the decision to privatise the beds of the elderly residents at the Grace McKellar Centre in Geelong and allow the affected citizens to remain there, bearing 5,334 signatures (*by Mr Trezise*).
- Ordered to lie on the Table.
- 3 **PAPERS PURSUANT TO STATUTE** — The following papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:
- Housing Guarantee Fund Limited — Report for the year 1998–99
  - Parliamentary Committees Act 1968 — Interim Response of the Attorney-General on the action taken with respect to the recommendations made by the Law Reform Committee's Report on Criminal Liability for Self-Induced Intoxication

Planning and Environment Act 1987:

Notices of approval of the following new Planning Schemes:

Buloke Planning Scheme  
 French Island and Sandstone Island Planning Scheme  
 Knox Planning Scheme

Notices of approval of amendments to the following Planning Schemes:

Baw Baw Planning Scheme — No C6  
 Brimbank Planning Scheme — No C3  
 Casey Planning Scheme — No C4  
 Glen Eira Planning Scheme — No C1  
 Macedon Ranges Planning Scheme — No L29  
 Mornington Peninsula Planning Scheme — No C3  
 Nillumbik Planning Scheme — No L22  
 Wyndham Planning Scheme — No C10  
 Yarra Planning Scheme — No C8.

- 4 **STATEMENTS BY MEMBERS** — Statements by Members were made.
- 5 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.
- 6 **POSTPONEMENT OF NOTICES OF MOTION** — Ordered — That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day.
- 7 **WATER (WATERWAY MANAGEMENT TARIFFS) BILL** — Ms Garbutt, pursuant to a motion moved on her behalf by Mr Bracks, obtained leave, with Mr Hulls, to bring in a Bill *'to amend the **Water Act 1989** to remove the power of Catchment Management Authorities to set tariffs in respect of certain functions exercised by those Authorities under the **Water Act 1989** and to provide for transitional arrangements for fees previously imposed by those Authorities under those tariffs and for other purposes'*; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 8 **CONSTITUTION (REFORM) BILL** — Mr Bracks obtained leave, with Mr Hulls, to bring in a Bill *'to reform the **Constitution Act 1975** by making provision for the constitution, duration and powers of the Houses of the Parliament and for the election of members of the Legislative Council using proportional representation, to amend the **Constitution Act 1975**, **The Constitution Act Amendment Act 1958**, the **Electoral Boundaries Commission Act 1982**, the **Parliamentary Committees Act 1968** and the **Parliamentary Salaries and Superannuation Act 1968** and for other purposes'*; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 9 **PUBLIC PROSECUTIONS (AMENDMENT) BILL** — Mr Hulls obtained leave, with Mr Bracks, to bring in a Bill *'to amend the **Constitution Act 1975** to provide for the appointment of the Director of Public Prosecutions under that Act, to amend the **Public Prosecutions Act 1994** to remove restrictions on who may apply to a court for punishment of a person for contempt of court, to amend the **Supreme Court Act 1986** to provide for the restoration of the common law relating to contempt of court and for other purposes'*; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.

- 10 **MELBOURNE SPORTS AND AQUATIC CENTRE (AMENDMENT) BILL** — Mr Pandazopoulos, pursuant to a motion moved on his behalf by Mr Hulls, obtained leave, with Mr Bracks, to bring in a Bill 'to amend the *Melbourne Sports and Aquatic Centre Act 1994* to alter the title of that Act, to alter the name of the Melbourne Sports and Aquatic Centre Trust and to enable the Trust to manage the State Netball and Hockey Centre and other sports, recreation and entertainment facilities and services and for other purposes'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 11 **HEALTH PRACTITIONERS (SPECIAL EVENTS EXEMPTION) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Business having been interrupted at 2.00 pm  
pursuant to Sessional Orders.*
- 12 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 13 **HEALTH PRACTITIONERS (SPECIAL EVENTS EXEMPTION) BILL** — Debate continued on question — That this Bill be now read a second time.
- Bill read a second time and committed; considered in Committee and reported without amendment; read a third time.
- Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.
- 14 **LEGAL PRACTICE (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 15 **FEDERAL COURTS (STATE JURISDICTION) BILL** — The Acting Speaker announced the receipt of a message from the Legislative Council transmitting a Bill 'relating to the ineffective conferral of jurisdiction on the Federal Court of Australia and the Family Court of Australia with respect to certain matters, to amend the *Competition Policy Reform (Victoria) Act 1995* and the *New Tax System Price Exploitation Code (Victoria) Act 1999* and for other purposes' and desiring the concurrence of the Legislative Assembly therein.
- On the motion of Mr Hulls, the Bill transmitted by the foregoing message was read a first time, ordered to be printed and read a second time tomorrow.
- 16 **LEGAL PRACTICE (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Bill read a second time and, by leave, read a third time forthwith.
- Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

*Business having been interrupted at 10.00 pm  
pursuant to Sessional Orders.*

- 17 **ADJOURNMENT** — The Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 11.19 pm.

R W PURDEY  
Clerk of the Legislative Assembly

A ANDRIANOPOULOS  
Speaker

## No 9 — Thursday 25 November 1999

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

2 **PAPERS** —

**NATIONAL ROAD TRANSPORT COMMISSION** — Motion made, by leave, and question — That there be presented to this House a copy of the Report of the National Road Transport Commission for the year 1998–99 (*Mr Batchelor*) — put and agreed to.

The said report was presented by Mr Batchelor 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 Act 1975 — Report on the workings of the Act for the year 1998–99

Premier and Cabinet Department — Report for the year 1998–99.

- 3 **STATEMENTS BY MEMBERS** — Statements by Members were made.

- 4 **POSTPONEMENT OF NOTICES OF MOTION** — Ordered — That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day.

- 5 **WATER (WATERWAY MANAGEMENT TARIFFS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Garbutt*).

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

Ordered — That the debate be adjourned until Thursday 9 December 1999.

- 6 **PUBLIC PROSECUTIONS (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

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

Ordered — That the debate be adjourned until Thursday 9 December 1999.

- 7 **MELBOURNE SPORTS AND AQUATIC CENTRE (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Pandazopoulos*).

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



Ordered — That the debate be adjourned until Thursday 9 December 1999.

- 8 **FEDERAL COURTS (STATE JURISDICTION) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

*Mr Hulls made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.*

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

Ordered, after debate — That the debate be adjourned until Thursday 2 December 1999.

- 9 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 5, be postponed until later this day.

- 10 **AUDIT (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Dr Napthine announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

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

*Business having been interrupted at 2.00 pm  
pursuant to Sessional Orders.*

- 11 **QUESTIONS** — (Pursuant to Standing Order No 124).

- 12 **AUDIT (AMENDMENT) BILL** — Debate continued on question — That this Bill be now read a second time.

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

Ordered — That the debate be adjourned until Tuesday 30 November 1999.

- 13 **ESSENTIAL SERVICES (YEAR 2000) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Bill read a second time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly and committed; considered in Committee.

*Allocation of time — The Chairman of Committees advised that the time allocated for consideration of bills pursuant to resolution of the House on Tuesday 23 November 1999 had expired.*

Bill reported without amendment.

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 14 **CONSTITUTION REFORM (REPEAL) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Bracks*).

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

Motion made and question proposed — That the debate be adjourned for two weeks (*Mr Bracks*).

Amendment proposed — That the word 'two' be omitted with the view of inserting in place thereof the word 'four' (*Dr Dean*) — and, after debate — put and agreed to.

Ordered — That the debate be adjourned until Thursday 23 December 1999.

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

16 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

And the House, at 5.50 pm, adjourned until Tuesday 30 November 1999.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

LEGISLATIVE ASSEMBLY OF VICTORIA

**VOTES AND PROCEEDINGS**  
**Nos 10, 11 and 12**

**No 10 — Tuesday 30 November 1999**

- 1 The Speaker took the Chair and read the Prayer.
- 2 **APPOINTMENT OF CLERK OF THE PARLIAMENTS** — The Speaker informed the House that in accordance with the joint recommendation of the President of the Legislative Council and himself, the Governor in Council has been pleased to appoint Raymond William Purdey to the office of Clerk of the Parliaments from 4 December 1999 in consequence of the retirement of Allan Victor Bray from that position.

3 **QUESTIONS** — (Pursuant to Standing Order No 124).

- 4 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:

**Open-Cut Gold Mining** — Seeking that the law which allows permanent destruction of land and waterways as a result of open-cut gold mining be changed, bearing 1,579 signatures (*by Ms Allan*).

Ordered to lie on the Table.

5 **PAPERS** —

**PATRIOTIC FUNDS COUNCIL** — Motion made, by leave, and question — That there be presented to this House a copy of the Report of the Patriotic Funds Council of Victoria for the year 1998 (*Mr Haermeyer*) — put and agreed to.

The said report was presented by Mr Haermeyer 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:

- Barwon Region Water Authority — Report for the year 1998–99
- Central Gippsland Region Water Authority — Report for the year 1998–99
- Central Highlands Region Water Authority — Report for the year 1998–99
- Coliban Region Water Authority — Report for the year 1998–99
- East Gippsland Region Water Authority — Report for the year 1998–99
- Glenelg Region Water Authority — Report for the year 1998–99
- Goulburn Valley Region Water Authority — Report for the year 1998–99
- Grampians Region Water Authority — Report for the year 1998–99
- Lower Murray Region Water Authority — Report for the year 1998–99
- North East Region Water Authority — Report for the year 1998–99

Parliamentary Committees Act 1968 — Response of the Premier on the action taken with respect to the recommendations made by the Federal-State Relations Committee's Report on The Register of Specific Purpose Payments Received by Victoria

Planning and Environment Act 1987:

Notice of approval of the new Yarriambiack Planning Scheme

Notices of approval of amendments to the following Planning Schemes:

Cranbourne Planning Scheme — No L241

Melbourne Planning Scheme — No C17

Melton Planning Scheme — Nos C6, C9

Monash Planning Scheme — No L53

Port Phillip Planning Scheme — No C13

Stonnington Planning Scheme — Nos L89, L90

Yarra Ranges Planning Scheme — No L114

Portland Coast Region Water Authority — Report for the year 1998–99

South Gippsland Region Water Authority — Report for the year 1998–99

South West Water Authority — Report for the year 1998–99

Statutory Rules under the following Acts:

Forests Act 1958 — SR No 122

Magistrates' Court Act 1989 — SR No 121

Subordinate Legislation Act 1994: Minister's exception certificate in relation to Statutory Rule No 121

Victoria Legal Aid — Report for the year 1998–99

Victoria Police — Report for the year 1998–99

Western Region Water Authority — Report for the year 1998–99

Westernport Region Water Authority — Report for the year 1998–99.

The following proclamation fixing an operative date was laid upon the Table by the Clerk pursuant to an Order of the House dated 3 November 1999:

Courts (General Amendment) Act 1995 — Section 4 on 1 December 1999 (*Gazette No G47 25 November 1999*).

- 6 **MESSAGES FROM HIS EXCELLENCY THE GOVERNOR** — The Speaker announced the presentation of messages from His Excellency the Governor recommending appropriations for the purposes of the following bills:

Constitution (Reform) Bill

Melbourne Sports and Aquatic Centre (Amendment) Bill

Public Prosecutions (Amendment) Bill

Water (Waterway Management Tariffs) Bill.

- 7 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, pursuant to Sessional Order 6(3), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 2 December 1999:

Audit (Amendment) Bill

Regional Infrastructure Development Fund Bill

Local Government (Best Value Principles) Bill

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

- 
- 8 **STATEMENTS BY MEMBERS** — Statements by Members were made.
- 9 **POSTPONEMENT OF NOTICES OF MOTION** — Ordered — That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day.
- 10 **AUDIT (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Pursuant to Sessional Orders, Ms Garbutt announced that it was proposed to move an amendment in Committee and requested that it be circulated. Amendment circulated.
- Debate resumed on question — That this Bill be now read a second time.
- Bill read a second time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly and committed; considered in Committee.
- Committee reported progress.
- Business having been interrupted at 10.00 pm  
pursuant to Sessional Orders — The Speaker took the Chair*
- Motion made and question — That the sitting be continued (*Mr Batchelor*) — put and agreed to.
- Bill further considered in Committee and reported with amendments; as amended, considered, and amendments agreed to.
- Bill read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.
- Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.
- 11 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:
- Health Practitioners (Special Events Exemption) Bill  
Legal Practice (Amendment) Bill.
- 12 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Batchelor*) — put and agreed to.
- 13 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.
- And the House, at 11.36 pm, adjourned until tomorrow.

## No 11 — Wednesday 1 December 1999

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Primary School in Aspendale Gardens** — Seeking that a primary school be constructed immediately in Aspendale Gardens on the Kearney Drive site purchased and reserved exclusively for that purpose, bearing 1,028 signatures (*by Ms Lindell*).

**Otway Forest Management Area** — Seeking that the House will bring about a permanent end to logging in all proclaimed water catchments in the Otway Forest Management Area, bearing 6,604 signatures (*by Mr Loney*).

**High Voltage Power Lines in Gippsland** — Seeking that the Government will immediately intervene to stop the construction of overhead high voltage power lines across Gippsland by the Basslink Development Board, bearing 118 signatures (*by Mr Ryan*).

Severally ordered to lie on the Table.

3 **PAPERS** —

**PARLIAMENTARY DEPARTMENTS' REPORTS** — Motion made, by leave, and question — That there be presented to this House a copy of the Reports of the Department of the Legislative Assembly, Department of the Parliamentary Library, Department of Parliamentary Debates and Department of Parliamentary Services for the year 1998–99 (*Mrs Maddigan*) — put and agreed to.

The said reports were presented by Mrs Maddigan and ordered to lie on the Table.

**PAPERS PURSUANT TO STATUTE** —

The Speaker presented:

BLF (De-recognition) Act 1985 — Forty-Fifth Report of the Custodian.

Ordered to lie on the Table and to be printed.

The following papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Ambulance Service of Victoria — Metropolitan Region — Report for the year 1998–99

Dental Health Services Victoria — Report for the year 1998–99

Financial Management Act 1994:

Reports from the Minister for Health that he had received the 1998–99 Annual Reports of the:

Alexandra and District Ambulance Service

Ambulance Officers' Training Centre

Nurses Board

Osteopaths Registration Board

Physiotherapists Registration Board

Mental Health Review Board and Psychosurgery Review Board — Report for the year 1998–99

Parliamentary Committees Act 1968 – Interim response of the Minister for State and Regional Development to the Economic Development Committee's Report on the Effects of Government-Funded National Broadcasting on Victoria

Pharmacy Board – Report for the year 1998–99

Prince Henry's Institute of Medical Research – Report for the year 1998

Psychologists Registration Board – Report for the year 1998

Radiation Advisory Committee – Report for the year ended 30 September 1999

Rural Ambulance Victoria – Report for the year 1998–99

Statutory Rules under the following Acts:

Conservation, Forests and Lands Act 1987 – SR No 125

Subordinate Legislation Act 1994 – SR No 124

Transport Act 1983 – SR No 123

Subordinate Legislation Act 1994: Ministers' exemption certificates in relation to Statutory Rule Nos 123, 124, 125.

4 **STATEMENTS BY MEMBERS** – Statements by Members were made.

5 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE – LEGAL AID FUNDING** – The House was informed that Mr Hulls had proposed that a definite matter of public importance be submitted to the House for discussion, namely –

'This House should support the Victorian Government's campaign to have the Federal Government restore funding to Victoria for legal aid to pre-1997/8 levels, and re-establish an administratively simple and accountable system of legal aid.'

Mr Hulls addressed the House – Discussion ensued.

6 **POSTPONEMENT OF NOTICES OF MOTION** – Motion made and question proposed – That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day (*Mr Hulls*).

Amendment proposed – That the following expression be inserted after the expression 'inclusive,' 'Government Business, Notices of Motion Nos 6 and 7, Government Business, Orders of the Day Nos 1 to 6 inclusive and General Business, Notices of Motion Nos 1 to 18 inclusive,' (*Mr McArthur*) – and, after debate –

Question – That the expression proposed to be inserted be so inserted.

*[A division being required, but not permitted pursuant to Sessional Order 15, the Speaker left the Chair]*

*Business having been interrupted at 2.00 pm  
pursuant to Sessional Orders.*

7 **QUESTIONS** – (Pursuant to Standing Order No 124).

8 **POSTPONEMENT OF NOTICES OF MOTION** – Resolution of the question – That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day – *and on the amendment* – That the following expression be inserted after the expression 'inclusive,' 'Government Business, Notices of Motion Nos 6 and 7, Government Business, Orders of the Day Nos 1 to 6 inclusive and General Business, Notices of Motion Nos 1 to 18 inclusive,'.

Question – That the expression proposed to be inserted be so inserted – put.

The House divided.

AYES, 42

Ms Asher	Mrs Fyffe	Mr Mulder	Mr Steggall
Mr Ashley	Mr Honeywood	Dr Napthine	Mr Thompson
Mr Baillieu	Mr Jasper	Mr Paterson	Mr Vogels
Ms Burke	Mr Kilgour	Mr Perton	Mr Wells
Mr Clark	Mr Kotsiras	Mrs Peulich	Mr Wilson
Mr Cooper	Mr Leigh	Mr Phillips	
Dr Dean	Mr Lupton	Mr Plowman	
Mr Delahunty	Mr McArthur	Mr Richardson	
(Wimmera)	Ms McCall	Mr Rowe	
Mr Dixon	Mr McIntosh	Mr Ryan	Tellers
Mr Doyle	Mr McNamara	Mrs Shardey	Mr Maughan
Mrs Elliott	Mr Maclellan	Mr Spry	Mr Smith

NOES, 44

Ms Allan	Ms Duncan	Mr Languiller	Mr Robinson
Ms Barker	Ms Garbutt	Mr Leighton	Mr Savage
Mr Batchelor	Ms Gillett	Mr Lenders	Mr Seitz
Ms Beattie	Mr Haermeyer	Mr Lim	Mr Thwaites
Mr Bracks	Mr Hamilton	Ms Lindell	Mr Trezise
Mr Brumby	Mr Hardman	Mr Loney	Mr Viney
Mr Cameron	Mr Helper	Mrs Maddigan	Mr Wynne
Ms Campbell	Mr Holding	Mr Maxfield	
Mr Carli	Mr Howard	Mr Mildenhall	
Ms Davies	Mr Hulls	Mr Nardella	Tellers
Ms Delahunty	Mr Ingram	Mr Pandazopoulos	Mr Langdon
(Northcote)	Ms Kosky	Ms Pike	Ms Overington

And so it passed in the negative.

Question — That consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day — put and agreed to.

- 9 **POLICE REGULATION (AMENDMENT) BILL** — Mr Haermeyer obtained leave, with Mr Hulls, to bring in a Bill '*to amend the Police Regulation Act 1958 to establish a Police Appeals Board, to abolish the Police Board and the Police Review Commission, to provide members of the police force with protection from civil action arising from the performance of their duties, to amend the Juries Act 1967 and the Ombudsman Act 1973 and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 10 **DOMESTIC BUILDING CONTRACTS (AMENDMENT) BILL** — Mr Haermeyer, after debate, obtained leave with Mr Hamilton, to bring in a Bill '*to amend the Domestic Building Contracts Act 1995 and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 11 **LOCAL GOVERNMENT (BEST VALUE PRINCIPLES) BILL** - Order read for resuming debate on question - That this Bill be now read a second time.

Pursuant to Sessional Orders, Mr Cameron announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

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



Bill read a second time and committed; considered in Committee and reported with amendments; as amended, considered, and amendments agreed to; read a third time.

Ordered – That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 12 **REGIONAL INFRASTRUCTURE DEVELOPMENT FUND BILL** – Order read for resuming debate on question - That this Bill be now read a second time.

Pursuant to Sessional Orders, Mr Ryan announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

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

*Business having been interrupted at 10.00 pm  
pursuant to Sessional Orders.*

- 13 **ADJOURNMENT** – The Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 11.16 pm.

R W PURDEY

*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS

*Speaker*

## **No 12 – Thursday 2 December 1999**

- 1 The Speaker 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:
  - National Gallery of Victoria – Report of the Council of Trustees for the year 1998–99
  - Parliamentary Committees Act 1968 – Response of the Minister for Environment and Conservation to the Public Accounts and Estimates Committee’s Interim Report of the Inquiry into Environmental Accounting and Reporting
  - Police Board – Report for the year 1998–99
  - Treasury and Finance, Department of – Report for the year 1998–99
  - Victorian Institute of Forensic Medicine – Report for the year 1998–99.
- 3 **MESSAGE FROM THE LEGISLATIVE COUNCIL** – Agreeing to the Essential Services (Year 2000) Bill without amendment.
- 4 **AUDIT (AMENDMENT) BILL – CLERK’S CORRECTION** – The Speaker announced that he had received a report from the Clerk that he had made the following correction in this Bill:
  - In Clause 9, new Division 2, new clause 7B (2)(e) has been corrected to read 7B (2)(d).
- 5 **STATEMENTS BY MEMBERS** – Statements by Members were made.

- 6 **POSTPONEMENT OF NOTICES OF MOTION** – Ordered – That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day.
- 7 **POLICE REGULATION (AMENDMENT) BILL** – Motion made and question proposed – That this Bill be now read a second time (*Mr Haermeyer*).  
 Motion made and question – That the debate be now adjourned (*Mr Ryan*) – put and agreed to.  
 Ordered – That the debate be adjourned until Thursday 16 December 1999.
- 8 **DOMESTIC BUILDING CONTRACTS (AMENDMENT) BILL** – Motion made and question proposed – That this Bill be now read a second time (*Mr Haermeyer*).  
 Motion made and question – That the debate be now adjourned (*Dr Napthine*) – put and agreed to.  
 Ordered – That the debate be adjourned until Thursday 16 December 1999.
- 9 **REGIONAL INFRASTRUCTURE DEVELOPMENT FUND BILL** – Order read for resuming debate on question – That this Bill be now read a second time; debate resumed.  
*Business having been interrupted at 2.00 pm pursuant to Sessional Orders.*
- 10 **QUESTIONS** – (Pursuant to Standing Order No 124).
- 11 **REGIONAL INFRASTRUCTURE DEVELOPMENT FUND BILL** – Debate continued on question – That this Bill be now read a second time.  
*Allocation of time – The Deputy Speaker advised that the time allocated for consideration of bills pursuant to resolution of the House on Tuesday 30 November 1999 had expired.*  
 Question – That this Bill be now read a second and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein – put and agreed to.
- 12 **POSTPONEMENT OF REMAINING BUSINESS** – Motion made and question – That the consideration of remaining business be postponed (*Mr Brumby*) – put and agreed to.
- 13 **ADJOURNMENT** – Resolved, after debate – That the House do now adjourn.  
 And the House, at 5.04 pm, adjourned until Tuesday 7 December 1999.

R W PURDEY  
 Clerk of the Legislative Assembly

A ANDRIANOPOULOS  
 Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS  
Nos 13, 14 and 15

No 13 — Tuesday 7 December 1999

- 1 The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 3 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:  

**Dairy Industry Deregulation** — Seeking that the Government will place a hold on changes to the dairy industry through deregulation so that a more beneficial proposal can be put in place by 1 July 2000 which will ensure that the market milk premium remains in the hands of Victorian dairy farmers, bearing 2,732 signatures (*by Mr Maxfield*).

Ordered to lie on the Table.
- 4 **PAPERS PURSUANT TO STATUTE** — The following papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:
  - Bairnsdale Regional Health Service — Report for the year 1998–99
  - Building Act 1993:
    - Building Code of Australia 1996 — Amendment No 5
    - Notice of making the Amendment (*Government Gazette No G48, 2 December 1999*)
    - Minister's exemption certificate under s 9(1) of the *Subordinate Legislation Act 1994*
  - Colac Community Health Services — Report for the year 1998–99
  - East Grampians Health Service — Report for the year 1998–99
  - Financial Management Act 1994:
    - Reports from the Minister for Health that he had received the 1998–99 Annual Reports of the:
      - Beaufort and Skipton Health Service
      - Coleraine and District Hospital
      - Durmunkle Health Services
      - Far East Gippsland Health and Support Service
      - Hesse Rural Health Service
      - Lorne Community Hospital
      - Moyne Health Services
      - Omeo District Hospital
      - South Gippsland Hospital
      - Terang and Mortlake Health Service
      - The Otway Health and Community Services
      - Timboon and District Healthcare Service

Yarram and District Health Service

Gippsland Southern Health Service – Report for the year 1998–99

Planning and Environment Act 1987 – Amendment No 109 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan (two papers)

Planning and Environment Act 1987:

Notice of approval of the new Darebin Planning Scheme

Notice of approval of amendment to the Greater Geelong Planning Scheme – No R247

Stawell District Hospital – Report for the year 1998–99

Victorian Relief Committee – Report for the year 1998–99, together with an explanation for the delay in tabling

Warrnambool and District Base Hospital – Report for the year 1998–99

West Gippsland Healthcare Group – Report for the year 1998–99

Wimmera Health Care Group – Report for the year 1998–99.

- 5 **MESSAGE FROM HIS EXCELLENCY THE GOVERNOR – ASSENT TO BILLS –** Informing the Assembly that he had, that day, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:
- Essential Services (Year 2000) Bill
  - Health Practitioners (Special Events Exemption) Bill
  - Legal Practice (Amendment) Bill.
- 6 **MESSAGE FROM HIS EXCELLENCY THE GOVERNOR –** The Speaker announced the presentation of a message from His Excellency the Governor recommending an appropriation for the purposes of the Police Regulation (Amendment) Bill.
- 7 **GOVERNMENT BUSINESS PROGRAM –** Motion made and question – That, pursuant to Sessional Order 6(3), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 9 December 1999:
- Freedom of Information (Miscellaneous Amendments) Bill
  - Federal Courts (State Jurisdiction) Bill
  - Public Prosecutions (Amendment) Bill
  - Melbourne Sports and Aquatic Centre (Amendment) Bill
- (*Mr Batchelor*) – put and agreed to.
- 8 **STATEMENTS BY MEMBERS –** Statements by Members were made.
- 9 **POSTPONEMENT OF NOTICES OF MOTION –** Ordered – That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day.
- 10 **FREEDOM OF INFORMATION (MISCELLANEOUS AMENDMENTS) BILL –** Order read for resuming debate on question – That this Bill be now read a second time.
- Pursuant to Sessional Orders, Mr Hulls announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

Pursuant to Sessional Orders, Dr Dean announced that it was proposed to move amendments and further amendments in Committee and requested that they be circulated. Amendments and further amendments circulated.

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

*Business having been interrupted at 10.00 pm  
pursuant to Sessional Orders.*

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

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

Bill read a second time and committed; considered in Committee and reported with amendments; as amended, considered, and amendments agreed to; read a third time.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 11 **CRIMES AT SEA BILL** — The Speaker announced the receipt of a message from the Legislative Council transmitting a Bill '*to give effect to a cooperative scheme for dealing with crimes at sea, to repeal the Crimes (Offences at Sea) Act 1978, to amend the Interpretation of Legislation Act 1984 and for other purposes*' and desiring the concurrence of the Legislative Assembly therein.

On the motion of Mr Hulls, the Bill transmitted by the foregoing message was read a first time, ordered to be printed and read a second time tomorrow.

- 12 **RAIL CORPORATIONS AND TRANSPORT ACTS (MISCELLANEOUS AMENDMENTS) BILL** — The Speaker announced the receipt of a message from the Legislative Council transmitting a Bill '*to amend the Rail Corporations Act 1996 and the Transport Act 1983, to make consequential amendments to certain other Acts and for other purposes*' and desiring the concurrence of the Legislative Assembly therein.

On the motion of Mr Batchelor, the Bill transmitted by the foregoing message was read a first time, ordered to be printed and read a second time tomorrow.

- 13 **GAS INDUSTRY (AMENDMENT) BILL** — The Speaker announced the receipt of a message from the Legislative Council transmitting a Bill '*to amend the Gas Industry Act 1994 to make further provision relating to non-franchise customers and for other purposes*' and desiring the concurrence of the Legislative Assembly therein.

On the motion of Mr Bracks, the Bill transmitted by the foregoing message was read a first time, ordered to be printed and read a second time tomorrow.

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

- 15 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

And the House, at 11:58 pm, adjourned until tomorrow.

## No 14 – Wednesday 8 December 1999

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** – The Clerk announced that the following petitions had been lodged for presentation:
  - Snowy Hydro Scheme** – Seeking that the Government ensures the interstate water agreement for the corporatisation of the Snowy Hydro Scheme restores at least 28 per cent of the Snowy River's original flow to be released from the Jindabyne dam as recommended by the Expert Panel commissioned by the Snowy Genoa Catchment Management Committee, bearing 1,788 signatures (*by Ms Lindell*).
  - Public Transport in Sunbury** – Seeking that the House takes immediate action to improve public transport in Sunbury for the benefit of those seeking employment, education and entertainment in or out of Sunbury, bearing 3,019 signatures (*by Ms Beattie*).

Severally ordered to lie on the Table.
- 3 **PAPERS PURSUANT TO STATUTE** – The following papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:
  - Austin and Repatriation Medical Centre – Report for the year 1998-99 (two papers)
  - Inner and Eastern Health Care Network – Report for the year 1998-99 (two papers)
  - Parliamentary Committees Act 1968 – Response of the Minister for Finance on action taken with respect to the recommendations made by the Public Accounts and Estimates Committee's Twenty-Eighth Report on Annual Reporting in the Victorian Public Sector
  - Vicfleet Pty Ltd – Financial Statement for the year 1998-99.
- 4 **STATEMENTS BY MEMBERS** – Statements by Members were made.
- 5 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE – SMALL BUSINESS COSTS** – The House was informed that Ms Asher had proposed that a definite matter of public importance be submitted to the House for discussion, namely –
  - 'This House should note with grave concern the additional costs and burdens imposed on Victorian small business operators by the minority Labor Government.'

Ms Asher addressed the House – Discussion ensued.
- 6 **POSTPONEMENT OF NOTICES OF MOTION** – Ordered – That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day.
- 7 **PARLIAMENTARY COMMITTEES (AMENDMENT) BILL** – Mr Bracks obtained leave, with Mr Hulls, to bring in a Bill '*to amend the Parliamentary Committees Act 1968 and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time, by leave, later this day.
- 8 **MESSAGE FROM HIS EXCELLENCY THE GOVERNOR** – The Acting Speaker announced the presentation of a message from His Excellency the Governor recommending an appropriation for the purposes of the Parliamentary Committees (Amendment) Bill.

- 9 **PARLIAMENTARY COMMITTEES (AMENDMENT) BILL** – Motion made and question proposed – That this Bill be now read a second time (*Mr Bracks*).
- Mr Bracks made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.*
- Bill read a second time, after debate, with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.
- By leave, Bill read a third time forthwith with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.
- Ordered – That the Bill be transmitted to the Legislative Council and their concurrence desired therein.
- Business having been interrupted at 2.00 pm  
pursuant to Sessional Orders.*
- 10 **QUESTIONS** – (Pursuant to Standing Order No 124).
- 11 **CRIMES AT SEA BILL** – Motion made and question proposed – That this Bill be now read a second time (*Mr Hulls*).
- Motion made and question – That the debate be now adjourned (*Dr Dean*) – put and agreed to.
- Ordered – That the debate be adjourned until Tuesday 14 December 1999.
- 12 **RAIL CORPORATIONS AND TRANSPORT ACTS (MISCELLANEOUS AMENDMENTS) BILL** – Motion made and question proposed – That this Bill be now read a second time (*Mr Batchelor*).
- Motion made and question – That the debate be now adjourned (*Mr Leigh*) – put and agreed to.
- Ordered – That the debate be adjourned until Tuesday 14 December 1999.
- 13 **GAS INDUSTRY (AMENDMENT) BILL** – Motion made and question proposed – That this Bill be now read a second time (*Mr Bracks*).
- Motion made and question – That the debate be now adjourned (*Mr Plowman*) – put and agreed to.
- Ordered – That the debate be adjourned until Tuesday 14 December 1999.
- 14 **FEDERAL COURTS (STATE JURISDICTION) BILL** – Order read for resuming debate on question – That this Bill be now read a second time; debate resumed.
- Bill read a second time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.
- By leave, Bill read a third time forthwith with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.
- Ordered – That a message be sent to the Legislative Council acquainting them that the Legislative Assembly has agreed to the Bill without amendment.
- 15 **ADDRESS-IN-REPLY TO THE GOVERNOR'S SPEECH** – Order read for resuming debate on question – That the following Address, in reply to the speech of His Excellency the Governor to both Houses of Parliament, be agreed to by this House (for Address see p 27 *ante*); debate resumed.

*Business having been interrupted at 10.00 pm  
pursuant to Sessional Orders.*

- 16 **ADJOURNMENT** — The Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 11.08 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

## No 15 — Thursday 9 December 1999

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

2 **PAPERS** —

**AUDITOR-GENERAL'S REPORT ON THE VICTORIAN GOVERNMENT'S FINANCES** — Motion made, by leave, and question — That there be presented to this House a copy of the Auditor-General's Report on the Victorian Government's Finances 1998–99 (*Mr Brumby*) — put and agreed to.

The said report was presented by Mr Brumby and 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:

Accident Compensation Act 1985 — Report on Requests for Approval

Health Services Act 1988 — Report of the Community Visitors for the year 1998–99 — Ordered to be printed

Ombudsman and Deputy Ombudsman (Police Complaints) — Report for the year 1998–99 — Ordered to be printed.

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

Audit (Amendment) Bill

Parliamentary Committees (Amendment) Bill.

- 4 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Regional Infrastructure Development Fund Bill with amendments.

Ordered — That the said amendments be printed and taken into consideration, by leave, later this day.

- 5 **STATEMENTS BY MEMBERS** — Statements by Members were made.

- 6 **POSTPONEMENT OF NOTICES OF MOTION** — Ordered — That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day.



- 7 UPPER YARRA VALLEY AND DANDENONG RANGES REGIONAL STRATEGY PLAN AMENDMENT** — Motion made and question — That pursuant to section 46D(1)(c) of the *Planning and Environment Act 1987*, Amendment No 109 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan be approved (*Mr Thwaites*) — put, after debate, and agreed to.
- 8 PUBLIC PROSECUTIONS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.  
 Bill read a second time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.  
 By leave, Bill read a third time forthwith with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.  
 Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.
- 9 REGIONAL INFRASTRUCTURE DEVELOPMENT FUND BILL** — Order read for the consideration of the amendments made by the Legislative Council.  
 Amendments read a second time.  
 Motion made and question — That amendment No 1 be disagreed with (*Mr Brumby*) — and, after debate — put.  
 The House divided.

AYES, 43

Ms Allan	Ms Duncan	Mr Languiller	Mr Robinson
Ms Barker	Ms Garbutt	Mr Leighton	Mr Savage
Mr Batchelor	Ms Gillett	Mr Lenders	Mr Seitz
Ms Beattie	Mr Haermeyer	Mr Lim	Mr Trezise
Mr Bracks	Mr Hamilton	Ms Lindell	Mr Viney
Mr Brumby	Mr Hardman	Mr Loney	Mr Wynne
Mr Cameron	Mr Helper	Mrs Maddigan	
Ms Campbell	Mr Holding	Mr Maxfield	
Mr Carli	Mr Howard	Mr Mildenhall	
Ms Davies	Mr Hulls	Mr Nardella	<i>Tellers</i>
Ms Delahunty ( <i>Northcote</i> )	Mr Ingram	Mr Pandazopoulos	Mr Langdon
	Ms Kosky	Ms Pike	Ms Overington

NOES, 41

Ms Asher	Ms Elliott	Mr McNamara	Mr Ryan
Mr Ashley	Mrs Fyffe	Mr Maclellan	Mrs Shardey
Mr Baillieu	Mr Honeywood	Mr Mulder	Mr Spry
Ms Burke	Mr Jasper	Dr Napthine	Mr Steggall
Mr Clark	Mr Kilgour	Mr Paterson	Mr Vogels
Mr Cooper	Mr Kotsiras	Mr Perton	Mr Wells
Dr Dean	Mr Leigh	Mrs Peulich	Mr Wilson
Mr Delahunty ( <i>Wimmera</i> )	Mr Lupton	Mr Phillips	
	Mr McArthur	Mr Plowman	<i>Tellers</i>
Mr Dixon	Ms McCall	Mr Richardson	Mr Maughan
Mr Doyle	Mr McIntosh	Mr Rowe	Mr Smith

And so it was resolved in the affirmative — Amendment No 1 disagreed with.

Motion made and question — That amendment No 2 be disagreed with (*Mr Brumby*) — and, after debate.

*Business having been interrupted at 2.00 pm  
pursuant to Sessional Orders.*

- 10 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 11 **REGIONAL INFRASTRUCTURE DEVELOPMENT FUND BILL** — Debate continued on question — That amendment No 2 be disagreed with.  
Motion made and question — That the debate be now adjourned (*Mr Steggall*) — put and agreed to.  
Ordered — That the debate be adjourned until later this day.
- 12 **MELBOURNE SPORTS AND AQUATIC CENTRE (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.  
*Allocation of time — The Speaker advised that the time allocated for consideration of bills pursuant to resolution of the House on Tuesday 7 December 1999 had expired.*  
Question — That this Bill be now read a second and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.
- 13 **REGIONAL INFRASTRUCTURE DEVELOPMENT FUND BILL** — Order read for resuming debate on question — That amendment No 2 be disagreed with; debate resumed.  
Question — put.  
The House divided.

AYES, 44

Ms Allan	Ms Duncan	Mr Languiller	Mr Robinson
Ms Barker	Ms Garbutt	Mr Leighton	Mr Savage
Mr Batchelor	Ms Gillett	Mr Lenders	Mr Seitz
Ms Beattie	Mr Haermeyer	Mr Lim	Mr Thwaites
Mr Bracks	Mr Hamilton	Ms Lindell	Mr Trezise
Mr Brumby	Mr Hardman	Mr Loney	Mr Viney
Mr Cameron	Mr Helper	Mrs Maddigan	Mr Wynne
Ms Campbell	Mr Holding	Mr Maxfield	
Mr Carli	Mr Howard	Mr Mildenhall	
Ms Davies	Mr Hulls	Mr Nardella	<i>Tellers</i>
Ms Delahunty	Mr Ingram	Mr Pandazopoulos	Mr Langdon
( <i>Northcote</i> )	Ms Kosky	Ms Pike	Ms Overington

NOES, 41

Ms Asher	Mrs Elliott	Mr McNamara	Mr Ryan
Mr Ashley	Mrs Fyffe	Mr Maclellan	Mrs Shardey
Mr Baillieu	Mr Honeywood	Mr Mulder	Mr Spry
Ms Burke	Mr Jasper	Dr Napthine	Mr Steggall
Mr Clark	Mr Kilgour	Mr Paterson	Mr Vogels
Mr Cooper	Mr Kotsiras	Mr Perton	Mr Wells
Dr Dean	Mr Leigh	Mrs Peulich	Mr Wilson
Mr Delahunty	Mr Lupton	Mr Phillips	
( <i>Wimmera</i> )	Mr McArthur	Mr Plowman	<i>Tellers</i>
Mr Dixon	Ms McCall	Mr Richardson	Mr Maughan
Mr Doyle	Mr McIntosh	Mr Rowe	Mr Smith

And so it was resolved in the affirmative — Amendment No 2 disagreed with.

Ordered — That the Bill be returned to the Legislative Council with a message acquainting them accordingly.

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

15 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

And the House, at 5.34 pm, adjourned until Tuesday 14 December 1999.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

LEGISLATIVE ASSEMBLY OF VICTORIA

**VOTES AND PROCEEDINGS**  
**Nos 16, 17 and 18**

**No 16 – Tuesday 14 December 1999**

- 1 The Speaker took the Chair and read the Prayer.
- 2 **ISSUE OF AND RETURN TO WRIT** – The Speaker announced that on 11 November 1999, he had issued a Writ for the election of a member to serve for the electoral district of Burwood in the place of the Honourable Jeffrey Gibb Kennett, resigned; and that he had received a return to the said Writ by which it appeared that Bob Stensholt, had been duly elected for the electoral district of Burwood, in pursuance of the said writ.
- 3 **MEMBER SWORN** – Bob Stensholt, was then introduced and took and subscribed the oath required by law.
- 4 **QUESTIONS** – (Pursuant to Standing Order No 124).
- 5 **PAPERS PURSUANT TO STATUTE** – The following papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:
  - Auditor-General – Performance Audit Report No 61 – Road Construction in Victoria: Major Projects Managed by VicRoads – Ordered to be printed
  - Financial Management Act 1994 – Report from the Minister for Environment and Conservation that she had received the report for the period 30 April 1998 to 31 October 1998 for the Falls Creek Alpine Resort Management Board
  - Parks Victoria – Report for the year 1998–99
  - Planning and Environment Act 1987:
    - Notice of approval of the new Maribyrnong Planning Scheme
    - Notices of approval of amendments to the following Planning Schemes:
      - Ballarat Planning Scheme – No C15
      - Horsham Planning Scheme – No C1
      - Hume Planning Scheme – No L65
  - Public Advocate – Report of the Office for the year 1998–99 – Ordered to be printed
  - Regulator-General – Report of the Office for the year 1998–99
  - South Eastern Medical Complex Limited – Report for the year 1998–99
  - Statutory Rules under the following Acts:
    - County Court Act 1958 – SR No 128
    - Domestic Building Contracts Act 1995 – SR No 126
    - Land Tax Act 1958 – SR No 129
    - Pharmacists Act 1974 – SR No 130
    - Subordinate Legislation Act 1994 – SR No 127

Subordinate Legislation Act 1994:

Ministers' exception certificates in relation to Statutory Rule Nos 128, 129, 130

Minister's exemption certificate in relation to Statutory Rule No 126

Victorian Financial Institutions Commission – Report for the period ended 30 September 1999.

6 **MESSAGE FROM HIS EXCELLENCY THE GOVERNOR – ASSENT TO BILLS –**  
Informing the Assembly that he had, that day, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Audit (Amendment) Bill

Federal Courts (State Jurisdiction) Bill

Parliamentary Committees (Amendment) Bill.

7 **APPOINTMENT OF COMMITTEES –** Motion made, by leave, and question –

- (a) That Ms Beattie, Mr Leighton, Mr Savage, Ms McCall, Mr Leigh and Mr Kilgour be members of the **House Committee**; and that the Committee have leave to sit on days on which the House does not meet.
- (b) That Mr Speaker, Ms Duncan, Mr Languiller, Mr Seitz and Mrs Peulich be members of the **Library Committee**; and that the Committee have leave to sit on days on which the House does not meet.
- (c) That Mr Speaker, Mr Nardella, Ms Gillett and Mr Richardson be members of the **Printing Committee**; and that the Committee have leave to sit on days on which the House does not meet.
- (d) That a Select Committee be appointed to inquire into and report upon complaints of breach of **privilege** referred to it by the House; such Committee to consist of Mr Holding, Mr Hulls, Mr Thwaites, Mr Loney, Mr Nardella, Mr Cooper, Mr Plowman, Mr Maclellan and Mr Maughan and that the Committee have power to send for persons, papers and records; to sit on days on which the House does not meet and to move from place to place; four to be the quorum.
- (e) That a Select Committee be appointed to consider and report upon the **Standing Orders** of the House, such Committee to consist of Mr Speaker, Mr Langdon, Mrs Maddigan, Mr Lenders, Mr McArthur, Mr Perton and Mr Jasper and that the Committee have leave to sit on days on which the House does not meet; five to be the quorum.

(Mr Batchelor) – put and agreed to.

8 **JOINT INVESTIGATORY COMMITTEES –** Motion made, by leave, and question – That –

- (a) Mr Lim, Mr Hardman, Mr Nardella, Mrs Peulich and Mr Wilson be members of the **Family and Community Development Committee**.
- (b) Mr Mildenhall, Mr Wynne, Mr Wells, Mr Lupton and Mr Jasper be members of the **Drugs and Crime Prevention Committee**.
- (c) Mr Seitz, Ms Lindell, Ms Duncan, Mr Ingram, Mr Delahunty (*Wimmera*) and Mr Mulder be members of the **Environment and Natural Resources Committee**.
- (d) Mr Stensholt, Mr Languiller, Mr Thompson and Mr McIntosh be members of the **Law Reform Committee**.
- (e) Mr Loney, Mr Holding, Mrs Maddigan, Ms Barker, Ms Davies and Ms Asher be members of the **Public Accounts and Estimates Committee**.

(f) Mr Langdon, Mr Trezise, Mr Spry, Mr Kilgour and Mr Plowman be members of the **Road Safety Committee**.

(g) Ms Gillett, Mr Carli, Ms Beattie, Mr Robinson and Mr Dixon be members of the **Scrutiny of Acts and Regulations Committee**.

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

- 9 **GOVERNMENT BUSINESS PROGRAM** – Motion made and question – That, pursuant to Sessional Order 6(3), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 16 December 1999:

Water (Waterway Management Tariffs) Bill

Crimes at Sea Bill

Rail Corporations and Transport Acts (Miscellaneous Amendments) Bill

Gas Industry (Amendment) Bill

Police Regulation (Amendment) Bill

(Mr Batchelor) – put and agreed to.

- 10 **STATEMENTS BY MEMBERS** – Statements by Members were made.

- 11 **POSTPONEMENT OF NOTICES OF MOTION** – Ordered – That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day.

- 12 **WATER (WATERWAY MANAGEMENT TARIFFS) BILL** – Order read for resuming debate on question – That this Bill be now read a second time; debate resumed.

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

Ordered – That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 13 **CRIMES AT SEA BILL** – Order read for resuming debate on question – That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm  
pursuant to Sessional Orders.*

- 14 **ADJOURNMENT** – The Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 11.06 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

## No 17 — Wednesday 15 December 1999

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:
 

**Tram Stop 49 Route 109 Whitehorse Road** — Seeking that tram stop 49 on route 109 Whitehorse Road be retained as removal would disadvantage many older people, bearing 214 signatures (*by Mr Clark*).
- Ordered to lie on the Table.
- 3 **PAPERS PURSUANT TO STATUTE** — The following papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:
 

Auditor-General — Performance Audit Report No 62 — Land use and development in Victoria: The State's planning system — Ordered to be printed

Financial Management Act 1994 — Report from the Minister for Agriculture that he had received the report for the year 1998 of the Veterinary Practitioners Registration Board

Government Superannuation Office — Report for the year 1998–99

Legal Ombudsman — Report for the year 1998–99

Victorian Health Promotion Foundation — Report for the year 1998–99

Victorian Institute of Forensic Mental Health — Report for the year 1998–99.
- 4 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Local Government (Best Value Principles) Bill without amendment.
- 5 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Not insisting on their amendments disagreed with by the Assembly in the Regional Infrastructure Development Fund Bill.
- 6 **VICTORIAN HEALTH PROMOTION FOUNDATION** — The Speaker announced that he had received the following communication:
 

The Honourable Alex Andrianopoulos, MP  
Speaker of the Legislative Assembly  
Parliament House  
Spring Street  
MELBOURNE VIC 3000

Dear Mr Andrianopoulos

### **MEMBERSHIP — VICTORIAN HEALTH PROMOTION FOUNDATION**

Under section 21(1)(f) of the Tobacco Act 1987, three members of the Victorian Health Promotion Foundation are members of the Legislative Council or the Legislative Assembly, elected by the Legislative Council and Legislative Assembly, jointly.

The current three year term of appointment of the Honourable Ronald Alexander Best, MLC, Member for North Western Province, expired on 19 October 1999.

A vacancy has also been created by Ms Janet Tindale Calder Wilson, former member for Dandenong North District, who is no longer a sitting member of the Legislative Assembly.

I would be grateful if you could place this matter of two vacancies on the Victorian Health Promotion Foundation on the agenda for a Joint Sitting of both Houses, in the Spring Sitting of Parliament on Wednesday 15 December 1999.

I have forwarded a similar request to the President of the Legislative Council.

Thank you for your assistance in this matter.

Yours sincerely

Hon John Thwaites MP  
Minister for Health

Motion made and question — That this House meets the Legislative Council for the purpose of sitting and voting together to elect two members of the Parliament to the Victorian Health Promotion Foundation and proposes that the place and time of such meeting be the Legislative Assembly Chamber on Wednesday 15 December 1999, at 6.15 pm (*Mr Batchelor*) — put and agreed to.

Ordered — That a message be sent to the Legislative Council acquainting them of the resolution and seeking their concurrence therein.

- 7 **STATEMENTS BY MEMBERS** — Statements by Members were made.
- 8 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.
- 9 **POSTPONEMENT OF NOTICES OF MOTION** — Ordered — That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day.
- 10 **MELBOURNE CITY LINK (AMENDMENT) BILL** — Mr Batchelor obtained leave, with Mr Hamilton, to bring in a Bill '*to amend the Melbourne City Link Act 1995 and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 11 **COURTS AND TRIBUNALS LEGISLATION (AMENDMENT) BILL** — Mr Hulls obtained leave, with Mr Batchelor, to bring in a Bill '*to amend the Constitution Act 1975, the County Court Act 1958, the Magistrates' Court Act 1989 and the Judicial Remuneration Tribunal Act 1995 with respect to the remuneration and related expenses of judges, masters and magistrates, to repeal section 18(1A) and (1B) of the Sentencing Act 1991, to amend the Victorian Civil and Administrative Tribunal Act 1998 and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 12 **JURIES BILL** — Mr Hulls obtained leave, with Mr Batchelor, to bring in a Bill '*to re-enact with amendments the law relating to juries, to repeal the Juries Act 1967 and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 13 **ADDRESS-IN-REPLY TO THE GOVERNOR'S SPEECH** — Order read for resuming debate on question — That the following Address, in reply to the speech of His Excellency the Governor to both Houses of Parliament, be agreed to by this House (for Address see p 27 *ante*); debate resumed.

*Business having been interrupted at 2.00 pm  
pursuant to Sessional Orders.*



- 14 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 15 **ADDRESS-IN-REPLY TO THE GOVERNOR'S SPEECH** — Debate resumed on question — That the following Address, in reply to the speech of His Excellency the Governor to both Houses of Parliament, be agreed to by this House (for Address see p 27 *ante*).  
Motion made and question — That the debate be now adjourned (*Mr Maughan*) — put and agreed to.  
Ordered — That the debate be adjourned until later this day.
- 16 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Acquainting the Assembly that they have agreed to meet the Assembly for the purpose of sitting and voting together to elect two members of Parliament to the Victorian Health Promotion Foundation, as proposed by the Assembly.
- 17 **GAS INDUSTRY (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.  
Bill read a second time and, by leave, read a third time forthwith.  
Ordered — That a message be sent to the Legislative Council acquainting them that the Legislative Assembly has agreed to the Bill without amendment.
- 18 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:  
Melbourne Sports and Aquatic Centre (Amendment) Bill  
Public Prosecutions (Amendment) Bill.
- 19 **RAIL CORPORATIONS AND TRANSPORT ACTS (MISCELLANEOUS AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.  
*Business having been interrupted at 10.00 pm  
pursuant to Sessional Orders.*
- 20 **ADJOURNMENT** — The Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.51 pm.

R W PURDEY  
Clerk of the Legislative Assembly

A ANDRIANOPOULOS  
Speaker

## No 18 — Thursday 16 December 1999

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

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

**Oakleigh Secondary College Farm Road Campus** — Seeking that the Government grant to the people of Monash that portion of the grounds of the Oakleigh Secondary College Farm Road Campus which has been earmarked for sale to be used to establish an open access public park for the joint use of the local community and the Oakleigh South Primary School, bearing 801 signatures (*by Mr Lim*).

**Williamstown North Primary School** — Seeking that the Minister for Education and the Minister for Local Government act urgently to provide suitable on-site accommodation for the out-of-school hours service at Williamstown North Primary School so that this service can continue during and after the rebuilding of the school, bearing 26 signatures (*by Mr Mildenhall*).

**Waverley Park** — Seeking that the House — (a) does all in its powers to ensure the long-term viability of Waverley Park as an AFL venue; (b) works with the AFL to improve car and bus access to the Park; and (c) assists in upgrading amenities at the ground, bearing 8,699 signatures (*by Mr Holding*).

Severally ordered to lie on the Table.

3 **PAPERS** —

**HEALTH SERVICES COMMISSIONER** — Motion made, by leave, and question — That there be presented to this House a copy of the Report of the Health Services Commissioner for the year 1998–99 (*Mr Thwaites*) — put and agreed to.

The said report was presented by Mr Thwaites and ordered to lie on the Table.

**PAPERS PURSUANT TO STATUTE** —

Mr Hulls presented by Command of His Excellency the Governor:

Supreme Court Judges — Report for the year 1998

The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Financial Management Act 1994:

Reports from the Minister for Environment and Conservation that she had received the reports for the period 30 April 1998 to 31 October 1998 for the:

Mt Buller Alpine Resort Management Board

Mt Hotham Alpine Resort Management Board

Report from the Minister for Environment and Conservation that she had received the report for the year 1998–99 of the Yarra Bend Park Trust

Reports from the Minister for Health that he had received the reports for the year 1998–99 of the:

Advanced Dental Technicians Qualifications Board

Dental Technicians Licensing Committee

Optometrists Registration Board

The Queen Elizabeth Centre

Freedom of Information Act 1982 — Report of the Attorney-General on the operation of the Act for the year 1998–99

Intellectually Disabled Persons' Services Act 1986 — Report of the Community Visitors for the year 1998–99

- Melbourne City Link Act 1995 — Order pursuant to s 8(4) increasing the Project Area (two papers)
- Members of Parliament (Register of Interests) Act 1978 — Summary of Primary Returns — November 1999 and Summary of Variations Notified between 1 October 1999 and 15 December 1999 — Ordered to be printed
- Mental Health Act 1986 — Report of the Community Visitors for the year 1998–99
- Met Train 1 (Bayside trains) — Report for the year 1998–99
- Met Tram 1 (Swanston trams) — Report for the year 1998–99
- Met Tram 2 (Yarra trams) — Report for the year 1998–99
- Municipal Association of Victoria Mutual Liability Insurance Scheme (Civic Mutual Plus) — Report for the year 1998–99
- Tattersall's — Financial Statement for the year 1998–99, together with an explanation for the delay in tabling
- Transport Accident Commission — Report for the year 1998–99
- V/Line Freight Corporation — Report for the year 1998–99
- V/Line Passenger Corporation — Report for the year 1998–99
- Victorian Arts Centre Trust — Report for the year 1998–99.

- 4 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Freedom of Information (Miscellaneous Amendments) Bill without amendment.
- 5 **VACANCIES IN THE MEMBERSHIP OF THE VICTORIAN HEALTH PROMOTION FOUNDATION** — The Speaker reported that on Wednesday 15 December 1999, the House met with the Legislative Council in the Assembly Chamber for the purpose of sitting and voting together to elect two Members of the Parliament to the Victorian Health Promotion Foundation and that —
- The Honourable Ronald Alexander Best, MLC; and  
Ms Jennifer Margaret Lindell, MP
- were elected to the Victorian Health Promotion Foundation.
- 6 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourn until a day and hour to be fixed by the Speaker, which time of meeting shall be notified in writing to each member of the House (*Mr Batchelor*) — put and agreed to.
- 7 **STATEMENTS BY MEMBERS** — Statements by Members were made.
- 8 **POSTPONEMENT OF NOTICES OF MOTION** — Ordered — That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day.
- 9 **JURIES BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).
- Motion made and question — That the debate be now adjourned (*Mr Ryan*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 30 December 1999.

- 10 **COURTS AND TRIBUNALS LEGISLATION (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).
- Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 30 December 1999.
- 11 **MELBOURNE CITY LINK (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).
- Motion made and question — That the debate be now adjourned (*Mr Ryan*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 30 December 1999.
- 12 **POLICE REGULATION (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Bill read a second time and, by leave, read a third time forthwith.
- Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.
- 13 **CRIMES AT SEA BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Bill read a second time and, by leave, read a third time forthwith.
- Ordered — That a message be sent to the Legislative Council acquainting them that the Legislative Assembly has agreed to the Bill without amendment.
- Business having been interrupted at 2.00 pm  
pursuant to Sessional Orders.*
- 14 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 15 **RAIL CORPORATIONS AND TRANSPORT ACTS (MISCELLANEOUS AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Allocation of time — The Speaker advised that the time allocated for consideration of bills pursuant to resolution of the House on Tuesday 14 December 1999 had expired.*
- Question — That this Bill be now read a second and third time and a message be sent to the Legislative Council acquainting them that the Legislative Assembly has agreed to the Bill without amendment — put and agreed to.
- 16 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Water (Waterway Management Tariffs) Bill without amendment.
- 17 **PAPERS** —
- COMMONWEALTH TREATY DOCUMENTS** — Motion made, by leave, and question — That there be presented to this House in accordance with the Government's Response to the former Federal-State Relations Committee's First Report — *International Treaty Making and the Role of the States* the following Treaty documents:

- (a) Multilateral Agreement tabled in the Commonwealth Parliament on 23 June 1999, dealing with:
- Amendment to the International Convention for the Regulation of Whaling 1946
- (b) Bilateral Agreements tabled in the Commonwealth Parliament on 11 August 1999, together with National Interest Analyses, dealing with:
- Mutual Antitrust Enforcement Assistance, between Australia and United States of America
  - Amending the Agreement Relating to Scientific and Technical Cooperation, between Australia and the European Community
  - Avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and protocol, between Australia and the Republic of South Africa
  - Exchange of Letters and protocol amending the Agreement for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income, between Australia and Malaysia
  - Social security — notice of intention to terminate, by Australia and the United Kingdom of Great Britain and Northern Ireland
- (c) Multilateral Agreements tabled in the Commonwealth Parliament on 11 August 1999, together with National Interest Analyses, dealing with:
- Fourth Amendment of the Articles of Agreement of the International Monetary Fund
  - Food Aid Convention
  - International Plant Protection Convention
  - Amended Agreement for the adoption of uniform technical prescriptions for wheeled vehicles, equipment and parts
- (d) Bilateral Agreement tabled in the Commonwealth Parliament on 25 August 1999, together with National Interest Analysis, dealing with:
- Exchange of letters constituting an agreement to extend the agreement for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income, between Australia and Malaysia
- (e) Bilateral Agreements tabled in the Commonwealth Parliament on 12 October 1999, together with National Interest Analyses, dealing with:
- Cultural cooperation, between Australia and the Federal Republic of Germany
  - Avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income, between Australia and the Slovak Republic
  - Avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and protocol, between Australia and the Argentine Republic
  - Continuation of the Consular functions in the Macau Special Administrative Region, between Australia and the People's Republic of China
  - Consular relations, between Australia and the People's Republic of China
  - Exchange of notes constituting an agreement to further amend the exchange of letters constituting an agreement for co-operation in the peaceful uses of nuclear energy, between Australia and Japan
  - Treaty on mutual assistance in criminal matters, between Australia and the Principality of Monaco

Transfer of uranium, between Australia and New Zealand

Use of Shoalwater Bay Training Area and the associated use of storage facilities, between Australia and the Republic of Singapore

Judicial assistance in civil and commercial matters, between Australia and the Republic of Korea

Exchange of notes constituting an agreement concerning participation in the Multinational Force and Observers, between Australia and the Multinational Force and Observers

Development co-operation, between Australia and Papua New Guinea

(f) Multilateral Agreements tabled in the Commonwealth Parliament on 12 October 1999, together with National Interest Analyses, dealing with:

International Convention for the Protection of New Varieties of Plants

Implementation of the United Nations Convention relating to Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks

Amendments to the constitution and the convention of the International Telecommunication Union

Final Acts of the World Radiocommunication Conference (WRC-97)

Amendments to the Convention and Operating Agreement on the International Mobile Satellite Organization

(g) Bilateral Agreement tabled in the Commonwealth Parliament on 8 December 1999, together with National Interest Analysis, dealing with:

Scientific and technological co-operation, Australia and the Republic of Korea

(h) Multilateral Agreements tabled in the Commonwealth Parliament on 8 December 1999, together with National Interest Analyses, dealing with:

Establishment of the International Development Law Institute

Convention on Damage caused by Foreign Aircraft to Third Parties on the Surface

(i) Multilateral Agreements tabled in the Commonwealth Parliament on 9 December 1999, together with National Interest Analysis, dealing with:

United National Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa

(*Mr Bracks*) — put and agreed to.

The said documents were presented by Mr Bracks and ordered to lie on the Table.

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

Youth Parole Board and Youth Residential Board — Report for the year 1998–99.

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

19 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

And the House, at 6.04 pm, adjourned until a day and hour to be fixed by the Speaker, which time of meeting shall be notified in writing to each Member of the House.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

# LEGISLATIVE ASSEMBLY OF VICTORIA

## VOTES AND PROCEEDINGS

### Nos 19, 20 and 21

#### No 19 — Tuesday 29 February 2000

1 The House met pursuant to the terms of the resolution of 16 December 1999, the Speaker having fixed this day at 2.00 pm as the time of meeting — The Speaker took the Chair and read the Prayer.

2 **QUESTIONS** — (Pursuant to Standing Order No 124).

3 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:

**Development — Casey Foothills, Dandenong Ranges** — Seeking that the House takes necessary action to ensure that the unique rural landscapes of the Casey foothills to the Dandenong Ranges, which are an important and irreplaceable asset to the City of Melbourne, are protected from inappropriate development and preserved for the benefit of future generations, bearing 560 signatures (*by Dr Dean*).

Ordered to lie on the Table.

4 **PAPERS** —

**PUBLIC SECTOR ASSET INVESTMENT PROGRAM** — Motion made, by leave, and question — That there be presented to this House a copy of the Public Sector Asset Investment Program — Budget Information Paper No 1 for the year 1999–2000 (*Mr Bracks*) — put and agreed to.

The said report was presented by Mr Bracks and ordered to lie on the Table.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Ms Gillett, Chair, brought up two reports from the Scrutiny of Acts and Regulations Committee:

Alert Digest No 1 of 2000 on the:

Audit (Amendment) Act 1999

Crimes at Sea Act 1999

Essential Services (Year 2000) Act 1999

Federal Courts (State Jurisdiction) Act 1999

Freedom of Information (Miscellaneous Amendments) Act 1999

Gas Industry (Amendment) Act 1999

Health Practitioners (Special Events Exemption) Act 1999

Legal Practice (Amendment) Act 1999

Local Government (Best Value Principles) Act 1999

Melbourne Sports and Aquatic Centre (Amendment) Act 1999

Parliamentary Committees (Amendment) Act 1999

Police Regulation (Amendment) Act 1999

Public Prosecutions (Amendment) Act 1999

Rail Corporation and Transport Acts (Miscellaneous Amendments) Act 1999



Regional Infrastructure Development Fund Act 1999  
Water (Waterway Management Tariffs) Act 1999

together with appendices.

Alert Digest No 2 of 2000 on the:

Constitution (Reform) Bill  
Courts and Tribunals Legislation (Amendment) Bill  
Crimes (Criminal Trials) Bill  
Domestic Building Contracts (Amendment) Bill  
Fair Trading Bill  
Fair Trading (Inspectors Powers and Other Amendments) Bill  
Gas Industry Acts (Further Amendment) Bill  
Interactive Gaming (Player Protection) Bill  
Juries Bill  
Labour and Industry (Statute Law Revision) Bill  
Land Titles Validation (Amendment) Bill  
Melbourne City Link (Amendment) Bill  
Rail Corporation and Transport Acts (Amendments) Bill  
Year 2000 Information Disclosure Bill

together with appendices.

Severally ordered to lie on the Table and to be printed.

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

Adult Parole Board — Report for the year 1998–99

Alpine Health — Report for the year 1998–99

Australian Food Industry Science Centre — Report for the year 1998–99

Beechworth Hospital — Report for the year 1998–99

Benalla and District Memorial Hospital — Report for the year 1998–99

Corangamite Regional Hospital Services — Report for the year 1998–99

*Crown Land (Reserves) Act 1978* — Section 17DA Orders granting under s 17D leases by Kingston City Council (two Orders)

*Drugs, Poisons and Controlled Substances Act 1981* — Documents pursuant to section 12H — Poisons Code —

Standard for the Uniform Scheduling of Drugs and Poisons No 14

Amendment No 1 to the Standard for the Uniform Scheduling of Drugs and Poisons No 14

Notice regarding the amendment, commencement and availability of the Poisons Code

EcoRecycle Victoria — Report for the year 1998–99

*Financial Management Act 1994*:

Reports from the Minister for Agriculture that he had received the 1998–99 Annual Reports of the:

Emu Industry Development Committee

Murray Valley Wine Grape Industry Development Committee

Northern Victorian Fresh Tomato Industry Development Committee

- 
- Report from the Minister for Environment and Conservation that she had received the 1997–98 Financial Statement of the Grampians Regional Waste Management Group
- Report from the Minister for Environment and Conservation that she had received the Report for the period 30 April 1998 to 30 June 1999 of the Alpine Resorts Co-ordinating Council
- Reports from the Minister for Environment and Conservation that she had received the 1998–99 Annual Reports of the:
- Central Murray Regional Waste Management Group
  - Melbourne Parks and Waterways
  - Trust for Nature
- Report from the Minister for Environment and Conservation that she had received the 1998–99 Financial Statement of Gippsland Regional Waste Management Group
- Reports from the Minister for Environment and Conservation that she had not received the Reports for the period 1 November 1998 to 31 October 1999 of the:
- Falls Creek Alpine Resort Management Board
  - Lake Mountain Alpine Resort Management Board
  - Mt Baw Baw Alpine Resort Management Board
  - Mr Buller Alpine Resort Management Board
  - Mt Hotham Alpine Resort Management Board
  - Mt Stirling Alpine Resort Management Board
- Reports from the Minister for Health that he had received the 1998–99 Annual Reports of the:
- Alexandra District Hospital
  - Casterton Memorial Hospital
  - Cobram District Hospital
  - Heywood and District Memorial Hospital
  - Infertility Treatment Authority
  - Maffra District Hospital
  - Mansfield District Hospital
  - Nathalia District Hospital
  - Numurkah District Health Service
  - Tallangatta Hospital
  - Upper Murray Health and Community Services
  - Yarrawonga District Hospital
  - Yea and District Memorial Hospital
- Financial Management Regulations 1994 — Order in Council pursuant to Regulation 11 — Authorisation of expenditure of a Royal Commission
- Goulburn Valley Health — Report for the year 1998–99 (two papers)
- Interpretation of Legislation Act 1984:*
- Notice under s 32(3)(a)(iii) in relation to Statutory Rule No 110/1999
  - Notice under s 32(4)(a)(iii) in relation to Amendment No 5 of the Building Code of Australia 1996
- Lake Mountain Alpine Resort Management Board — Report for the period 30 April 1998 to 31 October 1998
- Latrobe Regional Hospital — Report for the year 1998–99

*Melbourne City Link Act 1995:*

Melbourne City Link Ninth Amending Deed  
 Melbourne City Link Tenth Amending Deed  
 Third Amending Deed to the Integration and Facilitation Agreement  
 Statement of Variation No 9/1999: Changes to the Project Scope and Technical Requirements, Request for Change No 6  
 Statement of Variation No 10/1999: Changes to the Project Scope and Technical Requirements, Request for Change No 11  
 Statement of Variation No 11/1999: Changes to the Project Scope and Technical Requirements, Request for Change No 13  
 Statement of Variation No 12/1999: Detailed Tolling Strategy

Mt Buller Alpine Resort Management Board — Report for the period 1 May 1998 to 31 October 1998

Mount Hotham Alpine Resort Management Board — Report for the period 30 April 1998 to 31 October 1998

Mount Stirling Alpine Resort Management Board — Report for the period 30 April 1998 to 31 October 1998

*Parliamentary Committees Act 1968* — Response of the Premier to the Public Accounts and Estimates Committee Report entitled Review of Auditor-General's Reports Nos 39 to 41

*Planning and Environment Act 1987:*

Notices of approval of the following new Planning Schemes:

Bass Coast Planning Scheme  
 Bayside Planning Scheme  
 Boroondara Planning Scheme  
 Hindmarsh Planning Scheme  
 Hobsons Bay Planning Scheme  
 Hume Planning Scheme  
 Loddon Planning Scheme  
 Maroondah Planning Scheme  
 Mildura Planning Scheme  
 Moyne Planning Scheme  
 South Gippsland Planning Scheme  
 West Wimmera Planning Scheme

Notices of approval of amendments to the following Planning Schemes:

Ararat Planning Scheme — No L6  
 Bacchus Marsh Planning Scheme — No L58  
 Ballarat Planning Scheme — No C25  
 Brimbank Planning Scheme — No C6  
 Bungaree Planning Scheme — No L31  
 Buninyong Planning Scheme — No L63  
 Campaspe Planning Scheme — No C1  
 Cardinia Planning Scheme — No C5  
 Doncaster and Templestowe Planning Scheme — No L138  
 Frankston Planning Scheme — Nos L114, L118  
 Glen Eira Planning Scheme — Nos C3, C7  
 Greater Bendigo Planning Scheme — No L82, L91  
 Greater Geelong Planning Scheme — Nos R196, R235, R241, RL248  
 Greater Shepparton Planning Scheme — No C1

Hobsons Bay Planning Scheme – No L21  
Indigo Planning Scheme – No C1  
Macedon Ranges Planning Scheme – No L27  
Melbourne Planning Scheme – No C15  
Melton Planning Scheme – No C1, C2  
Moonee Valley Planning Scheme – No C10  
Moreland Planning Scheme – No L71  
Morrington Peninsula Planning Scheme – No C4, C13  
Port Phillip Planning Scheme – No C19  
Wodonga Planning Scheme – No C1  
Wyndham Planning Scheme – No C1, C9  
Yarra Ranges Planning Scheme – No L87

*Prevention of Cruelty to Animals Act 1986* – Revised Code of Practice for the Welfare of Wildlife during Rehabilitation

Seymour District Memorial Hospital – Report for the year 1998–99

Statutory Rules under the following Acts:

*Administration and Probate Act 1958* – SR No 2/2000  
*Conservation, Forests and Lands Act 1987* – SR Nos 137, 148, 9/2000  
*County Court Act 1958* – SR Nos 3, 5/2000  
*Dangerous Goods Act 1985* – SR No 142  
*Dentists Act 1972* – SR No 147  
*Electricity Safety Act 1998* – SR Nos 139, 140, 141  
*Forests Act 1958* – SR No 137  
*Legal Practice Act 1996* – SR No 144  
*Magistrates' Court Act 1989* – SR Nos 135, 136, 149, 150, 6/2000  
*Marine Act 1988* – SR No 145  
*Metropolitan Fire Brigades Act 1958* – SR No 138  
*Occupational Health and Safety Act 1985* – SR No 143  
*Road Safety Act 1986* – SR No 146  
*Subordinate Legislation Act 1994* – SR Nos 7, 8/2000  
*Supreme Court Act 1986* – SR Nos 131, 132, 133, 134, 1, 4/2000

*Subordinate Legislation Act 1994:*

Ministers' exception certificates in relation to Statutory Rule Nos 111, 116, 131, 132, 133, 134, 135, 136, 147, 149, 150, 1, 2, 3, 4, 5, 6, 7, 8/2000

Ministers' exemption certificates in relation to Statutory Rule Nos 142, 146, 148, 9/2000

*The Constitution Act Amendment Act 1958* – Statement of function conferred on the Electoral Commissioner, dated 14 December 1999

Wangaratta District Base Hospital – Report for the year 1998–99

Western District Health Service – Report for the year 1998–99

*Wildlife Act 1975* – Wildlife (Control of Hunting) Notice No 1/2000

Wodonga Regional Health Service – Report for the year 1998–99.

The following proclamations fixing operative dates were laid upon the Table by the Clerk pursuant to an Order of the House dated 3 November 1999:

*Audit (Amendment) Act 1999* – All provisions on 1 January 2000 (*Gazette G51, 23 December 1999*)

*Electricity Industry Acts (Further Amendment) Act 1999* – Section 8 on 31 December 1999  
(*Gazette G50, 16 December 1999*)

*Melbourne Sports and Aquatic Centre (Amendment) Act 1999* – Whole Act on 3 February 2000  
(*Gazette G5, 3 February 2000*)

*Rail Corporations (Amendment) Act 1998* – Remaining provisions on 23 December 1999  
(*Gazette G51, 23 December 1999*)

*Rail Corporations and Transport Acts (Miscellaneous Amendments) Act 1999* – Part 2 (except for s 7 and s 9(1)) and ss 10, 11 and 12 (except for s 12(1)(a)) on 23 December 1999  
(*Gazette G51, 23 December 1999*).

5 **MESSAGE FROM THE LEGISLATIVE COUNCIL** – Agreeing to the Police Regulation (Amendment) Bill without amendment.

6 **MESSAGE FROM HIS EXCELLENCY THE GOVERNOR – ASSENT TO BILLS** – Informing the Assembly that he had, on 21 December 1999, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Crimes at Sea Bill

Freedom of Information (Miscellaneous Amendments) Bill

Gas Industry (Amendment) Bill

Local Government (Best Value Principles) Bill

Melbourne Sports and Aquatic Centre (Amendment) Bill

Police Regulation (Amendment) Bill

Public Prosecutions (Amendment) Bill

Rail Corporations and Transport Acts (Miscellaneous Amendments) Bill

Regional Infrastructure Development Fund Bill

Water (Waterway Management Tariffs) Bill.

7 **MESSAGES FROM HIS EXCELLENCY THE GOVERNOR** – The Speaker announced the presentation of messages from His Excellency the Governor recommending appropriations for the purposes of the following bills:

Courts and Tribunals Legislation (Amendment) Bill

Juries Bill.

8 **SITTING OF SELECT COMMITTEES** – Motion made, by leave, and question – That leave be granted to –

(a) the House, Library and Printing Committees to sit within the Parliament buildings during the sittings of either House of the Parliament, but not while either House is actually sitting.

(b) the Privileges and Standing Orders Committees to sit within the Parliament buildings during the sittings of the House, but not while the House is actually sitting.

(*Mr Batchelor*) – put and agreed to.

9 **DRUGS AND CRIME PREVENTION COMMITTEE** – Motion made, by leave, and question – That –

(a) there be referred to the Drugs and Crime Prevention Committee for inquiry, consideration and report all records (including minutes of evidence) of the previous Committee, presently under the control of the Presiding Officers, of the lapsed inquiry into the implementation of the Government's Drug Reform Strategy originally referred to that Committee by Order in Council dated 25 June 1996, in

order to determine which of those records (other than confidential submissions and minutes of evidence taken in private) of the previous Committee that could be made available to Dr David Penington, AC, Chairman of Drug Policy Expert Committee for his personal use; and

- (b) the present Committee is required to finally report to the Parliament by 14 March 2000; and
- (c) on the final report of the present Committee being made to the Parliament, a copy of all records identified by the Committee in the report as being records which could be made available, be made available for Doctor Penington's personal use as soon as possible by the Clerk of the Parliaments and these records are not to be released or published by Doctor Penington in any way or form.

*(Mr Batchelor)* – put and agreed to.

- 10 **CORRECTION OF BILL TITLES** – Motion made, by leave, and question – That where a bill has passed through both Houses and the citation of the bill includes a reference to a calendar year earlier than that in which the passage of the bill was completed, the Clerk of the Parliaments be empowered to alter the calendar year reference in the citation of the bill and any corresponding reference within the bill itself to the year in which the passage of the bill was so completed *(Mr Batchelor)* – put and agreed to.

- 11 **GOVERNMENT BUSINESS PROGRAM** – Motion made and question – That, pursuant to Sessional Order 6(3), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 2 March 2000:

Melbourne City Link (Amendment) Bill  
Domestic Building Contracts (Amendment) Bill  
Courts and Tribunals Legislation (Amendment) Bill

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

- 12 **STATEMENTS BY MEMBERS** – Statements by Members were made.

- 13 **POSTPONEMENT OF NOTICES OF MOTION** – Ordered – That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day.

- 14 **MELBOURNE CITY LINK (AMENDMENT) BILL** – Order read for resuming debate on question – That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm  
pursuant to Sessional Orders.*

- 15 **ADJOURNMENT** – The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 11.00 pm.

## No 20 – Wednesday 1 March 2000

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PAPERS PURSUANT TO STATUTE –**  
The Speaker presented:  
*BLF (De-recognition) Act 1985 – Forty-Sixth Report of the Custodian*  
Ordered to lie on the Table and to be printed.  
The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk:  
Financial Management Regulations 1994 – Order in Council pursuant to Regulation 11 – Amendment of Order appointing a Board of Inquiry.
- 3 **DRUGS AND CRIME PREVENTION COMMITTEE – Ordered –** That a message be sent to the Legislative Council acquainting them of the resolution of Tuesday 29 February 2000 to refer to the Drugs and Crime Prevention Committee an inquiry to consider and report on the records of the previous Committee and seeking their concurrence therein.
- 4 **STATEMENTS BY MEMBERS –** Statements by Members were made.
- 5 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE – INDUSTRIAL UNREST –** The House was informed that Dr Naphthine had proposed that a definite matter of public importance be submitted to the House for discussion, namely –  
'That this House notes with concern the lack of decisive leadership provided by the Premier with respect to recent industrial unrest in Victoria.'  
Dr Naphthine addressed the House – Discussion ensued.
- 6 **POSTPONEMENT OF NOTICES OF MOTION – Ordered –** That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day.
- 7 **FIRST HOME OWNER GRANT BILL –** Mr Bracks obtained leave, with Ms Campbell, to bring in a Bill '*to encourage and assist home ownership, and to offset the effect of the GST on home ownership, by establishing a scheme for the payment of grants to first home owners, and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 8 **FINANCIAL MANAGEMENT (FINANCIAL RESPONSIBILITY) BILL –** Mr Bracks obtained leave, with Ms Campbell, to bring in a Bill '*to amend the Financial Management Act 1994 and the Audit Act 1994 to provide for the enhanced disclosure of financial and budget information by the Victorian Government and the review of estimated financial statements by the Auditor-General and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 9 **NATIONAL TAXATION REFORM (CONSEQUENTIAL PROVISIONS) BILL –** Mr Brumby, pursuant to a motion moved on his behalf by Mr Bracks, obtained leave, with Mr Pandazopoulos, to bring in a Bill '*to record the State's intention to give effect to the Intergovernmental Agreement on the Reform of Commonwealth-State Financial Relations and to enable State entities to make GST equivalent payments, to discontinue financial institutions duty and*

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*stamp duty on certain share transfers and on bookmakers' statements, to alter government fees and charges to take GST into account, to amend various Acts as a consequence of national taxation reform and for other purposes'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.*

- 10 **GAMBLING LEGISLATION (RESPONSIBLE GAMBLING) BILL** – Mr Pandazopoulos obtained leave, with Mr Bracks, to bring in a Bill '*to amend the Casino Control Act 1991 and the Gaming Machine Control Act 1991 and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 11 **MELBOURNE CITY LINK (AMENDMENT) BILL** – Order read for resuming debate on question – That this Bill be now read a second time; debate resumed.  
*Business having been interrupted at 2.00 pm  
pursuant to Sessional Orders.*
- 12 **QUESTIONS** – (Pursuant to Standing Order No 124).
- 13 **MELBOURNE CITY LINK (AMENDMENT) BILL** – Debate resumed on question – That this Bill be now read a second time.  
Motion made and question – That the debate be now adjourned (*Mr Lenders*) – put and agreed to.  
Ordered – That the debate be adjourned until later this day.
- 14 **MESSAGE FROM THE LEGISLATIVE COUNCIL** – Acquainting the Assembly that they have concurred with the resolution adopted by the Assembly to refer to the Drugs and Crime Prevention Committee an inquiry into the records of the lapsed inquiry into the implementation of the Government's Drug Reform Strategy.
- 15 **DOMESTIC BUILDING CONTRACTS (AMENDMENT) BILL** – Order read for resuming debate on question – That this Bill be now read a second time; debate resumed.  
*Business having been interrupted at 10.00 pm  
pursuant to Sessional Orders.*
- 16 **ADJOURNMENT** – The Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 11.24 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*



## No 21 — Thursday 2 March 2000

- 1 The Speaker took the Chair and read the Prayer.
- 2 **MINISTERIAL STATEMENT — WORLD ECONOMIC FORUM** — Mr Bracks made a Ministerial Statement on his attendance at the World Economic Forum.  
 Motion made, by leave, and question proposed — That this House takes note of the Ministerial Statement (*Mr Bracks*) — and, after debate —  
 Motion made and question — That the debate be now adjourned (*Mr Batchelor*) — put and agreed to.  
 Ordered — That the debate be adjourned until later this day.
- 3 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:  
     **Wood Collection Restrictions — Gippsland Regional Forest Agreement** — Seeking that the House will — (a) consider the proposed restrictions on wood collection for heating and cooking at the Won Wron, Mullungung and Alberton West forests; and (b) introduce legislation to halt the restrictive actions of the Gippsland Regional Forest Agreement, bearing 873 signatures (*by Mr Ryan*).  
 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:  
     Fair Trading and Business Affairs — Report of the Office for the year 1998–99 — Ordered to be printed.
- 5 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourn until Tuesday 14 March 2000 (*Mr Batchelor*) — put and agreed to.
- 6 **STATEMENTS BY MEMBERS** — Statements by Members were made.
- 7 **POSTPONEMENT OF NOTICES OF MOTION** — Ordered — That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day.
- 8 **FIRST HOME OWNER GRANT BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).  
 Motion made and question — That the debate be now adjourned (*Ms Asher*) — put and agreed to.  
 Ordered — That the debate be adjourned until Thursday 16 March 2000.
- 9 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 2, be postponed until later this day.
- 10 **NATIONAL TAXATION REFORM (CONSEQUENTIAL PROVISIONS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).  
 Motion made and question — That the debate be now adjourned (*Ms Asher*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 16 March 2000.

- 11 **GAMBLING LEGISLATION (RESPONSIBLE GAMBLING) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Pandazopoulos*).

*Mr Pandazopoulos made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.*

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

Ordered — That the debate be adjourned until Thursday 16 March 2000.

- 12 **FINANCIAL MANAGEMENT (FINANCIAL RESPONSIBILITY) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Bracks*).

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

Ordered — That the debate be adjourned until Thursday 16 March 2000.

- 13 **COURTS AND TRIBUNALS LEGISLATION (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm  
pursuant to Sessional Orders.*

- 14 **QUESTIONS** — (Pursuant to Standing Order No 124).

- 15 **COURTS AND TRIBUNALS LEGISLATION (AMENDMENT) BILL** — Debate resumed on question — That this Bill be now read a second time.

*Allocation of time — The Speaker advised that the time allocated for consideration of bills pursuant to resolution of the House on Tuesday 29 February 2000 had expired.*

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

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 16 **DOMESTIC BUILDING CONTRACTS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 17 **MELBOURNE CITY LINK (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

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

- 19 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.  
And the House, at 5.16 pm, adjourned until Tuesday 14 March 2000.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

LEGISLATIVE ASSEMBLY OF VICTORIA

**VOTES AND PROCEEDINGS**  
**Nos 22, 23 and 24**

**No 22 — Tuesday 14 March 2000**

1 The House met pursuant to adjournment — The Speaker took the Chair and read the Prayer.

2 **QUESTIONS** — (Pursuant to Standing Order No 124).

3 **PAPERS** —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Ms Gillett, Chair, brought up a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 3 of 2000 on the:

Corporations (Victoria) (Amendment) Bill  
Financial Management (Financial Responsibility) Bill  
First Home Owner Grant Bill  
Flora and Fauna Guarantee (Amendment) Bill  
Gambling Legislation (Responsible Gambling) Bill  
Hire-Purchase (Amendment) Bill  
National Taxation Reform (Consequential Provisions) Bill  
Prevention of Cruelty to Animals (Amendment) Bill  
Prostitution Control (Planning) Bill  
Renewable Energy Authority Victoria (Amendment) Bill

together with appendices.

Ordered to lie on the Table and to be printed.

**DRUGS AND CRIME PREVENTION COMMITTEE** — Mr Wells, Chair, brought up a report from the Drugs and Crime Prevention Committee upon the Inquiry into the Records of the Lapsed Inquiry into the Implementation of the Government's Drug Reform Strategy, 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 Environment Protection Council — Report for the year 1998–99

Parliamentary Contributory Superannuation Fund — Report for the year 1998–99

*Planning and Environment Act 1987:*

Notice of approval of the new La Trobe Planning Scheme

Notices of approval of amendments to the following Planning Schemes:

Baw Baw Planning Scheme — No C9

Casey Planning Scheme — No C5

Greater Geelong Planning Scheme — Nos R224, R244, R251

Mornington Peninsula Planning Scheme — No C14

Statutory Rules under the following Acts:

*Conservation, Forests and Lands Act 1987* — SR No 11

*Wildlife Act 1975* — SR No 10

*Subordinate Legislation Act 1994*: Minister's exemption certificate in relation to Statutory Rule No 11.

- 4 **MESSAGES FROM HIS EXCELLENCY THE GOVERNOR** — The Speaker announced the presentation of messages from His Excellency the Governor recommending appropriations for the purposes of the following bills:

National Taxation Reform (Consequential Provisions) Bill

First Home Owner Grant Bill

Gambling Legislation (Responsible Gambling) Bill.

- 5 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, pursuant to Sessional Order 6(3):

(a) the Orders of the Day, Government Business, relating to the following bills:

Juries Bill

National Taxation Reform (Consequential Provisions) Bill; and

(b) the Order of the Day, Government Business, relating to the Address-in-Reply to the Governor's Speech

be considered and completed by 4.00 pm on Thursday 16 March 2000

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

- 6 **STATEMENTS BY MEMBERS** — Statements by Members were made.

- 7 **POSTPONEMENT OF NOTICES OF MOTION** — Ordered — That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day.

- 8 **PARLIAMENTARY COMMITTEES REFERENCES** — Motion made and question — That under the powers found in s 4F of the *Parliamentary Committees Act 1968*, the following matters are referred to the following Joint Investigatory Committees:

- 1 To the Law Reform Committee — for inquiry, consideration and report by the first day of the Autumn 2001 Parliamentary sittings:

(a) the accessibility and adequacy of legal services in regional and rural Victoria and to examine the effect of any lack of services in these sectors of the community. In particular, to examine the accessibility and adequacy of:

(i) legal aid facilities and services including Victorian Legal Aid, Community Legal Centres and pro bono services;

(ii) court and tribunal facilities and services:

- including the location of courts in light of population shifts;

- appropriateness of current circuit arrangements;

(iii) legal professional services;

(b) how access to the services referred to in paragraph (a) may be improved through the use of current and emerging technology.

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- 2 To the Law Reform Committee — for inquiry, consideration and report by the first day of the Autumn 2001 Parliamentary sittings on the relevance of the *Theatres Act 1958* to Victoria's society and in particular:
    - (a) the need to retain a licensing scheme for live entertainment which is performed for reward;
    - (b) the appropriateness of requiring that 'licensed' entertainers obtain special permission if they wish to perform on particular public holidays, namely Good Friday, Anzac Day and Christmas Day; and
    - (c) the appropriateness of retaining a permit scheme for cinemas (which are not licensed) if they wish to operate on Christmas Day or Good Friday; and
    - (d) the impact of repealing the *Theatres Act 1958*.
  
  - 3 To the Environment and Natural Resources Committee — for inquiry, consideration and report by the 31 March 2001 into fisheries management across Victoria by examining on options for the sustainable management of Victoria's fisheries resources having particular regard to:
    - (a) the effectiveness of the current structure, functions and operations of the Fisheries Co-Management Council;
    - (b) the adequacy of the current system of enforcement of fisheries regulations, both recreational and commercial; and
    - (c) any alternative arrangements for the management of all aspects of commercial and recreational fishing, including the establishment of a single statutory authority for this purpose.
  
  - 4 To the Family and Community Development Committee — for inquiry, consideration and report by the first day of the Spring 2000 Parliamentary sittings into the effects of television and multimedia on children and families in Victoria. In doing so, the Committee is to:
    - (a) examine the impact of television on relationships within the family, lifestyle and leisure patterns of families;
    - (b) examine the influence of television on the social development and learning patterns of children;
    - (c) examine the relative usefulness of television in enhancing skills development within families, especially in relation to parenting and children with special needs;
    - (d) assess the likely impact on children and families of new and emerging forms of multimedia technology including videos, video games and the internet and consider ways that this technology may enhance the well-being of Victorian families;
    - (e) examine the relationship between violence on television and violent behaviour within families;
    - (f) make recommendations to provide advice to families suggesting ways to use television to enhance the positive and minimise the negative effects of television on children.
  
  - 5 To the Drugs and Crime Prevention Committee — for inquiry, consideration and report by the first day of the Autumn 2001 Parliamentary sittings into the issue of public drunkenness. In particular, the Committee is to:
    - (a) consider the appropriateness of the existing law in Victoria relating to public drunkenness;

- (b) identify any law reform the Committee considers necessary to deal with public drunkenness;
- (c) review the adequacy of existing strategies for dealing with persons arrested for public drunkenness, such as the diversion of people from police custody into sobering-up centres.

In conducting the Inquiry the Committee is to have regard to:

- A approaches taken to this issue in other Australian jurisdictions;
  - B the Final Report (published in 1991) of the Royal Commission into Aboriginal Deaths in Custody; and
  - C such other legislation, case law, reports and materials as are relevant to the Inquiry.
- 6 To the Environment and Natural Resources Committee — for inquiry, consideration and report by 30 September 2000 into ovine Johne's disease control in Victoria. In doing so, the Committee is to:
- (a) assess the economic and social impacts of strategies implemented from December 1996 for the management and control of ovine Johne's disease on individual producers, the sheep industry in Victoria and Victorian regional communities;
  - (b) in the light of scientific knowledge of ovine Johne's disease and the national control and evaluation program, consider and assess the costs and the economic and social impact of any alternative strategies for management in Victoria;
  - (c) after consideration of the outcomes from the CSIRO scientific review, recommend future management strategies for OJD in Victoria.
- 7 To the Road Safety Committee — for inquiry, consideration and report by 1 June 2000 on the effectiveness of vehicle roadworthiness systems in reducing the incidence and severity of crashes, and, in particular to report on:
- (a) the extent to which vehicle roadworthiness is involved as a primary or contributing factor in crash causation;
  - (b) the effectiveness of the existing Victorian roadworthiness system and if alternative systems could improve vehicle roadworthiness having regard to the cost/benefit to the community and road safety outcomes;
  - (c) the need for change to legislation or statutory requirements to implement any recommendations made as a result of the Inquiry.

In conducting the Inquiry, the Committee is requested to seek information from relevant organisations, the motor vehicle repair and insurance industries, Victoria Police and other Government agencies. In particular, the Committee is requested to examine vehicle roadworthiness and vehicle inspection systems in other Australian States, Territories and New Zealand.

- 8 To the Scrutiny of Acts and Regulations Committee — for inquiry, consideration and report by 31 December 2000 on:
- (a) the *Summary of Offences Act 1966*, giving recommendations as to:
    - (i) the content of the Act;
    - (ii) its relevance;
    - (iii) whether it contains provisions that are unclear, redundant or ambiguous that require repeal, amendment or revision;

- (b) the *Vagrancy Act 1966*, giving recommendations as to:
  - (i) the content of the Act;
  - (ii) its relevance;
  - (iii) whether it contains provisions that are unclear, redundant or ambiguous, that require repeal, amendment or revision;
- (c) the *Subordinate Legislation Act 1994*.

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

- 9 **CORPORATIONS (VICTORIA) (AMENDMENT) BILL** — The Deputy Speaker announced the receipt of a message from the Legislative Council transmitting a Bill '*to amend the Corporations (Victoria) Act 1990 and for other purposes*' and desiring the concurrence of the Legislative Assembly therein.

On the motion of Mr Haermeyer, the Bill transmitted by the foregoing message was read a first time, ordered to be printed and read a second time tomorrow.

- 10 **RENEWABLE ENERGY AUTHORITY VICTORIA (AMENDMENT) BILL** — The Deputy Speaker announced the receipt of a message from the Legislative Council transmitting a Bill '*to amend and rename the Renewable Energy Authority Victoria Act 1990 and for other purposes*' and desiring the concurrence of the Legislative Assembly therein.

On the motion of Ms Garbutt, the Bill transmitted by the foregoing message was read a first time, ordered to be printed and read a second time tomorrow.

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

*Business having been interrupted at 10.00 pm  
pursuant to Sessional Orders.*

- 12 **ADJOURNMENT** — The Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 11.04 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

## No 23 — Wednesday 15 March 2000

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:



**Water Supply to Melton, Rockbank and Toolern Vale** — Seeking that the Government immediately commissions and builds a water connection pipeline between the Melbourne Water and Western Water networks to provide security of water supply to Melton, Rockbank and Toolern Vale, bearing 222 signatures (*by Mr Nardella*).

Ordered to lie on the Table.

- 3 **PREVENTION OF CRUELTY TO ANIMALS (AMENDMENT) BILL** — The Speaker announced the receipt of a message from the Legislative Council transmitting a Bill '*to amend the **Prevention of Cruelty to Animals Act 1986** and for other purposes*' and desiring the concurrence of the Legislative Assembly therein.

On the motion of Ms Garbutt, the Bill transmitted by the foregoing message was read a first time, ordered to be printed and read a second time tomorrow.

- 4 **STATEMENTS BY MEMBERS** — Statements by Members were made.

- 5 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — NURSING HOMES** — The House was informed that Mr Viney had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That the House debates the state of Victoria's nursing homes following the failure of the Federal Government to adequately fund, monitor and regulate nursing homes, being compounded by the previous State Government's deregulation and commenced program of privatising already scarce nursing home and hostel places.'

Mr Viney addressed the House — Discussion ensued.

- 6 **POSTPONEMENT OF NOTICES OF MOTION** — Ordered — That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day.
- 7 **EDUCATION ACTS (AMENDMENT) BILL** — Ms Delahunty obtained leave, with Mr Batchelor, to bring in a Bill '*to amend the **Education Act 1958** and the **Teaching Service Act 1981** to revoke special functions and powers given to certain school councils, to provide for the transfer of staff employed by those councils and to make transitional provisions for other agreements and arrangements entered into by those school councils and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 8 **ADMINISTRATION AND PROBATE (DUST DISEASES) BILL** — Mr Hulls obtained leave, with Mr Batchelor, to bring in a Bill '*to amend the **Administration and Probate Act 1958** to provide for the survival of claims for damages in certain causes of action in relation to dust-related conditions and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 9 **TRADE MEASUREMENT (AMENDMENT) BILL** — Mr Hulls obtained leave, with Mr Batchelor, to bring in a Bill '*to amend the **Trade Measurement Act 1995** to adopt nationally agreed reforms, to make minor amendments to that Act and the **Trade Measurement (Administration) Act 1995** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.

10 **ROAD SAFETY (AMENDMENT) BILL** — Mr Batchelor obtained leave, with Ms Delahunty, to bring in a Bill 'to amend the *Road Safety Act 1986, the Road Safety (Amendment) Act 1990, the Road Safety (Drivers) Act 1991, the Road Safety (Further Amendment) Act 1998, the Marine Act 1988, the Transport Act 1983 and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.

11 **CORPORATIONS (VICTORIA) (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Haermeyer*).

*Mr Haermeyer made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.*

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

Motion made and question proposed — That the debate be adjourned until Tuesday 21 March 2000 (*Mr Haermeyer*) — and, after debate —

*Business having been interrupted at 2.00 pm  
pursuant to Sessional Orders.*

12 **QUESTIONS** — (Pursuant to Standing Order No 124).

13 **CORPORATIONS (VICTORIA) (AMENDMENT) BILL** — Debate resumed on question — That the debate be adjourned until Tuesday 21 March 2000.

Question — put.

The House divided.

AYES, 44

Ms Allan	Ms Garbutt	Mr Lenders	Mr Savage
Ms Barker	Ms Gillett	Mr Lim	Mr Seitz
Mr Batchelor	Mr Haermeyer	Ms Lindell	Mr Stensholt
Mr Bracks	Mr Hamilton	Mr Loney	Mr Thwaites
Mr Brumby	Mr Hardman	Mrs Maddigan	Mr Trezise
Mr Cameron	Mr Helper	Mr Maxfield	Mr Viney
Ms Campbell	Mr Holding	Mr Mildenhall	Mr Wynne
Mr Carli	Mr Howard	Mr Nardella	
Ms Davies	Mr Hulls	Ms Overington	
Ms Delahunty ( <i>Northcote</i> )	Mr Ingram	Mr Pandazopoulos	<i>Tellers</i>
Ms Duncan	Ms Kosky	Ms Pike	Ms Beattie
	Mr Langouiller	Mr Robinson	Mr Langdon

NOES, 41

Ms Asher	Mrs Elliott	Mr Maclellan	Mrs Shardey
Mr Ashley	Mrs Fyffe	Mr Mulder	Mr Spry
Mr Baillieu	Mr Jasper	Dr Napthine	Mr Steggall
Ms Burke	Mr Kilgour	Mr Paterson	Mr Thompson
Mr Clark	Mr Kotsiras	Mr Perton	Mr Vogels
Mr Cooper	Mr Leigh	Mrs Peulich	Mr Wells
Dr Dean	Mr Lupton	Mr Phillips	Mr Wilson
Mr Delahunty ( <i>Wimmera</i> )	Mr McArthur	Mr Plowman	
Mr Dixon	Ms McCall	Mr Richardson	<i>Tellers</i>
Mr Doyle	Mr McIntosh	Mr Rowe	Mr Maughan
	Mr McNamara	Mr Ryan	Mr Smith

And so it was resolved in the affirmative.

Ordered — That the debate be adjourned until Tuesday 21 March 2000.

- 14 **RENEWABLE ENERGY AUTHORITY VICTORIA (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Garbutt*).

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

Motion made and question proposed — That the debate be adjourned until Tuesday 21 March 2000 (*Ms Garbutt*).

Amendment proposed — That the expression 'until Tuesday 21 March 2000' be omitted with the view of inserting in place thereof the words 'for two weeks' (*Mr Perton*) — and, after debate —

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

AYES, 44

Ms Allan	Ms Garbutt	Mr Lenders	Mr Savage
Ms Barker	Ms Gillett	Mr Lim	Mr Seitz
Mr Batchelor	Mr Haermeyer	Ms Lindell	Mr Stensholt
Mr Bracks	Mr Hamilton	Mr Loney	Mr Thwaites
Mr Brumby	Mr Hardman	Mrs Maddigan	Mr Trezise
Mr Cameron	Mr Helper	Mr Maxfield	Mr Viney
Ms Campbell	Mr Holding	Mr Mildenhall	Mr Wynne
Mr Carli	Mr Howard	Mr Nardella	
Ms Davies	Mr Hulls	Ms Overington	
Ms Delahunty	Mr Ingram	Mr Pandazopoulos	<i>Tellers</i>
( <i>Northcote</i> )	Ms Kosky	Ms Pike	Ms Beattie
Ms Duncan	Mr Languiller	Mr Robinson	Mr Langdon

NOES, 41

Ms Asher	Mrs Elliott	Mr Maclellan	Mrs Shardey
Mr Ashley	Mrs Fyffe	Mr Mulder	Mr Spry
Mr Baillieu	Mr Jasper	Dr Napthine	Mr Steggall
Ms Burke	Mr Kilgour	Mr Paterson	Mr Thompson
Mr Clark	Mr Kotsiras	Mr Perton	Mr Vogels
Mr Cooper	Mr Leigh	Mrs Peulich	Mr Wells
Dr Dean	Mr Lupton	Mr Phillips	Mr Wilson
Mr Delahunty	Mr McArthur	Mr Plowman	
( <i>Wimmera</i> )	Ms McCall	Mr Richardson	<i>Tellers</i>
Mr Dixon	Mr McIntosh	Mr Rowe	Mr Maughan
Mr Doyle	Mr McNamara	Mr Ryan	Mr Smith

And so it was resolved in the affirmative.

Ordered — That the debate be adjourned until Tuesday 21 March 2000.

- 15 **JURIES BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 16 **HIRE-PURCHASE (AMENDMENT) BILL** — The Deputy Speaker announced the receipt of a message from the Legislative Council transmitting a Bill '*to amend the **Hire-Purchase Act 1959** and for other purposes*' and desiring the concurrence of the Legislative Assembly therein.  
On the motion of Mr Haermeyer, the Bill transmitted by the foregoing message was read a first time, ordered to be printed and read a second time tomorrow.
- 17 **ADDRESS-IN-REPLY TO THE GOVERNOR'S SPEECH** — Order read for resuming debate on question — That the following Address, in reply to the speech of His Excellency the Governor to both Houses of Parliament, be agreed to by this House (for Address see p 27 *ante*); debate resumed.  
*Business having been interrupted at 10.00 pm pursuant to Sessional Orders.*
- 18 **ADJOURNMENT** — The Acting Speaker, having announced the time for the adjournment of the House had arrived, left the Chair, after debate, at 11.01 pm

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

## No 24 — Thursday 16 March 2000

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PAPERS** —  
**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — Mr Loney, Chair, brought up a report from the Public Accounts and Estimates Committee on the Appointment of an Independent Auditor to Conduct a Financial Audit for 1999–2000 of the Victorian Auditor-General's Office and a Final Audit of Audit Victoria, 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:  
*Crown Land (Reserves) Act 1978* — Section 17DA Order granting under Section 17D a lease by the City of Melbourne  
*Interpretation of Legislation Act 1984* — Notice under s 32(3)(a)(iii) in relation to Statutory Rule No 88/1999.
- 3 **PROSTITUTION CONTROL (PLANNING) BILL** — The Speaker announced the receipt of a message from the Legislative Council transmitting a Bill '*to amend the **Prostitution Control Act 1994** in relation to the amendment of planning permits and for other purposes*' and desiring the concurrence of the Legislative Assembly therein.  
On the motion of Mr Haermeyer, the Bill transmitted by the foregoing message was read a first time, ordered to be printed and read a second time tomorrow.

- 4 **FLORA AND FAUNA GUARANTEE (AMENDMENT) BILL** — The Speaker announced the receipt of a message from the Legislative Council transmitting a Bill 'to amend the *Flora and Fauna Guarantee Act 1988* with respect to the making of Lists and for other purposes' and desiring the concurrence of the Legislative Assembly therein.  
On the motion of Ms Garbutt, the Bill transmitted by the foregoing message was read a first time, ordered to be printed and read a second time tomorrow.
- 5 **STATEMENTS BY MEMBERS** — Statements by Members were made.
- 6 **POSTPONEMENT OF NOTICES OF MOTION** — Ordered — That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day.
- 7 **EDUCATION ACTS (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Delahunty*).  
Motion made and question — That the debate be now adjourned (*Dr Napthine*) — put and agreed to.  
Ordered — That the debate be adjourned until Thursday 30 March 2000.
- 8 **ADMINISTRATION AND PROBATE (DUST DISEASES) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).  
Motion made and question — That the debate be now adjourned (*Dr Napthine*) — put and agreed to.  
Ordered — That the debate be adjourned until Thursday 30 March 2000.
- 9 **TRADE MEASUREMENT (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Haermeyer*).  
Motion made and question — That the debate be now adjourned (*Ms Asher*) — put and agreed to.  
Ordered — That the debate be adjourned until Thursday 30 March 2000.
- 10 **ROAD SAFETY (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).  
*Mr Batchelor made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.*  
Motion made and question — That the debate be now adjourned (*Ms Asher*) — put and agreed to.  
Ordered — That the debate be adjourned until Thursday 30 March 2000.
- 11 **PREVENTION OF CRUELTY TO ANIMALS (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hamilton*).  
Motion made and question — That the debate be now adjourned (*Mr Steggall*) — put and agreed to.  
Ordered — That the debate be adjourned until Thursday 30 March 2000.
- 12 **HIRE-PURCHASE (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Haermeyer*).  
Motion made and question — That the debate be now adjourned (*Ms Asher*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 30 March 2000.

- 13 **NATIONAL TAXATION REFORM (CONSEQUENTIAL PROVISIONS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 14 **ADDRESS-IN-REPLY TO THE GOVERNOR'S SPEECH** — Order read for resuming debate on question — That the following Address, in reply to the speech of His Excellency the Governor to both Houses of Parliament, be agreed to by this House (for Address see p 27 *ante*); debate resumed.

*Business having been interrupted at 2.00 pm  
pursuant to Sessional Orders.*

- 15 **QUESTIONS** — (Pursuant to Standing Order No 124).

- 16 **ADDRESS-IN-REPLY TO THE GOVERNOR'S SPEECH** — Debate continued on question — That the following Address, in reply to the speech of His Excellency the Governor to both Houses of Parliament, be agreed to by this House (for Address see p 27 *ante*).

*Allocation of time — The Speaker advised that the time allocated for consideration of Bills and the Order of the Day, Government Business, relating to the Address-in-Reply to the Governor's Speech pursuant to resolution of the House on Tuesday 14 March 2000 had expired.*

Question —put, and Address agreed to.

Ordered — That the said Address be presented to His Excellency the Governor by the Speaker and the members of the House.

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

- 18 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

And the House, at 5.25 pm, adjourned until Tuesday 21 March 2000.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS  
Nos 25 and 26

No 25 — Tuesday 21 March 2000

- 1 The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 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:
  - Financial Management Act 1994* — Report from the Minister for Environment and Conservation that she had received the 1998–99 Annual Report of the South Western Regional Waste Management Group
  - Food Safety Council — Report for the period 1 October 1997 to 30 June 1999
  - Intellectual Disability Review Panel — Report for the year 1998–99
  - Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:
    - Bayside Planning Scheme — No C3
    - Campaspe Planning Scheme — No C4
    - Mornington Peninsula Planning Scheme — No C21
    - Port Phillip Planning Scheme — No C22
    - Stonnington Planning Scheme — No L99
    - Warrnambool Planning Scheme — No C2
    - Wyndham Planning Scheme — No C5
  - Statutory Rules under the following Acts:
    - Marine Act 1988* — SR No 13
    - Subordinate Legislation Act 1994* — SR No 12
    - Subordinate Legislation Act 1994* — Ministers' exemption certificates in relation to Statutory Rule Nos 12, 13.
- 4 **MESSAGES FROM HIS EXCELLENCY THE GOVERNOR** — The Speaker announced the presentation of messages from His Excellency the Governor recommending appropriations for the purposes of the following bills:
  - Education Acts (Amendment) Bill
  - Administration and Probate (Dust Diseases) Bill.
- 5 **FINANCIAL AUDIT OF THE AUDITOR-GENERAL'S OFFICE** — Motion made, by leave, and question — That, pursuant to section 17 of the *Audit Act 1994* — (a) Mr Douglas N Bartley of KPMG be appointed to conduct the financial audit of the Auditor-General's Office for the 1999–2000 financial year in accordance with the conditions of appointment and remuneration contained in the Report of the Public Accounts and Estimates Committee on the Appointment of an Independent Auditor to Conduct a Financial Audit of the Victorian

Auditor-General's Office (Parliamentary Paper No 14, Session 1999–2000); and (b) the level of remuneration for this financial audit be \$15,000 (*Mr Batchelor*) — put and agreed to.

Ordered — That a message be sent to the Legislative Council acquainting them of the resolution and seeking their concurrence therein.

6 **HIRE-PURCHASE (AMENDMENT) BILL** — Motion made, by leave, and question — That the Order of the House making the resumption of debate on the second reading of the Hire-Purchase (Amendment) Bill an Order of the Day for Thursday 30 March 2000 be read and rescinded, and that it be made an Order of the Day for Wednesday 22 March 2000 (*Mr Batchelor*) — put, after debate, and agreed to.

7 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, pursuant to Sessional Order 6(3), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 9.45 pm on Wednesday 22 March 2000:

First Home Owner Grant Bill  
Financial Management (Financial Responsibility) Bill  
Hire-Purchase (Amendment) Bill

(*Mr Batchelor*) — put and agreed to.

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

9 **POSTPONEMENT OF NOTICES OF MOTION** — Ordered — That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day.

10 **PROSTITUTION CONTROL (PLANNING) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Haermeyer*).

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

Ordered — That the debate be adjourned until Tuesday 4 April 2000.

11 **FLORA AND FAUNA GUARANTEE (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Garbutt*).

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

Ordered — That the debate be adjourned until Tuesday 4 April 2000.

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

13 **FIRST HOME OWNER GRANT BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Ms Garbutt announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

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

Bill read a second time and committed; considered in Committee and reported with amendments; as amended, considered, and amendments agreed to; read a third time.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.



- 14 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Domestic Building Contracts (Amendment) Bill without amendment.
- 15 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Acquainting the Assembly that they have concurred with the Assembly in the appointment of Mr Douglas N Bartley of KPMG to conduct the financial audit of the Victorian Auditor-General's Office.
- 16 **FINANCIAL MANAGEMENT (FINANCIAL RESPONSIBILITY) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.  
*Business having been interrupted at 10.00 pm  
pursuant to Sessional Orders.*
- 17 **ADJOURNMENT** — The Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 11.00 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

## No 26 — Wednesday 22 March 2000

- 1 The Speaker 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:  
*Interpretation of Legislation Act 1984 — Notice under s 32(3)(a)(iii) in relation to an Order declaring Industrial Waste Management Policy (Waste Acid Sulfate Soils) (Government Gazette No G5 3 February 2000).*
- 3 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Courts and Tribunals Legislation (Amendment) Bill without amendment.
- 4 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourn until Tuesday 4 April 2000 (*Mr Batchelor*) — put and agreed to.
- 5 **STATEMENTS BY MEMBERS** — Statements by Members were made.
- 6 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.
- 7 **POSTPONEMENT OF NOTICES OF MOTION** — Ordered — That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day.

- 8 **VOCATIONAL EDUCATION AND TRAINING (COUNCIL MEMBERSHIP) BILL** — Ms Kosky, after debate, obtained leave with Ms Campbell, to bring in a Bill '*to amend the Vocational Education and Training Act 1990 to provide that members of Parliament are ineligible to hold office as members of TAFE college councils and to remove those members of Parliament who are members of TAFE college councils from the councils and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 9 **DISABILITY SERVICES (AMENDMENT) BILL** — Ms Campbell, after debate, obtained leave with Ms Kosky, to bring in a Bill '*to amend the Disability Services Act 1991 and the Intellectually Disabled Persons' Services Act 1986 to make provision for community visitors and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 10 **WITNESS PROTECTION (AMENDMENT) BILL** — Mr Haermeyer, pursuant to a motion moved on his behalf by Ms Campbell, after debate, obtained leave, with Ms Kosky, to bring in a Bill '*to amend the Witness Protection Act 1991 to enable authorities from other jurisdictions to apply for Victorian identity documents for witnesses in their witness protection programs, to provide for the extraterritorial operation of offences regarding disclosure of information about witnesses and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 11 **FINANCIAL MANAGEMENT (FINANCIAL RESPONSIBILITY) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.  
Motion made and question — That the debate be now adjourned (*Mr Mildenhall*) — put and agreed to.  
Ordered — That the debate be adjourned until later this day.
- 12 **HIRE-PURCHASE (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.  
*Business having been interrupted at 2.00 pm pursuant to Sessional Orders.*
- 13 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 14 **HIRE-PURCHASE (AMENDMENT) BILL** — Debate continued on question — That this Bill be now read a second time.  
Bill read a second time and, by leave, read a third time forthwith.  
Ordered — That a message be sent to the Legislative Council acquainting them that the Legislative Assembly has agreed to the Bill without amendment.
- 15 **FINANCIAL MANAGEMENT (FINANCIAL RESPONSIBILITY) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.  
*Allocation of time — The Speaker advised that the time allocated for consideration of bills pursuant to resolution of the House on Tuesday 21 March 2000 had expired.*  
Question — That this Bill be now read a second and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.
- 16 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Melbourne City Link (Amendment) Bill without amendment.

- 17 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Batchelor*) — put and agreed to.
- 18 **ADJOURNMENT** — Resolved — That the House do now adjourn.  
And the House, at 9.46 pm, adjourned until Tuesday 4 April 2000.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

# LEGISLATIVE ASSEMBLY OF VICTORIA

## VOTES AND PROCEEDINGS Nos 27, 28 and 29

### No 27 — Tuesday 4 April 2000

1 The House met pursuant to adjournment — The Speaker took the Chair and read the Prayer.

2 **QUESTIONS** — (Pursuant to Standing Order No 124).

3 **PAPERS** —

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — Mr Loney, Chair, brought up a report from the Public Accounts and Estimates Committee on the 1999–2000 Budget Estimates, 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** — Ms Gillett, Chair, brought up a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 4 of 2000 on the:

Administration and Probate (Dust Diseases) Bill  
Crimes at Sea Act 1999  
Education Acts (Amendment) Bill  
First Home Owner Grant Bill  
Gambling Legislation (Responsible Gambling) Bill  
Road Safety (Amendment) Bill  
Trade Measurement (Amendment) Bill

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:

*Crown Land (Reserves) Act 1978* — Section 17DA Order granting under s 17D a lease by the Strathbogie Shire Council

*Drugs, Poisons and Controlled Substances Act 1981* — Documents pursuant to s 12H — Poisons Code:

Amendment No 2 to the Standard for the Uniform Scheduling of Drugs and Poisons No 14

Notice regarding the amendment, commencement and availability of the Poisons Code

*Financial Management Act 1994* — Report from the Minister for Multicultural Affairs that he had received the 1998–99 Annual Report of the Victorian Interpreting and Translating Service

*Interpretation of Legislation Act 1984* – Notice under s 32(4)(a)(iii) in relation to the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No N-1 (*Government Gazette No G12, 23 March 2000*)

Judicial Remuneration Tribunal – Report on Judicial Salaries and Allowances, 23 February 2000 and statement of reasons from the Attorney-General for accepting the recommendations contained in the Report

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

- Casey Planning Scheme – No C2
- Greater Dandenong Planning Scheme – No C8
- Greater Geelong Planning Scheme – No R253
- Melton Planning Scheme – No C7
- Moonee Valley City Council Planning Scheme – No C5
- Mornington Peninsula Planning Scheme – No C6 (Part 1)
- Port Phillip Planning Scheme – No C18
- Stonnington Planning Scheme – Nos L38, L72, L98
- Wyndham Planning Scheme – No C7
- Yarra Ranges Planning Scheme – Nos L110, L125

Statutory Rules under the following Acts:

- Conservation, Forests and Lands Act 1987* – SR No 14
- Fisheries Act 1995* – SR Nos 15, 20
- Magistrates' Court Act 1989* – SR No 22
- Subordinate Legislation Act 1994* – SR Nos 16, 17, 18, 19, 21

*Subordinate Legislation Act 1994*:

- Ministers' exception certificates in relation to Statutory Rule Nos 16, 17, 18, 19, 20, 21, 22
- Minister's exemption certificate in relation to Statutory Rule No 14

*Wildlife Act 1975* – Wildlife (Control of Hunting) Notice No 2/2000.

The following proclamation fixing an operative date was laid upon the Table by the Clerk pursuant to an Order of the House dated 3 November 1999:

- Police Regulation (Amendment) Act 1999* – Whole Act (other than s 7) on 2 April 2000 (*Gazette G13, 30 March 2000*).

- 4 **MESSAGE FROM HIS EXCELLENCY THE GOVERNOR – ASSENT TO BILLS** – Informing the Assembly that he had, on 28 March 2000, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

- Courts and Tribunals Legislation (Amendment) Bill
- Domestic Building Contracts (Amendment) Bill
- Hire-Purchase (Amendment) Bill
- Melbourne City Link (Amendment) Bill.

- 5 **GOVERNMENT BUSINESS PROGRAM** – Motion made and question – That, pursuant to Sessional Order 6(3), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 6 April 2000:

- Education Acts (Amendment) Bill
- Administration and Probate (Dust Diseases) Bill
- Road Safety (Amendment) Bill
- Trade Measurement (Amendment) Bill

Gambling Legislation (Responsible Gambling) Bill

(*Mr Batchelor*) – put and agreed to.

- 6 **STATEMENTS BY MEMBERS** – Statements by Members were made.
- 7 **POSTPONEMENT OF NOTICES OF MOTION** – Ordered – That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day.
- 8 **VOCATIONAL EDUCATION AND TRAINING (COUNCIL MEMBERSHIP) BILL** – Motion made and question proposed – That this Bill be now read a second time (*Ms Kosky*).  
Motion made and question – That the debate be now adjourned (*Mr Baillieu*) – put and agreed to.  
Ordered – That the debate be adjourned until Tuesday 18 April 2000.
- 9 **DISABILITY SERVICES (AMENDMENT) BILL** – Motion made and question proposed – That this Bill be now read a second time (*Ms Campbell*).  
Motion made and question – That the debate be now adjourned (*Mrs Elliott*) – put and agreed to.  
Ordered – That the debate be adjourned until Tuesday 18 April 2000.
- 10 **WITNESS PROTECTION (AMENDMENT) BILL** – Motion made and question proposed – That this Bill be now read a second time (*Mr Haermeyer*).  
*Mr Haermeyer made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.*  
Motion made and question – That the debate be now adjourned (*Mr Ryan*) – put and agreed to.  
Ordered – That the debate be adjourned until Tuesday 18 April 2000.
- 11 **POSTPONEMENT OF ORDERS OF THE DAY** – Ordered – That the consideration of Government Business, Orders of the Day, Nos 4 to 9 inclusive, be postponed until later this day.
- 12 **GAMBLING LEGISLATION (RESPONSIBLE GAMBLING) BILL** – Order read for resuming debate on question – That this Bill be now read a second time.  
Pursuant to Sessional Orders, Ms Davies announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.  
Pursuant to Sessional Orders, Mr Savage announced that it was proposed to move an amendment in Committee and requested that it be circulated. Amendment circulated.  
Debate resumed on question – That this Bill be now read a second time.  
Bill read a second time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly and committed.  
Bill considered in Committee and reported with amendments; as amended, considered, and amendments agreed to.  
Bill read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.  
Ordered – That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 13 **ADMINISTRATION AND PROBATE (DUST DISEASES) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm  
pursuant to Sessional Orders.*

- 14 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 11.10 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

## No 28 — Wednesday 5 April 2000

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

2 **PAPERS** —

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — Mr Loney, Chair, brought up a report from the Public Accounts and Estimates Committee on the Inquiry into Outsourcing of Government Services, 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** — Mr Loney, Chair, brought up a report from the Public Accounts and Estimates Committee on the Inquiry into Commercial in Confidence Material and the Public Interest, 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 direction of an Act of Parliament, were laid upon the Table by the Clerk:

*Melbourne City Link Act 1995:*

Statement of Variation No 1/2000: Changes to the Project Scope and Technical Requirements Request for Change No 5

Statement of Variation No 2/2000: Changes to the Project Scope and Technical Requirements Request for Change No 12

Statement of Variation No 3/2000: Changes to the Project Scope and Technical Requirements Request for Change No 14

Statement of Variation No 4/2000: Changes to the Project Scope and Technical Requirements Request for Change No 15.

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

National Taxation Reform (Consequential Provisions) Bill  
First Home Owner Grant Bill.

- 4 **STATEMENTS BY MEMBERS** — Statements by Members were made.
- 5 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — PAYROLL TAX** — The House was informed that Ms Asher had proposed that a definite matter of public importance be submitted to the House for discussion, namely —
- 'That this House notes three consecutive payroll tax reductions achieved under the previous Coalition Government and calls on the Government to further reduce payroll tax in the next State budget.'
- Ms Asher addressed the House — Discussion ensued.
- 6 **POSTPONEMENT OF NOTICES OF MOTION** — Ordered — That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day.
- 7 **STOLEN GENERATION** — Motion made and question proposed — That this House acknowledges that there was a stolen generation of indigenous Australians forcibly removed from their families causing deep and ongoing hurt to the children removed, their families and indigenous communities and condemns any action which would threaten Australia's international reputation or further set back the cause of reconciliation (*Mr Bracks*) — and, after debate —

*Business having been interrupted at 2.00 pm  
pursuant to Sessional Orders.*

- 8 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 9 **STOLEN GENERATION** — Debate resumed on question — That this House acknowledges that there was a stolen generation of indigenous Australians forcibly removed from their families causing deep and ongoing hurt to the children removed, their families and indigenous communities and condemns any action which would threaten Australia's international reputation or further set back the cause of reconciliation — put and agreed to.
- 10 **CHINESE MEDICINE REGISTRATION BILL** — Mr Thwaites obtained leave, with Mr Bracks, to bring in a Bill '*to make provision for the registration of and investigations into the professional conduct and fitness to practise of registered practitioners of Chinese medicine and dispensers of Chinese herbs, to regulate Chinese medicine and herbal dispensing services, to regulate the advertising of Chinese medicine and herbal dispensing services, to establish a Chinese Medicine Registration Board of Victoria and a Chinese Medicine Registration Board Fund and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 11 **ELECTRONIC TRANSACTIONS (VICTORIA) BILL** — Mr Brumby obtained leave, with Mr Bracks, to bring in a Bill '*to facilitate electronic transactions and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 12 **EQUAL OPPORTUNITY (BREASTFEEDING) BILL** — Ms Campbell obtained leave, with Mr Bracks, to bring in a Bill '*to amend the **Equal Opportunity Act 1995** to prohibit discrimination on the basis of breastfeeding and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 13 **ROAD SAFETY (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.



Pursuant to Sessional Orders, Mr Batchelor announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

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

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

*Business having been interrupted at 10.03 pm  
pursuant to Sessional Orders.*

- 14 **ADJOURNMENT** – The Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 11.14 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

## No 29 – Thursday 6 April 2000

- 1 The Speaker 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:  
Gascor (TH) Pty Ltd – Financial Statements for the period 1 July 1998 to 2 June 1999.
- 3 **STATEMENTS BY MEMBERS** – Statements by Members were made.
- 4 **POSTPONEMENT OF NOTICES OF MOTION** – Ordered – That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day.
- 5 **CHINESE MEDICINE REGISTRATION BILL** – Motion made and question proposed – That this Bill be now read a second time (*Mr Thwaites*).  
Motion made and question – That the debate be now adjourned (*Mr Doyle*) – put and agreed to.  
Ordered – That the debate be adjourned until Thursday 20 April 2000.
- 6 **ELECTRONIC TRANSACTIONS (VICTORIA) BILL** – Motion made and question proposed – That this Bill be now read a second time (*Mr Brumby*).  
Motion made and question – That the debate be now adjourned (*Mr Perton*) – put and agreed to.  
Ordered – That the debate be adjourned until Thursday 20 April 2000.
- 7 **EQUAL OPPORTUNITY (BREASTFEEDING) BILL** – Motion made and question proposed – That this Bill be now read a second time (*Ms Campbell*).

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

Ordered – That the debate be adjourned until Thursday 20 April 2000.

- 8 **TRADE MEASUREMENT (AMENDMENT) BILL** – Order read for resuming debate on question – That this Bill be now read a second time; debate resumed.

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

Ordered – That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 9 **EDUCATION ACTS (AMENDMENT) BILL** – Order read for resuming debate on question – That this Bill be now read a second time.

Pursuant to Sessional Orders, Ms Delahunty announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

Pursuant to Sessional Orders, Mr Honeywood announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

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

*Business having been interrupted at 2.00 pm  
pursuant to Sessional Orders.*

- 10 **QUESTIONS** – (Pursuant to Standing Order No 124).

- 11 **EDUCATION ACTS (AMENDMENT) BILL** – Debate continued on question – That this Bill be now read a second time.

*Allocation of time – The Speaker advised that the time allocated for consideration of bills pursuant to resolution of the House on Tuesday 4 April 2000 had expired.*

Question – That this Bill be now read a second time, Government amendments Nos 1 and 2 be agreed to, the Bill be read a third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein – put and agreed to.

- 12 **ADMINISTRATION AND PROBATE (DUST DISEASES) BILL** – Question – That this Bill be now read a second and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein – put and agreed to.

- 13 **ROAD SAFETY (AMENDMENT) BILL** – Government amendments Nos 1 to 3 inclusive agreed to.

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

Ordered – That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

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

- 15 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.  
And the House, at 5.26 pm, adjourned until Tuesday 11 April 2000.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

LEGISLATIVE ASSEMBLY OF VICTORIA

**VOTES AND PROCEEDINGS**  
**Nos 30, 31 and 32**

**No 30 — Tuesday 11 April 2000**

- 1 The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 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:
  - Audit Act 1994* — Report of the Auditor-General on Test calls made to non-emergency ambulance telephone lines, April 2000 — Ordered to be printed
  - Crown Land (Reserves) Act 1978* — Section 17DA Orders granting under s 17D leases by the:
    - Whittlesea Showgrounds and Recreation Reserves Committee of Management Incorporated
    - Swan Hill Rural City Council
  - Financial Management Act 1994* — Report from the Minister for Environment and Conservation that she had received the 1998–99 Annual report of the Goulburn Valley Regional Waste Management Group
  - Planning and Environment Act 1987*:
    - Notice of approval of the new Ararat Planning Scheme
    - Notice of approval of the amendment to the Kingston Planning Scheme — No C5
  - Statutory Rules under the following Acts:
    - Architects Act 1991* — SR No 25
    - Melbourne City Link Act 1995* — SR No 24
    - Police Regulation Act 1958* — SR No 23
  - Subordinate Legislation Act 1994* — Minister's exemption certificate in relation to Statutory Rule No 24.
- 4 **MESSAGE FROM HIS EXCELLENCY THE GOVERNOR — ASSENT TO BILLS** — Informing the Assembly that he had, that day, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:
  - First Home Owner Grant Bill
  - National Taxation Reform (Consequential Provisions) Bill.
- 5 **MESSAGE FROM HIS EXCELLENCY THE GOVERNOR** — The Speaker announced the presentation of a message from His Excellency the Governor recommending an appropriation for the purposes of the Chinese Medicine Registration Bill.

- 6 **GOVERNMENT BUSINESS PROGRAM** – Motion made and question – That, pursuant to Sessional Order 6(3), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 13 April 2000:
- Prostitution Control (Planning) Bill
  - Flora and Fauna Guarantee (Amendment) Bill
  - Renewable Energy Authority Victoria (Amendment) Bill
  - Corporations (Victoria) (Amendment) Bill
  - Prevention of Cruelty to Animals (Amendment) Bill
- (*Mr Batchelor*) – put, after debate, and agreed to.
- 7 **STATEMENTS BY MEMBERS** – Statements by Members were made.
- 8 **POSTPONEMENT OF NOTICES OF MOTION** – Ordered – That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day.
- 9 **PROSTITUTION CONTROL (PLANNING) BILL** – Order read for resuming debate on question – That this Bill be now read a second time; debate resumed.
- Bill read a second time and, by leave, read a third time forthwith.
- Ordered – That a message be sent to the Legislative Council acquainting them that the Legislative Assembly has agreed to the Bill without amendment.
- 10 **FLORA AND FAUNA GUARANTEE (AMENDMENT) BILL** – Order read for resuming debate on question – That this Bill be now read a second time; debate resumed.
- Business having been interrupted at 10.00 pm  
pursuant to Sessional Orders.*
- 11 **ADJOURNMENT** – The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 11.08 pm.

R W PURDEY  
Clerk of the Legislative Assembly

A ANDRIANOPOULOS  
Speaker

## No 31 – Wednesday 12 April 2000

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITION** – The Clerk announced that the following petition had been lodged for presentation:
- Natural Gas for Yallourn North** – Seeking that the LaTrobe Shire and the Government work on a joint venture to supply natural gas to the township of Yallourn North, bearing 283 signatures (*by Mr Maxfield*).
- Ordered to lie on the Table.

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- 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:
- Statutory Rule under the *Children and Young Persons Act 1989* – SR No 26
- Subordinate Legislation Act 1994* – Minister's exemption certificate in relation to Statutory Rule No 26.
- 4 **MESSAGE FROM THE LEGISLATIVE COUNCIL** – Agreeing to the Financial Management (Financial Responsibility) Bill without amendment.
- 5 **MESSAGE FROM THE LEGISLATIVE COUNCIL** – Agreeing to the Juries Bill with amendments.
- Ordered – That the said amendments be printed and taken into consideration tomorrow.
- 6 **STATEMENTS BY MEMBERS** – Statements by Members were made.
- 7 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE – MANDATORY SENTENCING LAWS** – The House was informed that Mr Wynne had proposed that a definite matter of public importance be submitted to the House for discussion, namely –
- 'That this House debates a matter of public importance being the damage to the reputation of Victoria's legal system caused by mandatory sentencing laws and the impact those laws have on juveniles, particularly from indigenous communities.'
- Mr Wynne addressed the House – Discussion ensued.
- 8 **POSTPONEMENT OF NOTICES OF MOTION** – Ordered – That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day.
- 9 **ENVIRONMENT PROTECTION (ENFORCEMENT AND PENALTIES) BILL** – Ms Garbutt, after debate, obtained leave with Mr Cameron, to bring in a Bill '*to amend the Environment Protection Act 1970, the Alpine Resorts (Management) Act 1997, the Magistrates' Court Act 1989 and the Environment Protection (Amendment) Act 1999 and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 10 **EQUAL OPPORTUNITY (GENDER IDENTITY AND SEXUAL ORIENTATION) BILL** – Mr Hulls obtained leave, with Mr Brumby, to bring in a Bill '*to amend the Equal Opportunity Act 1995 to prohibit discrimination on the basis of gender identity or sexual orientation and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 11 **ACCIDENT COMPENSATION (COMMON LAW AND BENEFITS) BILL** – Mr Cameron obtained leave, with Mr Brumby, to bring in a Bill '*to amend the Accident Compensation Act 1985 to restore common law actions for damages with effect from 20 October 1999, to increase compensation for non-economic loss and to make miscellaneous amendments to that Act, to amend the Dangerous Goods Act 1985, the Transport Accident Act 1986, the Accident Compensation (WorkCover Insurance) Act 1993 and the Extractive Industries Development Act 1995 and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.

- 12 **NATIONAL TAXATION REFORM (FURTHER CONSEQUENTIAL PROVISIONS) BILL** — Mr Brumby, after debate, obtained leave with Mr Thwaites, to bring in a Bill 'to make further amendments to State legislation as a consequence of national taxation reform and for other purposes'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 13 **PLANNING AND ENVIRONMENT (AMENDMENT) BILL** — Mr Thwaites, after debate, obtained leave with Ms Pike, to bring in a Bill 'to amend the *Planning and Environment Act 1987*, the *Building Act 1993*, the *Prostitution Control Act 1994*, the *Residential Tenancies Act 1997* and the *Subdivision Act 1988* and for other purposes'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 14 **RENEWABLE ENERGY AUTHORITY VICTORIA (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Business having been interrupted at 2.00 pm  
pursuant to Sessional Orders.*
- 15 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 16 **RENEWABLE ENERGY AUTHORITY VICTORIA (AMENDMENT) BILL** — Debate continued on question — That this Bill be now read a second time.
- Bill read a second time and committed; considered in Committee and reported without amendment; read a third time.
- Ordered — That a message be sent to the Legislative Council acquainting them that the Legislative Assembly has agreed to the Bill without amendment.
- 17 **CORPORATIONS (VICTORIA) (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Bill read a second time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.
- By leave, Bill read a third time forthwith with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.
- Ordered — That a message be sent to the Legislative Council acquainting them that the Legislative Assembly has agreed to the Bill without amendment.
- Business having been interrupted at 10.00 pm  
pursuant to Sessional Orders.*
- 18 **ADJOURNMENT** — The Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 11.12 pm.

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## No 32 — Thursday 13 April 2000

- 1 The Speaker took the Chair and read the Prayer.
- 2 **RESIGNATION OF SEAT** — The Speaker announced that he had on 12 April 2000 received the following letter:

Wednesday, April 12, 2000

The Hon Alex Andrianopoulos, MP  
Speaker  
Parliament of Victoria  
Parliament House  
Melbourne. 3002

Dear Mr Speaker

Following my earlier advice to the House today, I wish to formally tender my resignation as the Member of the Legislative Assembly representing the seat of Benalla effective from today, April 12, 2000.

I have had some wonderful times over the past 18 years in the Parliament and have made some good friends for which I am truly grateful.

Thank you for the support you have given me since your appointment as Speaker. You are doing a terrific job and are to be commended. Congratulations and every best wishes to you and Members of the Parliament for the future.

With kind regards,

Yours sincerely

Patrick McNamara, MLA  
Member for Benalla.

### 3 **PAPERS** —

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — Mr Loney, Chair, brought up a report from the Public Accounts and Estimates Committee on Reforms for scrutinising the Budget Estimates, 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:

Gascor Holdings No. 3 Pty Ltd — Financial Statements for the period 1 July 1998 to 31 March 1999

*Melbourne City Link Act 1995:*

Melbourne City Link Eleventh Amending Deed  
City Link and Extension Projects Integration and Facilitation Agreement Fourth Amending Deed

*Subordinate Legislation Act 1994* — Minister's exemption certificate in relation to Statutory Rule No 23.



- 4 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:  
     Road Safety (Amendment) Bill  
     Education Acts (Amendment) Bill.
- 5 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourn until Tuesday 2 May 2000 (*Mr Batchelor*) — put and agreed to.
- 6 **STATEMENTS BY MEMBERS** — Statements by Members were made.
- 7 **POSTPONEMENT OF NOTICES OF MOTION** — Ordered — That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day.
- 8 **PLANNING AND ENVIRONMENT (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Thwaites*).  
 Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.  
 Ordered, after debate — That the debate be adjourned until Thursday 27 April 2000.
- 9 **ACCIDENT COMPENSATION (COMMON LAW AND BENEFITS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Cameron*).  
*Mr Cameron made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.*  
 Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.  
 Ordered, after debate — That the debate be adjourned until Thursday 27 April 2000.
- 10 **EQUAL OPPORTUNITY (GENDER IDENTITY AND SEXUAL ORIENTATION) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).  
 Motion made and question — That the debate be now adjourned (*Dr Dean*) — put and agreed to.  
 Ordered, after debate — That the debate be adjourned until Thursday 27 April 2000.
- 11 **ENVIRONMENT PROTECTION (ENFORCEMENT AND PENALTIES) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Garbutt*).  
 Motion made and question — That the debate be now adjourned (*Mr Perton*) — put and agreed to.  
 Ordered, after debate — That the debate be adjourned until Thursday 27 April 2000.
- 12 **NATIONAL TAXATION REFORM (FURTHER CONSEQUENTIAL PROVISIONS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).  
 Motion made and question — That the debate be now adjourned (*Ms Asher*) — put and agreed to.  
 Ordered — That the debate be adjourned until Thursday 27 April 2000.
- 13 **PREVENTION OF CRUELTY TO ANIMALS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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*Business having been interrupted at 2.00 pm  
pursuant to Sessional Orders.*

- 14 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 15 **PREVENTION OF CRUELTY TO ANIMALS (AMENDMENT) BILL** — Debate continued on question — That this Bill be now read a second time.  
*Allocation of time — The Speaker advised that the time allocated for consideration of bills pursuant to resolution of the House on Tuesday 11 April 2000 had expired.*  
Question — That this Bill be now read a second and third time and a message be sent to the Legislative Council acquainting them that the Legislative Assembly has agreed to the Bill without amendment — put and agreed to.
- 16 **FLORA AND FAUNA GUARANTEE (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.  
Question — That this Bill be now read a second and third time and a message be sent to the Legislative Council acquainting them that the Legislative Assembly has agreed to the Bill without amendment — put and agreed to.
- 17 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Hamilton*) — put and agreed to.
- 18 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.  
And the House, at 4.56 pm, adjourned until Tuesday 2 May 2000.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS

#### Nos 33, 34 and 35

### No 33 — Tuesday 2 May 2000

- 1 The House met pursuant to adjournment — The Speaker took the Chair and read the Prayer.
- 2 **DEATH OF IAN FRANCIS McLAREN, OBE** — The Speaker announced the death of Ian Francis McLaren, OBE, Member of the Legislative Assembly for the Electoral Districts of Glen Iris from 1945 to 1947, Caulfield from 1965 to 1967 and Bennettswood from 1967 to 1979 and Deputy Speaker and Chairman of Committees from 1973 to 1979; and, honourable members rose in their places as a mark of respect to the memory of the deceased.
- 3 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 4 **ISSUE OF WRIT** — The Speaker announced that he had, on 18 April 2000, issued a writ for a by-election for the Electoral District of Benalla to be held on 13 May 2000.
- 5 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Creek Re-establishment and Revegetation** — Seeking that the Government supports the long-term health of our creeks and the proposals by the Friends of Scotchman's Creek which include — (a) close co-operation with Melbourne Water; (b) retention of weeping willows and also removal of basket willows; and (c) carrying out minor creek re-establishment and revegetation of the affected area with acceptable native and aquatic plants, bearing 116 signatures (*by Mr Smith*)

**Scotchman's Creek Reserve** — Seeking that the Government takes action to — (a) prevent the proposal of Melbourne Water and the City of Monash to poison and cut down willow trees in the Scotchman's Creek Reserve; and (b) ensure that Melbourne Water and the City of Monash provide and maintain an environment in which the willows can thrive and regenerate for the length of the creek reserve, and prune any vegetation in order to provide a clear view of the willows, bearing 375 signatures (*by Mr Smith*)

**Emerald Police Station** — Seeking that the Minister for Police and Emergency Services provides the necessary resources to ensure that the Emerald Police Station is fully staffed and provides a 24 hour service to the community, bearing 276 signatures (*by Mr Maclellan*).

Severally ordered to lie on the Table.

#### 6 PAPERS —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Ms Gillett, Chair, brought up a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 5 of 2000 on the:

Accident Compensation (Common Law and Benefits) Bill  
 Adoption (Amendment) Bill  
 Agricultural and Veterinary Chemicals (Control of Use) (Amendment) Bill  
 Chinese Medicine Registration Bill  
 Disability Services (Amendment) Bill  
 Electronic Transactions (Victoria) Bill  
 Environment Protection (Enforcement and Penalties) Bill  
 Equal Opportunity (Breastfeeding) Bill  
 Equal Opportunity (Gender Identity and Sexual Orientation) Bill  
 Essential Services (Year 2000) Act 1999  
 Federal Courts (Consequential Amendments) Bill  
 Local Government (Governance) Bill  
 National Taxation Reform (Further Consequential Provisions) Bill  
 Planning and Environment (Amendment) Bill  
 Vocational Education and Training (Council Membership) Bill  
 Witness Protection (Amendment) Bill

together with appendices.

Ordered to lie on the Table and to be printed.

#### PAPERS PURSUANT TO STATUTE —

Mr Hulls presented by Command of His Excellency the Governor:

County Court — Report for the year 1998–99

Ordered to lie on the Table.

The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Ballarat Health Services — Report for the year 1998–99

Barwon Health — Report for the year 1998–99 (three papers)

Bendigo Regional Institute of TAFE — Report for the year 1999

Box Hill Institute of TAFE — Report for the year 1999

Central Gippsland Institute of TAFE — Report for the year 1999

Chisholm Institute of TAFE — Report for the year 1999

Council of Adult Education — Report for the year 1999

*Crown Land (Reserves) Act 1978* — Section 17DA Orders granting under s 17D — leases by the Southern Grampians Shire Council (two orders)

Djerriwarrh Health Services — Report for the year 1998–99 (two papers)

Driver Education Centre of Australia Ltd — Report for the year 1999

East Gippsland Institute of TAFE — Report for the year 1999 (two papers)

East Wimmera Health Service — Report for the year 1998–99

*Financial Management Act 1994*:

Reports from the Minister for Environment and Conservation that she had received the 1998–99 Annual Reports of the:

Eastern Regional Waste Management Group

Northern Regional Waste Management Group

South Eastern Regional Waste Management Group

Western Regional Waste Management Group

Report from the Minister for Health that he had received the 1998–99 Annual Report of the Edenhope and District Memorial Hospital

Report from the Minister for Post Compulsory Education, Training and Employment that she had received the 1999 Annual Report of the International Fibre Centre Ltd

*Financial Management (Financial Responsibility) Act 2000* — Budget Paper No 2 — 2000–01 Budget Statement

Gordon Institute of TAFE — Report for the year 1999

Goulburn Ovens Institute of TAFE — Report for the year 1999

Hepburn Health Service — Report for the year 1998–99

Holmesglen Institute of TAFE — Report for the year 1999

Kangan Batman Institute of TAFE — Report for the year 1999

Mercy Public Hospitals Incorporated — Report for the year 1998–99 (four papers)

National Crime Authority — Report for the year 1998–99

Northern Melbourne Institute of TAFE — Report for the year 1999

*Planning and Environment Act 1987*:

Notice of approval of the new Frankston Planning Scheme

Notices of approval of amendments to the following Planning Schemes:

Boroondara Planning Scheme — No C7

Darebin Planning Scheme — No C5

Kingston Planning Scheme — No C1

Stonnington Planning Scheme — Nos L67, L68

Yarra Ranges Planning Scheme — No L120

Portland and District Hospital — Report for the year 1998–99 (two papers)

Rural Northwest Health — Report for the year 1998–99

South West Institute of TAFE — Report for the year 1999

Statutory Rule under the *Magistrates' Court Act 1989* — SR No 27

*Subordinate Legislation Act 1994* — Ministers' exemption certificates in relation to Statutory Rule Nos 112/1999, 27

Sunraysia Institute of TAFE — Report for the year 1999

West Wimmera Health Service — Report for the year 1998–99 (two papers)

William Angliss Institute of TAFE — Report for the year 1999

Wodonga Institute of TAFE — Report for the year 1999

Wonthaggi and District Hospital — Report for the year 1998–99.

- 7 **PRESENTATION OF ADDRESS-IN-REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR** — The Speaker reported that, as directed by the House, he had, on 27 April 2000, presented to His Excellency the Governor the Address of the Legislative Assembly in reply to the Speech of His Excellency on the Opening of the Parliament.

His Excellency was pleased to make the following Reply:

Mr Speaker and Honourable Members of the Legislative Assembly:

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.

JAMES GOBBO  
Governor of Victoria

Melbourne 27 April 2000

- 8 **MESSAGE FROM HIS EXCELLENCY THE GOVERNOR — ASSENT TO BILLS —** Informing the Assembly that he had, on 18 April 2000, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:
- Corporations (Victoria) (Amendment) Bill
  - Education Acts (Amendment) Bill
  - Financial Management (Financial Responsibility) Bill
  - Flora and Fauna Guarantee (Amendment) Bill
  - Prevention of Cruelty to Animals (Amendment) Bill
  - Prostitution Control (Planning) Bill
  - Renewable Energy Authority Victoria (Amendment) Bill
  - Road Safety (Amendment) Bill.
- 9 **MESSAGES FROM HIS EXCELLENCY THE GOVERNOR —** The Speaker announced the presentation of messages from His Excellency the Governor recommending appropriations for the purposes of the following bills:
- Accident Compensation (Common Law and Benefits) Bill
  - Environment Protection (Enforcement and Penalties) Bill
  - National Taxation Reform (Further Consequential Provisions) Bill.
- 10 **MESSAGE FROM HIS EXCELLENCY THE GOVERNOR —** The Speaker announced the presentation of a message from His Excellency the Governor recommending an appropriation for the purposes of the Appropriation (2000/2001) Bill, and accompanying Estimates of Expenditure requiring annual appropriation in the financial year 2000/2001.
- Estimates ordered to lie on the Table.
- 11 **APPROPRIATION (2000/2001) BILL —** Mr Bracks, pursuant to Standing Order No 169(a), obtained leave, with Mr Brumby, to bring in a Bill *for the appropriation of certain sums out of the Consolidated Fund in respect of the financial year 2000/2001 and for other purposes*; and the said Bill was read a first time, ordered to be printed and read a second time forthwith.
- Motion made and question proposed — That this Bill be now read a second time (*Mr Bracks*).
- Motion made and question — That the debate be now adjourned (*Ms Asher*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 11 May 2000.
- 12 **MESSAGE FROM HIS EXCELLENCY THE GOVERNOR —** The Speaker announced the presentation of a message from His Excellency the Governor recommending an appropriation for the purposes of the Appropriation (Parliament 2000/2001) Bill, and accompanying Estimates of Expenditure for Parliament requiring annual appropriation in the financial year 2000/2001.
- Estimates ordered to lie on the Table.

- 13 **APPROPRIATION (PARLIAMENT 2000/2001) BILL** — Mr Bracks, pursuant to Standing Order No 169(a), obtained leave, with Mr Brumby, to bring in a Bill 'for the appropriation of certain sums out of the Consolidated Fund for the Parliament in respect of the financial year 2000/2001 and for other purposes'; and the said Bill was read a first time, ordered to be printed and read a second time forthwith.

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

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

Ordered — That the debate be adjourned until Thursday 11 May 2000.

- 14 **COMPLAINT** — The Speaker informed the House that the Member for Hawthorn had lodged with him written notification of a complaint against the Minister for Post Compulsory Education, Training and Employment alleging that she had committed a contempt of the House by deliberately misleading the House — and, the Speaker being of the opinion that the complaint should be given precedence —

Motion made and question — That the Complaint made by the Member for Hawthorn on Tuesday 2 May 2000 be referred to the Privileges Committee for examination and report (*Mr Baillieu*) — and, after debate —

*Business having been interrupted at 10.00 pm  
pursuant to Sessional Orders.*

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

Debate continued on question — That the Complaint made by the Member for Hawthorn on Tuesday 2 May 2000 be referred to the Privileges Committee for examination and report.

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

The House divided.

AYES, 45

Ms Allan	Ms Duncan	Mr Leighton	Mr Robinson
Ms Barker	Ms Garbutt	Mr Lenders	Mr Savage
Mr Batchelor	Ms Gillett	Mr Lim	Mr Seitz
Ms Beattie	Mr Haermeyer	Ms Lindell	Mr Stensholt
Mr Bracks	Mr Hamilton	Mr Loney	Mr Thwaites
Mr Brumby	Mr Helper	Mrs Maddigan	Mr Trezise
Mr Cameron	Mr Holding	Mr Maxfield	Mr Viney
Ms Campbell	Mr Howard	Mr Mildenhall	Mr Wynne
Mr Carli	Mr Hulls	Mr Nardella	
Ms Davies	Mr Ingram	Ms Overington	<i>Tellers</i>
Ms Delahunty	Ms Kosky	Mr Pandazopoulos	Mr Hardman
<i>(Northcote)</i>	Mr Languiller	Ms Pike	Mr Langdon

## NOES, 41

Ms Asher	Mrs Elliott	Mr Maclellan	Mrs Shardey
Mr Ashley	Mrs Fyffe	Mr Mulder	Mr Spry
Mr Baillieu	Mr Honeywood	Dr Naphthine	Mr Steggall
Ms Burke	Mr Jasper	Mr Paterson	Mr Thompson
Mr Clark	Mr Kilgour	Mr Perton	Mr Vogels
Mr Cooper	Mr Kotsiras	Mrs Peulich	Mr Wells
Dr Dean	Mr Leigh	Mr Phillips	Mr Wilson
Mr Delahunty ( <i>Wimmera</i> )	Mr Lupton	Mr Plowman	<i>Tellers</i>
Mr Dixon	Mr McArthur	Mr Richardson	Mr Maughan
Mr Doyle	Ms McCall	Mr Rowe	Mr Smith
	Mr McIntosh	Mr Ryan	

And so it was resolved in the affirmative.

Question – That the Complaint made by the Member for Hawthorn on Tuesday 2 May 2000 be referred to the Privileges Committee for examination and report – accordingly put.

The House divided.

## AYES, 41

Ms Asher	Mrs Elliott	Mr Maclellan	Mrs Shardey
Mr Ashley	Mrs Fyffe	Mr Mulder	Mr Spry
Mr Baillieu	Mr Honeywood	Dr Naphthine	Mr Steggall
Ms Burke	Mr Jasper	Mr Paterson	Mr Thompson
Mr Clark	Mr Kilgour	Mr Perton	Mr Vogels
Mr Cooper	Mr Kotsiras	Mrs Peulich	Mr Wells
Dr Dean	Mr Leigh	Mr Phillips	Mr Wilson
Mr Delahunty ( <i>Wimmera</i> )	Mr Lupton	Mr Plowman	<i>Tellers</i>
Mr Dixon	Mr McArthur	Mr Richardson	Mr Maughan
Mr Doyle	Ms McCall	Mr Rowe	Mr Smith
	Mr McIntosh	Mr Ryan	

## NOES, 45

Ms Allan	Ms Duncan	Mr Leighton	Mr Robinson
Ms Barker	Ms Garbutt	Mr Lenders	Mr Savage
Mr Batchelor	Ms Gillett	Mr Lim	Mr Seitz
Ms Beattie	Mr Haermeyer	Ms Lindell	Mr Stensholt
Mr Bracks	Mr Hamilton	Mr Loney	Mr Thwaites
Mr Brumby	Mr Helper	Mrs Maddigan	Mr Trezise
Mr Cameron	Mr Holding	Mr Maxfield	Mr Viney
Ms Campbell	Mr Howard	Mr Mildenhall	Mr Wynne
Mr Carli	Mr Hulls	Mr Nardella	<i>Tellers</i>
Ms Davies	Mr Ingram	Ms Overington	Mr Hardman
Ms Delahunty ( <i>Northcote</i> )	Ms Kosky	Mr Pandazopoulos	Mr Langdon
	Mr Languiller	Ms Pike	

And so it passed in the negative.

- 15 **GOVERNMENT BUSINESS PROGRAM** – Motion made and question – That, pursuant to Sessional Order 6(3), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 4 May 2000:

Equal Opportunity (Breastfeeding) Bill  
Vocational Education and Training (Council Membership) Bill



Disability Services (Amendment) Bill  
 Chinese Medicine Registration Bill  
 Electronic Transactions (Victoria) Bill  
 National Taxation Reform (Further Consequential Provisions) Bill

(*Mr Batchelor*) — and, after debate —

Amendment proposed — That the words ‘Chinese Medicine Registration Bill’ and the words ‘National Taxation Reform (Further Consequential Provisions) Bill’ be omitted  
 (*Mr McArthur*) — and, after debate

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

The House divided.

AYES, 45

Ms Allan	Ms Duncan	Mr Leighton	Mr Robinson
Ms Barker	Ms Garbutt	Mr Lenders	Mr Savage
Mr Batchelor	Ms Gillett	Mr Lim	Mr Seitz
Ms Beattie	Mr Haermeyer	Ms Lindell	Mr Stensholt
Mr Bracks	Mr Hamilton	Mr Loney	Mr Thwaites
Mr Brumby	Mr Helper	Mrs Maddigan	Mr Trezise
Mr Cameron	Mr Holding	Mr Maxfield	Mr Viney
Ms Campbell	Mr Howard	Mr Mildenhall	Mr Wynne
Mr Carli	Mr Hulls	Mr Nardella	
Ms Davies	Mr Ingram	Ms Overington	<i>Tellers</i>
Ms Delahunty ( <i>Northcote</i> )	Ms Kosky	Mr Pandazopoulos	Mr Hardman
	Mr Languiller	Ms Pike	Mr Langdon

NOES, 41

Ms Asher	Mrs Elliott	Mr Maclellan	Mrs Shardey
Mr Ashley	Mrs Fyffe	Mr Mulder	Mr Spry
Mr Baillieu	Mr Honeywood	Dr Napthine	Mr Steggall
Ms Burke	Mr Jasper	Mr Paterson	Mr Thompson
Mr Clark	Mr Kilgour	Mr Perton	Mr Vogels
Mr Cooper	Mr Kotsiras	Mrs Peulich	Mr Wells
Dr Dean	Mr Leigh	Mr Phillips	Mr Wilson
Mr Delahunty ( <i>Wimmera</i> )	Mr Lupton	Mr Plowman	
Mr Dixon	Mr McArthur	Mr Richardson	<i>Tellers</i>
Mr Doyle	Ms McCall	Mr Rowe	Mr Maughan
	Mr McIntosh	Mr Ryan	Mr Smith

And so it was resolved in the affirmative.

Question — That the Government Business Program be agreed to — put.

The House divided.

AYES, 45

Ms Allan	Ms Duncan	Mr Leighton	Mr Robinson
Ms Barker	Ms Garbutt	Mr Lenders	Mr Savage
Mr Batchelor	Ms Gillett	Mr Lim	Mr Seitz
Ms Beattie	Mr Haermeyer	Ms Lindell	Mr Stensholt
Mr Bracks	Mr Hamilton	Mr Loney	Mr Thwaites
Mr Brumby	Mr Helper	Mrs Maddigan	Mr Trezise
Mr Cameron	Mr Holding	Mr Maxfield	Mr Viney
Ms Campbell	Mr Howard	Mr Mildenhall	Mr Wynne
Mr Carli	Mr Hulls	Mr Nardella	
Ms Davies	Mr Ingram	Ms Overington	<i>Tellers</i>
Ms Delahunty (Northcote)	Ms Kosky	Mr Pandazopoulos	Mr Hardman
	Mr Languiller	Ms Pike	Mr Langdon

NOES, 41

Ms Asher	Mrs Elliott	Mr Maclellan	Mrs Shardey
Mr Ashley	Mrs Fyffe	Mr Mulder	Mr Spry
Mr Baillieu	Mr Honeywood	Dr Napthine	Mr Steggall
Ms Burke	Mr Jasper	Mr Paterson	Mr Thompson
Mr Clark	Mr Kilgour	Mr Perton	Mr Vogels
Mr Cooper	Mr Kotsiras	Mrs Peulich	Mr Wells
Dr Dean	Mr Leigh	Mr Phillips	Mr Wilson
Mr Delahunty (Wimmera)	Mr Lupton	Mr Plowman	
Mr Dixon	Mr McArthur	Mr Richardson	<i>Tellers</i>
Mr Doyle	Ms McCall	Mr Rowe	Mr Maughan
	Mr McIntosh	Mr Ryan	Mr Smith

And so it was resolved in the affirmative

- 16 **LOCAL GOVERNMENT (GOVERNANCE) BILL** — The Speaker announced the receipt of a message from the Legislative Council transmitting a Bill 'to amend the *Local Government Act 1989* and the *Libraries Act 1988* and for other purposes' and desiring the concurrence of the Legislative Assembly therein.

On the motion of Mr Cameron, the Bill transmitted by the foregoing message was read a first time, ordered to be printed and read a second time tomorrow.

- 17 **FEDERAL COURTS (CONSEQUENTIAL AMENDMENTS) BILL** — The Speaker announced the receipt of a message from the Legislative Council transmitting a Bill 'to make further amendments consequential on the matters dealt with by the *Federal Courts (State Jurisdiction) Act 1999* or by Commonwealth legislation relating to Federal Courts and Tribunals and for other purposes' and desiring the concurrence of the Legislative Assembly therein.

On the motion of Mr Hulls, the Bill transmitted by the foregoing message was read a first time, ordered to be printed and read a second time tomorrow.

- 18 **ADOPTION (AMENDMENT) BILL** — The Speaker announced the receipt of a message from the Legislative Council transmitting a Bill 'to amend the *Adoption Act 1984* to give effect to the Hague Convention on Protection of Children and Co-Operation in respect of Intercountry Adoption and to certain bilateral arrangements for intercountry adoption and for other purposes' and desiring the concurrence of the Legislative Assembly therein.

On the motion of Ms Campbell, the Bill transmitted by the foregoing message was read a first time, ordered to be printed and read a second time tomorrow.

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

Administration and Probate (Dust Diseases) Bill  
Trade Measurement (Amendment) Bill.

- 20 **STATEMENTS BY MEMBERS** — Statements by Members were made.

- 21 **POSTPONEMENT OF NOTICES OF MOTION** — Ordered — That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day.

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

And the House having continued to sit after 12 midnight —

WEDNESDAY 3 MAY 2000

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 23 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 2, be postponed until later this day.

- 24 **VOCATIONAL EDUCATION AND TRAINING (COUNCIL MEMBERSHIP) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

The House divided.

AYES, 43

Ms Allan	Ms Garbutt	Mr Lenders	Mr Seitz
Ms Barker	Ms Gillett	Mr Lim	Mr Stensholt
Mr Batchelor	Mr Haermeyer	Ms Lindell	Mr Thwaites
Ms Beattie	Mr Hamilton	Mr Loney	Mr Trezise
Mr Brumby	Mr Helper	Mrs Maddigan	Mr Viney
Mr Cameron	Mr Holding	Mr Maxfield	Mr Wynne
Ms Campbell	Mr Howard	Mr Mildenhall	
Mr Carli	Mr Hulls	Mr Nardella	
Ms Davies	Mr Ingram	Ms Overington	
Ms Delahunty	Ms Kosky	Mr Pandazopoulos	<i>Tellers</i>
( <i>Northcote</i> )	Mr Languiller	Ms Pike	Mr Hardman
Ms Duncan	Mr Leighton	Mr Robinson	Mr Langdon

## NOES, 40

Ms Asher	Mrs Elliott	Mr Maclellan	Mr Spry
Mr Ashley	Mrs Fyffe	Mr Mulder	Mr Steggall
Mr Baillieu	Mr Honeywood	Dr Napthine	Mr Thompson
Ms Burke	Mr Jasper	Mr Paterson	Mr Vogels
Mr Clark	Mr Kilgour	Mrs Peulich	Mr Wells
Mr Cooper	Mr Kotsiras	Mr Phillips	Mr Wilson
Dr Dean	Mr Leigh	Mr Plowman	
Mr Delahunty ( <i>Wimmera</i> )	Mr Lupton	Mr Richardson	
Mr Dixon	Mr McArthur	Mr Rowe	<i>Tellers</i>
Mr Doyle	Ms McCall	Mr Ryan	Mr Maughan
	Mr McIntosh	Mrs Shardey	Mr Smith

And so it was resolved in the affirmative.

Ordered — That the debate be adjourned until tomorrow.

- 25 **DISABILITY SERVICES (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Ordered — That the debate be adjourned until tomorrow.

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

- 27 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

And the House, at 4.05 am, adjourned until later this day.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

## No 34 — Wednesday 3 May 2000

- 1 The Speaker 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:

*Financial Management Act 1994* — Budget Paper No 3 2000–01 Budget Estimates

*Parliamentary Committees Act 1968* — Response of the Minister for Transport on action taken with respect to the recommendations made by the Scrutiny of Acts and Regulations Committee Report upon the Review of the *Unlawful Assemblies and Processions Act 1958*

Statutory Rules under the following Acts:

*Fisheries Act 1995* — SR No 28

*Gas Safety Act 1997* — SR No 30

*Tobacco Act 1987* — SR No 29

*Subordinate Legislation Act 1994* — Ministers' exemption certificates in relation to Statutory Rule Nos 28, 29.

- 3 **JOINT SITTING — COMMONWEALTH PARLIAMENT** — Motion made, by leave, and question — That this House meets the Legislative Council for the purposes of sitting together to consider the passage of a resolution to invite the two Chambers of the Commonwealth Parliament to return to the Victorian Parliament to commemorate the centenary of the first sittings of the Commonwealth Parliament in 1901 and proposes that the time and place of such meeting be the Legislative Assembly Chamber on Wednesday 10 May 2000, at 12.30 pm (*Mr Bracks*) — put and agreed to.  
 Ordered — That a message be sent to the Legislative Council acquainting them of the resolution and seeking their concurrence therein.
- 4 **STATEMENTS BY MEMBERS** — Statements by Members were made.
- 5 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.
- 6 **POSTPONEMENT OF NOTICES OF MOTION** — Ordered — That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day.
- 7 **TRANSPORT (AMENDMENT) BILL** — Mr Batchelor obtained leave, with Mr Thwaites, to bring in a Bill '*to amend the **Transport Act 1983** to remove references to the transport functions of the Public Transport Corporation, to make certain consequential amendments to certain other Acts and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 8 **PSYCHOLOGISTS REGISTRATION BILL** — Mr Thwaites, after debate, obtained leave with Mr Hulls, to bring in a Bill '*to make further provision for the registration of psychologists and investigations into the professional conduct and fitness to practise of registered psychologists, to regulate advertising relating to the provision of psychological services, to establish a new Psychologists Registration Board of Victoria and a Psychologists Registration Board Fund, to repeal the **Psychologists Registration Act 1987** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 9 **HEALTH PRACTITIONER ACTS (AMENDMENT) BILL** — Mr Thwaites obtained leave, with Mr Hulls, to bring in a Bill '*to make miscellaneous amendments to the **Dental Practice Act 1999** and the **Medical Practice Act 1994** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 10 **HEALTH SERVICES (GOVERNANCE) BILL** — Mr Thwaites obtained leave, with Mr Hulls, to bring in a Bill '*to amend the **Health Services Act 1988** to facilitate the disaggregation of certain health care networks and the re-organisation of public health care agencies in the metropolitan area and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 11 **TOBACCO (AMENDMENT) BILL** — Mr Thwaites, after debate, obtained leave with Mr Cameron, to bring in a Bill '*to amend the **Tobacco Act 1987** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.

- 12 **STATE TAXATION ACTS (MISCELLANEOUS AMENDMENTS) BILL** — Mr Brumby, after debate, obtained leave with Mr Hulls, to bring in a Bill '*to repeal the **Gift Duty Act 1971** and the **Probate Duty Act 1962**, to amend the employment agency provisions of the **Pay-roll Tax Act 1971** and the land-rich provisions of the **Stamps Act 1958** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 13 **SUPERANNUATION ACTS (AMENDMENT) BILL** — Mr Brumby obtained leave, with Mr Hulls, to bring in a Bill '*to amend the **Emergency Services Superannuation Act 1986**, the **Government Superannuation Act 1999**, the **Parliamentary Salaries and Superannuation Act 1968**, the **State Employees Retirement Benefits Act 1979**, the **State Superannuation Act 1988**, the **Superannuation (Portability) Act 1989** and the **Transport Superannuation Act 1988** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 14 **ELECTRICITY INDUSTRY ACTS (AMENDMENT) BILL** — Mr Brumby, after debate, obtained leave with Mr Hulls, to bring in a Bill '*to amend the **Electricity Industry Act 1993**, the **Electricity Safety Act 1998**, the **Office of the Regulator-General Act 1994**, the **National Electricity (Victoria) Act 1997** and certain other Acts and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 15 **VICTORIAN LAW REFORM COMMISSION BILL** — Mr Hulls obtained leave, with Mr Brumby, to bring in a Bill '*to establish the Victorian Law Reform Commission and define its functions and powers, to repeal the **Law Reform Commission (Repeal) Act 1992** and amend the **Legal Practice Act 1996** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 16 **CHILDREN AND YOUNG PERSONS (APPOINTMENT OF PRESIDENT) BILL** — Mr Hulls obtained leave, with Ms Campbell, to bring in a Bill '*to amend the **Children and Young Persons Act 1989** to provide for the Children's Court to be presided over by a President who is a judge of the County Court, to amend the **Crimes (Family Violence) Act 1987** with respect to certain appeals under that Act and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 17 **DAIRY BILL** — Mr Hamilton, pursuant to a motion moved on his behalf by Mr Cameron, after debate, obtained leave with Mr Hulls, to bring in a Bill '*to establish Dairy Food Safety Victoria with responsibility for dairy industry licensing and dairy food safety, to repeal the **Dairy Industry Act 1992** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 18 **ARTS LEGISLATION (AMENDMENT) BILL** — Ms Delahunty obtained leave, with Mr Hulls, to bring in a Bill '*to amend the **Victorian Arts Centre Act 1979** and the **National Gallery of Victoria Act 1966** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 19 **LAND (REVOCATION OF RESERVATIONS) BILL** — Ms Garbutt obtained leave, with Ms Delahunty, to bring in a Bill '*to provide for the revocation of reservations and a Crown grant affecting various parcels of land and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.

- 20 **NATIONAL PARKS (AMENDMENT) BILL** — Ms Garbutt obtained leave, with Mr Haermeyer, to bring in a Bill '*to amend the National Parks Act 1975, the Alpine Resorts Act 1983 and the Alpine Resorts (Management) Act 1997 and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 21 **EMERGENCY MANAGEMENT (AMENDMENT) BILL** — Mr Haermeyer obtained leave, with Mr Hulls, to bring in a Bill '*to amend the Emergency Management Act 1986 to establish the position of Emergency Services Commissioner, to make consequential amendments to the Country Fire Authority Act 1958, the Metropolitan Fire Brigades Act 1958 and the Victoria State Emergency Service Act 1987 and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 22 **CONTROL OF WEAPONS (AMENDMENT) BILL** — Mr Haermeyer obtained leave, with Ms Pike, to bring in a Bill '*to make miscellaneous amendments to the Control of Weapons Act 1990, to make a consequential amendment to the Vagrancy Act 1966 and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 23 **LOCAL GOVERNMENT (GOVERNANCE) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Cameron*).
- Motion made and question — That the debate be now adjourned (*Ms Burke*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 10 May 2000.
- 24 **FEDERAL COURTS (CONSEQUENTIAL AMENDMENTS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).
- Mr Hulls made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.*
- Motion made and question — That the debate be now adjourned (*Ms Burke*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 10 May 2000.
- 25 **ADOPTION (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Campbell*).
- Motion made and question — That the debate be now adjourned (*Ms Burke*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 17 May 2000.
- Business having been interrupted at 2.00 pm  
pursuant to Sessional Orders.*
- 26 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 27 **CHINESE MEDICINE REGISTRATION BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Bill read a second time and, by leave, read a third time forthwith.
- Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 28 **MESSAGE FROM THE LEGISLATIVE COUNCIL** – Acquainting the Assembly that they have agreed to meet the Assembly for the purpose of sitting together to consider the passage of a resolution to invite the two Chambers of the Commonwealth Parliament to return to the Victorian Parliament to commemorate the centenary of the first sittings of the Commonwealth Parliament in 1901 as proposed by the Assembly.
- 29 **ELECTRONIC TRANSACTIONS (VICTORIA) BILL** – Order read for resuming debate on question – That this Bill be now read a second time; debate resumed.  
Motion made and question – That the debate be now adjourned (*Mr Batchelor*) – put and agreed to.  
Ordered – That the debate be adjourned until tomorrow.
- 30 **NATIONAL TAXATION REFORM (FURTHER CONSEQUENTIAL PROVISIONS) BILL** – Order read for resuming debate on question – That this Bill be now read a second time; debate resumed.
- Business having been interrupted at 10.00 pm  
pursuant to Sessional Orders.*
- 31 **ADJOURNMENT** – The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.57 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

## No 35 – Thursday 4 May 2000

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITION** – The Clerk announced that the following petition had been lodged for presentation:  
**Car Parking at Sunshine Hospital** – Seeking that the Government looks at ways of reducing the cost of car parking at the Sunshine Hospital, bearing 105 signatures (*by Mr Languiller*).  
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:  
Central Wellington Health Service – Report for the year 1998–99.
- 4 **MESSAGE FROM THE LEGISLATIVE COUNCIL** – Agreeing to the Gambling Legislation (Responsible Gambling) Bill without amendment.



- 5 **HOUSE COMMITTEE – MEMBERSHIP** – Motion made, by leave, and question – That Mr Leigh be discharged from attendance on the House Committee and that Mr Rowe be appointed in his stead (*Mr Batchelor*) – put and agreed to.
- 6 **STATEMENTS BY MEMBERS** – Statements by Members were made.
- 7 **POSTPONEMENT OF NOTICES OF MOTION** – Ordered – That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day.
- 8 **POSTPONEMENT OF ORDERS OF THE DAY** – Ordered – That the consideration of Government Business, Orders of the Day, Nos 1 to 16 inclusive, be postponed until later this day.
- 9 **ELECTRONIC TRANSACTIONS (VICTORIA) BILL** – Order read for resuming debate on question – That this Bill be now read a second time; debate resumed.  
Bill read a second time and, by leave, read a third time forthwith.  
Ordered – That the Bill be transmitted to the Legislative Council and their concurrence desired therein.
- 10 **NATIONAL TAXATION REFORM (FURTHER CONSEQUENTIAL PROVISIONS) BILL** – Order read for resuming debate on question – That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm  
pursuant to Sessional Orders.*

- 11 **QUESTIONS** – (Pursuant to Standing Order No 124).
- 12 **NATIONAL TAXATION REFORM (FURTHER CONSEQUENTIAL PROVISIONS) BILL** – Debate continued on question – That this Bill be now read a second time.  
*Allocation of time – The Acting Speaker advised that the time allocated for consideration of bills pursuant to resolution of the House on Tuesday 2 May 2000 had expired.*  
Question – That this Bill be now read a second and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein – put and agreed to.
- 13 **DISABILITY SERVICES (AMENDMENT) BILL** – Order read for resuming debate on question – That this Bill be now read a second time.  
Question – That this Bill be now read a second and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein – put and agreed to.
- 14 **VOCATIONAL EDUCATION AND TRAINING (COUNCIL MEMBERSHIP) BILL** – Order read for resuming debate on question – That this Bill be now read a second time.  
Question – That this Bill be now read a second and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein – put and agreed to.
- 15 **TRANSPORT (AMENDMENT) BILL** – Motion made and question proposed – That this Bill be now read a second time (*Mr Batchelor*).  
Motion made and question – That the debate be now adjourned (*Mr Doyle*) – put and agreed to.

Ordered – That the debate be adjourned until Thursday 18 May 2000.

- 16 **PSYCHOLOGISTS REGISTRATION BILL** – Motion made and question proposed – That this Bill be now read a second time (*Mr Thwaites*).

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

Ordered – That the debate be adjourned until Thursday 18 May 2000.

- 17 **HEALTH PRACTITIONER ACTS (AMENDMENT) BILL** – Motion made and question proposed – That this Bill be now read a second time (*Mr Thwaites*).

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

Ordered – That the debate be adjourned until Thursday 18 May 2000.

- 18 **HEALTH SERVICES (GOVERNANCE) BILL** – Motion made and question proposed – That this Bill be now read a second time (*Mr Thwaites*).

*Mr Thwaites made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.*

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

Ordered, after debate – That the debate be adjourned until Thursday 18 May 2000.

- 19 **TOBACCO (AMENDMENT) BILL** – Motion made and question proposed – That this Bill be now read a second time (*Mr Thwaites*).

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

Ordered – That the debate be adjourned until Thursday 18 May 2000.

- 20 **STATE TAXATION ACTS (MISCELLANEOUS AMENDMENTS) BILL** – Motion made and question proposed – That this Bill be now read a second time (*Mr Brumby*).

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

Ordered – That the debate be adjourned until Thursday 18 May 2000.

- 21 **SUPERANNUATION ACTS (AMENDMENT) BILL** – Motion made and question proposed – That this Bill be now read a second time (*Mr Brumby*).

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

Ordered – That the debate be adjourned until Thursday 18 May 2000.

- 22 **ELECTRICITY INDUSTRY ACTS (AMENDMENT) BILL** – Motion made and question proposed – That this Bill be now read a second time (*Mr Brumby*).

*Mr Brumby made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.*

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

Ordered – That the debate be adjourned until Thursday 18 May 2000.

- 23 **VICTORIAN LAW REFORM COMMISSION BILL** – Motion made and question proposed – That this Bill be now read a second time (*Mr Hulls*).  
 Motion made and question – That the debate be now adjourned (*Dr Dean*) – put and agreed to.  
 Ordered – That the debate be adjourned until Thursday 18 May 2000.
- 24 **CHILDREN AND YOUNG PERSONS (APPOINTMENT OF PRESIDENT) BILL** – Motion made and question proposed – That this Bill be now read a second time (*Mr Hulls*).  
*Mr Hulls made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.*  
 Motion made and question – That the debate be now adjourned (*Dr Dean*) – put and agreed to.  
 Ordered – That the debate be adjourned until Thursday 18 May 2000.
- 25 **DAIRY BILL** – Motion made and question proposed – That this Bill be now read a second time (*Mr Hamilton*).  
 Motion made and question – That the debate be now adjourned (*Mr Steggall*) – put and agreed to.  
 Ordered – That the debate be adjourned until Thursday 18 May 2000.
- 26 **ARTS LEGISLATION (AMENDMENT) BILL** – Motion made and question proposed – That this Bill be now read a second time (*Ms Delahunty*).  
 Motion made and question – That the debate be now adjourned (*Mrs Elliott*) – put and agreed to.  
 Ordered – That the debate be adjourned until Thursday 18 May 2000.
- 27 **LAND (REVOCATION OF RESERVATIONS) BILL** – Motion made and question proposed – That this Bill be now read a second time (*Ms Garbutt*).  
 Motion made and question – That the debate be now adjourned (*Mr Perton*) – put and agreed to.  
 Ordered – That the debate be adjourned until Thursday 18 May 2000.
- 28 **NATIONAL PARKS (AMENDMENT) BILL** – Motion made and question proposed – That this Bill be now read a second time (*Ms Garbutt*).  
 Motion made and question – That the debate be now adjourned (*Mr Perton*) – put and agreed to.  
 Ordered – That the debate be adjourned until Thursday 18 May 2000.
- 29 **EMERGENCY MANAGEMENT (AMENDMENT) BILL** – Motion made and question proposed – That this Bill be now read a second time (*Mr Haermeyer*).  
 Motion made and question – That the debate be now adjourned (*Mr Leigh*) – put and agreed to.  
 Ordered – That the debate be adjourned until Thursday 18 May 2000.
- 30 **CONTROL OF WEAPONS (AMENDMENT) BILL** – Motion made and question proposed – That this Bill be now read a second time (*Mr Haermeyer*).  
 Motion made and question – That the debate be now adjourned (*Mr Leigh*) – put and agreed to.

Ordered – That the debate be adjourned until Thursday 18 May 2000.

- 31 **POSTPONEMENT OF REMAINING BUSINESS** – Motion made and question – That the consideration of remaining business be postponed (*Mr Haermeyer*) – put and agreed to.
- 32 **ADJOURNMENT** – Resolved, after debate – That the House do now adjourn.  
And the House, at 7.35 pm, adjourned until Tuesday 9 May 2000.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

# LEGISLATIVE ASSEMBLY OF VICTORIA

## VOTES AND PROCEEDINGS

### Nos 36, 37 and 38

#### No 36 — Tuesday 9 May 2000

- 1 The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 3 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Wangaratta/Yarrawonga Public Transport** — Seeking that the Government provides public transport to Wangaratta from Yarrawonga and return, bearing 886 signatures (*by Mr Jasper*)

**Porepunkah Sewerage Treatment Plant** — Seeking that the Porepunkah sewerage treatment system should be relocated away from the growth area of Porepunkah and that the new system be odour free and produce the cleanest possible waste water, bearing 527 signatures (*by Mr Helper*)

**North West Hospital, Greenvale Campus** — Seeking that the House — (a) resolves that the site currently known as the North West Hospital, Greenvale Campus, be publicly sold, either by auction or tender and that the sale or disposition not take place until an environmental impact study is undertaken; and (b) requires the successful tenderer or bidder to submit plans for the proposal prior to acceptance of the bid or tender price and that any development be required to conform with the neighbourhood character and amenity as referred to in the new State planning agenda, bearing 237 signatures (*by Ms Beattie*)

**Werribee/City Train Route** — Seeking that the Government ensures Bayside Trains or any other operator of trains on the Werribee/City route be required to schedule express services in the morning and evening peaks that have a maximum journey time of thirty minutes, bearing 1,625 signatures (*by Ms Gillett*).

Severally ordered to lie on the Table.

#### 4 **PAPERS** —

**PRINTED MATTER AND CLASSIFICATION GUIDELINES** — Motion made, by leave, and question — That there be presented to this House a copy of the — (a) Printed matter Classification Guidelines (Amendment No 1); (b) Guidelines for the Classification of Films and Videotapes (Amendment No 2); (c) Guidelines for the Classification of Computer Games (Amendment No 1); and (d) Guidelines for the Classification of Publications 1999 (*Mr Hulls*) — put and agreed to.

The said papers were presented by Mr Hulls and ordered to lie on the Table.

#### **PAPER PURSUANT TO STATUTE** —

The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk:

*Financial Management Act 1994* — Report from the Minister for Health that he had received the 1998–99 annual report of the Kilmore and District Hospital.

- 5 **MESSAGE FROM HIS EXCELLENCY THE GOVERNOR — ASSENT TO BILLS** — Informing the Assembly that he had, that day, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Administration and Probate (Dust Diseases) Bill  
 Gambling Legislation (Responsible Gambling) Bill  
 Trade Measurement (Amendment) Bill.

- 6 **MESSAGES FROM HIS EXCELLENCY THE GOVERNOR** — The Speaker announced the presentation of messages from His Excellency the Governor recommending appropriations for the purposes of the following bills:

Arts Legislation (Amendment) Bill  
 Children and Young Persons (Appointment of President) Bill  
 Dairy Bill  
 Electricity Industry Acts (Amendment) Bill  
 Emergency Management (Amendment) Bill  
 Health Services (Governance) Bill  
 Land (Revocation of Reservations) Bill  
 National Parks (Amendment) Bill  
 Psychologists Registration Bill  
 State Taxation Acts (Miscellaneous Amendments) Bill  
 Superannuation Acts (Amendment) Bill  
 Tobacco (Amendment) Bill  
 Victorian Law Reform Commission Bill

- 7 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, pursuant to Sessional Order 6(3), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 11 May 2000:

Accident Compensation (Common Law and Benefits) Bill  
 Witness Protection (Amendment) Bill  
 Planning and Environment (Amendment) Bill  
 Local Government (Governance) Bill  
 Federal Courts (Consequential Amendments) Bill

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

- 8 **STATEMENTS BY MEMBERS** — Statements by Members were made.

- 9 **POSTPONEMENT OF NOTICES OF MOTION** — Ordered — That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day.

- 10 **ACCIDENT COMPENSATION (COMMON LAW AND BENEFITS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Mr Cameron announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

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

*Business having been interrupted at 10.00 pm  
 pursuant to Sessional Orders.*

- 11 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 11.08 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

## No 37 — Wednesday 10 May 2000

- 1 The Speaker 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:
  - Murray-Darling Basin Commission — Report for the year 1998–99
  - Parliamentary Committees Act 1968* — Response of the Premier on the action taken with respect to the recommendations made by the Federal-State Relations Committee Report on *Federalism and the Role of the States: Comparisons and Recommendations*
  - Planning and Environment Act 1987*:
    - Notice of approval of the new Moreland Planning Scheme
    - Notices of approval of amendments to the following Planning Schemes:
      - Ballarat Planning Scheme — Nos C4, C16, C22
      - Greater Geelong Planning Scheme — Nos R242, R249
      - Maribyrnong Planning Scheme — No C1
      - Moonee Valley Planning Scheme — No C7
      - Stonnington Planning Scheme — Nos L40 Part B, L95, L96
      - Warrnambool Planning Scheme — No C9
      - Yarra Ranges Planning Scheme — No L116.
- 3 **AGRICULTURAL AND VETERINARY CHEMICALS (CONTROL OF USE) (AMENDMENT) BILL** — The Speaker announced the receipt of a message from the Legislative Council transmitting a Bill 'to amend the *Agricultural and Veterinary Chemicals (Control of Use) Act 1992*, to provide for the labelling of meal derived from material of animal origin and for other purposes' and desiring the concurrence of the Legislative Assembly therein.

On the motion of Mr Hamilton, the Bill transmitted by the foregoing message was read a first time, ordered to be printed and read a second time tomorrow.
- 4 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:
  - Equal Opportunity (Breastfeeding) Bill
  - Chinese Medicine Registration Bill.
- 5 **PRIVILEGES COMMITTEE** — Motion made, by leave, and question — That the House grants leave to permit the Privileges Committee to meet and take evidence when the House is actually sitting (*Mr Bracks*) — put and agreed to.

6 **STATEMENTS BY MEMBERS** — Statements by Members were made.

7 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — ESSENDON AIRPORT** — The House was informed that Mr Ryan had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House recognises the significance of the ongoing operations of Essendon Airport, and calls on the Victorian Government to support its continuing operations.'

Mr Ryan addressed the House — Discussion ensued.

*Business having been interrupted at 2.00 pm  
pursuant to Sessional Orders.*

8 **QUESTIONS** — (Pursuant to Standing Order No 124).

9 **POSTPONEMENT OF NOTICES OF MOTION** — Ordered — That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day.

10 **WITNESS PROTECTION (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

11 **PLANNING AND ENVIRONMENT (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Mr Thwaites announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

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

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

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

12 **LOCAL GOVERNMENT (GOVERNANCE) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Ordered — That a message be sent to the Legislative Council acquainting them that the Legislative Assembly has agreed to the Bill without amendment.

13 **JOINT SITTING** — The Speaker reported that the House, this day, met with the Legislative Council to consider an invitation to the Commonwealth Parliament to meet in the Victorian Parliament and that the following resolution was agreed to —

'That this Joint Sitting of the Legislative Council and Legislative Assembly of the Parliament of Victoria invites the President and Members of the Senate and the Speaker and Members of the House of Representatives to convene at the Royal Exhibition Buildings, Carlton, on 9 May 2001, for the Joint Commemorative Ceremonial Federation Sitting and



Commemoration Ceremony, and at Parliament House, Melbourne, on 10 May 2001, for the Commemorative Federation Sitting of each House of the Commonwealth Parliament and conveys its best wishes for the success of the said meetings that will mark the centenary of the first sittings of the Parliament of the Commonwealth of Australia.'

- 14 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:
- National Taxation Reform (Further Consequential Provisions) Bill  
Electronic Transactions (Victoria) Bill.
- 15 **FEDERAL COURTS (CONSEQUENTIAL AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Business having been interrupted at 10.00 pm  
pursuant to Sessional Orders.*
- 16 **ADJOURNMENT** — The Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 11.05 pm.

R W PURDEY  
Clerk of the Legislative Assembly

A ANDRIANOPOULOS  
Speaker

## No 38 — Thursday 11 May 2000

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:
- Croydon Police Station** — Seeking that the Government fulfils its election promise to staff Croydon Police Station 24 hours and have visible police presence in the streets of Croydon, bearing 4,175 signatures (*by Mrs Elliott*).
- Ordered to lie on the Table.
- 3 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:
- Financial Management Act 1994* — Report from the Minister for Health that he had received the 1998–99 Annual Report of the Tweddle Child and Family Health Service
- Mt Buller Alpine Resort Management Board — Report for the year ending 31 October 1999.
- 4 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Vocational Education and Training (Council Membership) Bill without amendment.
- 5 **TOBACCO (AMENDMENT) BILL** — Pursuant to section 85 of the *Constitution Act 1975*, Mr Thwaites, by leave, made a statement of the reasons for altering or varying that section by clause 19 of the Tobacco (Amendment) Bill.

- 6 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourn until Tuesday 23 May 2000 (*Mr Batchelor*) — put and agreed to.
- 7 **STATEMENTS BY MEMBERS** — Statements by Members were made.
- 8 **POSTPONEMENT OF NOTICES OF MOTION** — Ordered — That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day.
- 9 **APPROPRIATION (2000/2001) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Business having been interrupted at 2.00 pm  
pursuant to Sessional Orders.*
- 10 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 11 **APPROPRIATION (2000/2001) BILL** — Debate continued on question — That this Bill be now read a second time.
- Motion made and question — That the debate be now adjourned (*Mr Kilgour*) — put and agreed to.
- Ordered — That the debate be adjourned until tomorrow.
- Allocation of time — The Speaker advised that the time allocated for consideration of bills pursuant to resolution of the House on Tuesday 9 May 2000 had expired.*
- 12 **PLANNING AND ENVIRONMENT (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.
- Question — That this Bill be now read a second time, Government amendments Nos 1 and 2 be agreed to, the Bill be read a third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.
- 13 **FEDERAL COURTS (CONSEQUENTIAL AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.
- Bill read a second time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.
- Bill read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.
- Ordered — That a message be sent to the Legislative Council acquainting them that the Legislative Assembly has agreed to the Bill without amendment.
- 14 **ACCIDENT COMPENSATION (COMMON LAW AND BENEFITS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.
- Bill read a second time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.
- Government amendments Nos 1 to 36 inclusive agreed to.
- Bill read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.
- Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

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- 15 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Disability Services (Amendment) Bill without amendment.
- 16 **AGRICULTURAL AND VETERINARY CHEMICALS (CONTROL OF USE) (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hamilton*).
- Motion made and question — That the debate be now adjourned (*Mr Steggall*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 25 May 2000.
- 17 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Hamilton*) — put and agreed to.
- 18 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.
- And the House, at 5.20 pm, adjourned until Tuesday 23 May 2000.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

# LEGISLATIVE ASSEMBLY OF VICTORIA

## VOTES AND PROCEEDINGS

### Nos 39, 40, 41 and 42

#### No 39 — Tuesday 23 May 2000

- 1 The House met pursuant to adjournment — The Speaker took the Chair and read the Prayer.
- 2 **ISSUE OF AND RETURN TO WRIT** — The Speaker announced that on 17 April 2000, he had issued a writ for the election of a member to serve for the electoral district of Benalla in the place of the Honourable Patrick McNamara, resigned; and that he had received a return to the said writ by which it appeared that Denise Margret Allen had been duly elected for the electoral district of Benalla, in pursuance of the said writ.
- 3 **MEMBER SWORN** — Denise Margret Allen was then introduced and took and subscribed the oath required by law.
- 4 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 5 **PAPERS** —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Ms Gillett, Chair, brought up two reports from the Scrutiny of Acts and Regulations Committee:

Alert Digest No 6 of 2000 on the:

- Accident Compensation (Common Law and Benefits) Bill
- Appropriation (2000/2001) Bill
- Appropriation (Parliament 2000/2001) Bill
- Arts Legislation (Amendment) Bill
- Business Registration Acts (Amendment) Bill
- Children and Young Persons (Appointment of President) Bill
- Chinese Medicine Registration Bill
- Control of Weapons (Amendment) Bill
- Dairy Bill
- Disability Services (Amendment) Bill
- Electricity Industry Acts (Amendment) Bill
- Emergency Management (Amendment) Bill
- Environment Protection (Enforcement and Penalties) Bill
- Equal Opportunity (Breastfeeding) Bill
- Equal Opportunity (Gender Identity and Sexual Orientation) Bill
- Health Practitioner Acts (Amendment) Bill
- Health Services (Governance) Bill
- Land (Revocation of Reservations) Bill
- National Parks (Amendment) Bill
- Psychologists Registration Bill
- State Taxation Acts (Miscellaneous Amendments) Bill
- Superannuation Acts (Amendment) Bill
- Tobacco (Amendment) Bill

Transport (Amendment) Bill  
 Victorian Law Reform Commission Bill  
 Year 2000 Information Disclosure Act

together with appendices.

Redundant and Unclear Legislation concerning the Review of the Constitutional Convention Act 1972, together with an appendix.

Severally ordered to lie on the Table and to be printed.

**PAPERS PURSUANT TO STATUTE —**

Mr Hulls presented by Command of His Excellency the Governor:

Council of Magistrates — Report for the year 1998–99

Ordered to lie on the Table.

The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Anderson's Creek Cemetery Trust — Report for the year 1998

Ballaarat General Cemeteries Trust — Report for the year 1998

Ballarat University — Report for the year 1999 (two papers)

Bendigo Cemeteries Trust — Report for the year 1998

Cheltenham and Regional Cemeteries Trust — Report for the year 1998

*Crown Land (Reserves) Act 1978* — Section 17DA Order granting, under s 17B, a licence by the Glenelg Shire Council

Deakin University — Report for the year 1999

Fawkner Crematorium and Memorial Park — Report for the year 1998

*Financial Management Act 1994* — Report from the Minister for Environment and Conservation that she had received the 1998–99 Annual Report of the Calder Regional Waste Management Group

Geelong Cemeteries Trust — Report for the year 1998

Keilor Cemetery Trust — Report for the year 1998

La Trobe University — Report for the year 1999

Lilydale Memorial Park and Cemetery Trust — Report for the year 1998

Melbourne University — Report for the year 1999

Memorial Park (Altona) — Report for the year 1998

Monash University — Report for the year 1999

Necropolis Springvale — Report for the year 1998

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

Ballarat Planning Scheme — Nos C24, C28

Bayside Planning Scheme — No C4

Casey Planning Scheme — No C11

Greater Dandenong Planning Scheme — No C13

Melbourne Planning Scheme — No C26

Melton Planning Scheme — No C10

Strathbogie Planning Scheme — No C3

Wangaratta Planning Scheme — No C2

RMIT — Report for the year 1999

Swinburne University of Technology — Report for the year 1999

Templestowe Cemetery Trust — Report for the year 1998

Victoria University of Technology — Report for the year 1999

Wyndham Cemeteries Trust — Report for the year 1998.

- 6 **BUSINESS REGISTRATION ACTS (AMENDMENT) BILL** — The Speaker announced the receipt of a message from the Legislative Council transmitting a Bill '*to amend the Associations Incorporation Act 1981, the Business Names Act 1962, the Co-operatives Act 1996 and the Partnership Act 1958 to facilitate electronic service delivery for registration services provided under those Acts, to make other miscellaneous amendments to those Acts and to amend the Fair Trading Act 1999 and other Acts and for other purposes*' and desiring the concurrence of the Legislative Assembly therein.

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

- 7 **MESSAGE FROM HIS EXCELLENCY THE GOVERNOR — ASSENT TO BILLS** — Informing the Assembly that he had, on 16 May 2000, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Chinese Medicine Registration Bill

Disability Services (Amendment) Bill

Electronic Transactions (Victoria) Bill

Equal Opportunity (Breastfeeding) Bill

Federal Courts (Consequential Amendments) Bill

Local Government (Governance) Bill

National Taxation Reform (Further Consequential Provisions) Bill

Vocational Education and Training (Council Membership) Bill.

- 8 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, pursuant to Sessional Order 6(3), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Friday 26 May 2000:

Transport (Amendment) Bill

Health Services (Governance) Bill

Tobacco (Amendment) Bill

Psychologists Registration Bill

Health Practitioner Acts (Amendment) Bill

State Taxation Acts (Miscellaneous Amendments) Bill

Superannuation Acts (Amendment) Bill

Electricity Industry Acts (Amendment) Bill

Victorian Law Reform Commission Bill

Children and Young Persons (Appointment of President) Bill

Dairy Bill

Arts Legislation (Amendment) Bill

Land (Revocation of Reservations) Bill

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

- 9 **STATEMENTS BY MEMBERS** — Statements by Members were made.

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- 10 **POSTPONEMENT OF NOTICES OF MOTION** – Ordered – That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until tomorrow.
- 11 **TRANSPORT (AMENDMENT) BILL** – Order read for resuming debate on question – That this Bill be now read a second time; debate resumed.  
 Bill read a second time and, by leave, read a third time forthwith.  
 Ordered – That the Bill be transmitted to the Legislative Council and their concurrence desired therein.
- 12 **BUSINESS REGISTRATION ACTS (AMENDMENT) BILL** – Motion made and question proposed – That this Bill be now read a second time (*Mr Haermeyer*).  
 Motion made and question – That the debate be now adjourned (*Mr Doyle*) – put and agreed to.  
 Ordered – That the debate be adjourned until Tuesday 30 May 2000.
- 13 **POSTPONEMENT OF ORDERS OF THE DAY** – Ordered – That the consideration of Government Business, Orders of the Day, Nos 2 to 4 inclusive, be postponed until later this day.
- 14 **PSYCHOLOGISTS REGISTRATION BILL** – Order read for resuming debate on question – That this Bill be now read a second time; debate resumed.  
 Bill read a second time and, by leave, read a third time forthwith.  
 Ordered – That the Bill be transmitted to the Legislative Council and their concurrence desired therein.
- 15 **HEALTH PRACTITIONER ACTS (AMENDMENT) BILL** – Order read for resuming debate on question – That this Bill be now read a second time; debate resumed.  
 Bill read a second time and, by leave, read a third time forthwith.  
 Ordered – That the Bill be transmitted to the Legislative Council and their concurrence desired therein.
- 16 **HEALTH SERVICES (GOVERNANCE) BILL** – Order read for resuming debate on question – That this Bill be now read a second time; debate resumed.  
 Bill read a second time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.  
 By leave, Bill read a third time forthwith with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.  
 Ordered – That the Bill be transmitted to the Legislative Council and their concurrence desired therein.
- 17 **MESSAGE FROM THE LEGISLATIVE COUNCIL** – Agreeing to the Witness Protection (Amendment) Bill without amendment.
- 18 **POSTPONEMENT OF ORDER OF THE DAY** – Ordered – That the consideration of Government Business, Order of the Day, No 7, be postponed until later this day.
- 19 **SUPERANNUATION ACTS (AMENDMENT) BILL** – Order read for resuming debate on question – That this Bill be now read a second time; debate resumed.

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 20 **APPROPRIATION (2000/2001) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm  
pursuant to Sessional Orders.*

- 21 **ADJOURNMENT** — The Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 11.04 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

## **No 40 — Wednesday 24 May 2000**

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:  
**Deer Park Railway Station** — Seeking that the Public Transport Corporation programs the 8.35 am, 8.45 am and 10.55 am passenger trains, which depart from Melton Station travelling to Spencer Street Station each week day morning, to stop at Deer Park Station to pick up passengers, bearing 234 signatures (*by Mr Languiller*).
- Ordered to lie on the Table.
- 3 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:  
Auditor-General — Performance Audit Report No 63 — Represented persons: Under State Trustees' administration — Ordered to be printed  
*Prevention of Cruelty to Animals Act 1986:*  
Revised Code of Practice for the Welfare of Wildlife during Rehabilitation  
Revocation of Code of Practice for the operation of Wildlife Shelters.
- 4 **SUSPENSION OF SESSIONAL ORDERS** — Motion made, by leave, and question — That so much of Sessional Orders be suspended for today to allow, in substitution of a discussion on a Matter of Public Importance pursuant to Sessional Order 9, consideration of General Business Notice of Motion No 26 and Government Business after Statements by Members (*Mr Batchelor*) — put, after debate, and agreed to.
- 5 **STATEMENTS BY MEMBERS** — Statements by Members were made.



- 6 **PETROLEUM PRODUCTS (PRICING) BILL** – Mr Savage obtained leave, with Mr Ingram, to bring in a Bill '*to regulate the retail price of petrol and liquefied petroleum gas in rural Victoria and for other purposes*'; and the said Bill was read a first time, ordered to be printed and, by leave, read a second time forthwith.
- 7 **PETROLEUM PRODUCTS (PRICING) BILL** – Motion made and question proposed – That this Bill be now read a second time (*Mr Savage*).
- Motion made and question – That the debate be now adjourned (*Mr Batchelor*) – put and agreed to.
- Ordered – That the debate be adjourned until Wednesday 7 June 2000.
- 8 **POSTPONEMENT OF NOTICES OF MOTION** – Ordered – That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until tomorrow.
- 9 **INFORMATION PRIVACY BILL** – Mr Brumby, pursuant to a motion moved on his behalf by Mr Hulls, obtained leave, with Mr Batchelor, to bring in a Bill '*to establish a regime for the responsible collection and handling of personal information in the Victorian public sector, to amend the Parliamentary Committees Act 1968, the Ombudsman Act 1973 and certain other Acts and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 10 **COURTS AND TRIBUNALS LEGISLATION (FURTHER AMENDMENT) BILL** – Mr Hulls, after debate, obtained leave with Mr Brumby, to bring in a Bill '*to make miscellaneous amendments to the Legal Practice Act 1996, the Magistrates' Court Act 1989, the Supreme Court Act 1986 and the Victorian Civil and Administrative Tribunal Act 1998 and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 11 **VICTIMS OF CRIME ASSISTANCE (AMENDMENT) BILL** – Mr Hulls, after debate, obtained leave with Mr Brumby, to bring in a Bill '*to amend the Victims of Crime Assistance Act 1996, the Sentencing Act 1991, the Children and Young Persons Act 1989, the Confiscation Act 1997, the Accident Compensation Act 1985, the Accident Compensation (WorkCover Insurance) Act 1993 and the Transport Accident Act 1986 and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 12 **STATE TAXATION ACTS (MISCELLANEOUS AMENDMENTS) BILL** – Order read for resuming debate on question – That this Bill be now read a second time; debate resumed.
- Bill read a second time and, by leave, read a third time forthwith.
- Ordered – That the Bill be transmitted to the Legislative Council and their concurrence desired therein.
- 13 **VICTORIAN LAW REFORM COMMISSION BILL** – Order read for resuming debate on question – That this Bill be now read a second time; debate resumed.
- Bill read a second time and, by leave, read a third time forthwith.
- Ordered – That the Bill be transmitted to the Legislative Council and their concurrence desired therein.
- 14 **CHILDREN AND YOUNG PERSONS (APPOINTMENT OF PRESIDENT) BILL** – Order read for resuming debate on question – That this Bill be now read a second time; debate resumed.

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

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 15 **ARTS LEGISLATION (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm  
pursuant to Sessional Orders.*

- 16 **QUESTIONS** — (Pursuant to Standing Order No 124).

- 17 **ARTS LEGISLATION (AMENDMENT) BILL** — Debate continued on question — That this Bill be now read a second time.

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 18 **LAND (REVOCATION OF RESERVATIONS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 19 **ELECTRICITY INDUSTRY ACTS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Pursuant to Sessional Orders, Mr Hulls announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

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

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

Bill considered in Committee and reported with amendments; as amended, considered, and amendments agreed to.

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 20 **APPROPRIATION (2000/2001) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm  
pursuant to Sessional Orders.*

- 21 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 11.01 pm.

R W PURDEY  
Clerk of the Legislative Assembly

A ANDRIANOPOULOS  
Speaker

## No 41 — Thursday 25 May 2000

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
- Macalister River Dam** — Seeking that the Government funds the initial feasibility study for the construction of an additional dam on the Macalister River north of Glenmaggie Weir, bearing 1,963 signatures (*by Mr Ryan*).
- Smoking in Public Places** — Seeking that any change in laws regarding smoking in public places includes a total prohibition on smoking in all hospitality establishments including casinos and gaming establishments, hotels, pubs, clubs, entertainment venues and restaurants, bearing 564 signatures (*by Ms Davies*).
- Severally 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:
- Statutory Rule under the *Electricity Safety Act 1998* — SR No 31.
- 4 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Accident Compensation (Common Law and Benefits) Bill without amendment.
- 5 **MESSAGE FROM HIS EXCELLENCY THE GOVERNOR** — The Speaker announced the presentation of a message from His Excellency the Governor recommending a further appropriation for the purposes of the Tobacco (Amendment) Bill.
- 6 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourn until tomorrow at 9.30 am (*Mr Bracks*) — put and agreed to.
- 7 **STATEMENTS BY MEMBERS** — Statements by Members were made.
- 8 **POSTPONEMENT OF NOTICES OF MOTION** — Ordered — That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day.
- 9 **TOBACCO (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.
- Pursuant to Sessional Orders, Mr Thwaites announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

Pursuant to Sessional Orders, Mr Doyle announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

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

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

Bill considered in Committee and reported with amendments; as amended, considered, and amendments agreed to.

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

Ordered – That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 10 **APPROPRIATION (2000/2001) BILL** – Order read for resuming debate on question – That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm  
pursuant to Sessional Orders.*

- 11 **QUESTIONS** – (Pursuant to Standing Order No 124).

- 12 **APPROPRIATION (2000/2001) BILL** – Debate continued on question – That this Bill be now read a second time.

*Business having been interrupted at 10.00 pm  
pursuant to Sessional Orders.*

- 13 **ADJOURNMENT** – The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.51 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

## **No 42 – Friday 26 May 2000**

- 1 The Speaker 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:  
Mt Stirling Alpine Resort Management Board – Report for the year ending 31 October 1999.
- 3 **MESSAGES FROM THE LEGISLATIVE COUNCIL** – Agreeing to the following bills without amendment:  
Health Practitioner Acts (Amendment) Bill  
Planning and Environment (Amendment) Bill

Transport (Amendment) Bill  
 Superannuation Acts (Amendment) Bill  
 Psychologists Registration Bill  
 Health Services (Governance) Bill.

- 4 **ABORIGINAL RECONCILIATION** – Motion made, by leave, and question – That –
- 1 So much of Sessional Orders be suspended so as to allow the House at its rising on Tuesday 30 May 2000 to adjourn until 10.00 am on Wednesday 31 May 2000.
  - 2 This House invites elders and members of the Indigenous Communities of Victoria and representatives from the Council for Aboriginal Reconciliation to attend on the floor of the House on Wednesday 31 May 2000 at 10.00 am when the Speaker takes the Chair, to address the House on the subject of Aboriginal reconciliation and to remain on the floor, save in the event of a division, until the sitting is suspended for the lunch break prior to 1.00 pm.
  - 3 So much of Standing Orders, Sessional Orders and the practice of the House be then suspended to allow:
    - a elders to give a traditional Aboriginal Welcome in lieu of the Speaker reading the Lord's Prayer;
    - b elders and members of the Indigenous Communities of Victoria and representatives from the Council for Aboriginal Reconciliation (not exceeding seven in total) to attend on the floor of the House to address the House on the subject of Aboriginal reconciliation, to make presentations to the Speaker and the Premier and to receive responses of thanks;
    - c the Premier and the Leader of the Opposition to each give a response of thanks;
    - d after such addresses and responses of thanks a debate shall take place on a motion which may be moved by the Premier;
    - e The Speaker to put the question at 12.45 pm or sooner if there be no further debate and the time limits for the speech of the mover and the Leader of the Opposition or his nominee shall be 15 minutes and, for all other speakers, 10 minutes. No amendment to the motion to be accepted by the Speaker;
    - f At the conclusion of the debate the House shall proceed, in accordance with Sessional Orders, with oral questions (at the set time provided by Sessional Orders), Formal Business, Statements by Members, Grievances and Government Business as set down on the Notice Paper (*Mr Bracks*) – put and agreed to.
- 5 **ABORIGINAL RECONCILIATION** – Motion made, by leave, and question – That –
- 1 The Legislative Assembly invites Members of the Legislative Council to attend in the Legislative Assembly Chamber on Wednesday 31 May 2000 at 10.00 am when the Speaker takes the Chair to:
    - a hear elders of the Indigenous Communities of Victoria give a traditional Aboriginal Welcome;
    - b hear elders and members of such Communities and representatives from the Council for Aboriginal Reconciliation address the House on the subject of Aboriginal reconciliation;
    - c observe presentations to the Speaker and the Premier; and
    - d hear responses of thanks by the Premier and Leader of the Opposition.

- 2 The lower public galleries be deemed to be part of the Legislative Assembly Chamber for the duration of the addresses to provide additional accommodation for Members of the Legislative Council;
- 3 The Speaker of the Legislative Assembly shall chair the addresses and the conduct of the proceedings shall be in accordance with the Standing Orders of the Legislative Assembly (*Mr Bracks*) – put and agreed to.

Ordered – That a message be sent to the Legislative Council acquainting them of the said resolution and inviting Members of the Legislative Council to attend in the Legislative Assembly Chamber on Wednesday 31 May 2000 at 10.00 am.

6 **STATEMENTS BY MEMBERS** – Statements by Members were made.

7 **POSTPONEMENT OF NOTICES OF MOTION** – Ordered – That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day.

8 **DAIRY BILL** – Order read for resuming debate on question – That this Bill be now read a second time; debate resumed.

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

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

*Business having been interrupted at 2.00 pm  
pursuant to Sessional Orders.*

9 **QUESTIONS** – (Pursuant to Standing Order No 124).

10 **APPROPRIATION (2000/2001) BILL** – Order read for resuming debate on question – That this Bill be now read a second time; debate resumed.

*Allocation of time – The Acting Speaker advised that the time allocated for consideration of Bills pursuant to resolution of the House on Tuesday 23 May 1999 had expired.*

11 **DAIRY BILL** – Order read for resuming debate on question – That this Bill be now read a second time.

Question – That this Bill be now read a second and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein – put and agreed to.

12 **APPROPRIATION (2000/2001) BILL** – Debate continued on question – That this Bill be now read a second time.

Motion made, by leave, and question – That the debate be now adjourned (*Mr Brumby*) – put and agreed to.

Ordered – That the debate be adjourned until tomorrow and that Mr McIntosh have leave to continue his speech when the debate is resumed.

13 **INFORMATION PRIVACY BILL** – Motion made and question proposed – That this Bill be now read a second time (*Mr Brumby*).

*Mr Brumby made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.*

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

Ordered – That the debate be adjourned until Friday 9 June 2000.

- 14 **COURTS AND TRIBUNALS LEGISLATION (FURTHER AMENDMENT) BILL** – Motion made and question proposed – That this Bill be now read a second time (*Mr Hulls*).

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

Ordered – That the debate be adjourned until Friday 9 June 2000.

- 15 **VICTIMS OF CRIME ASSISTANCE (AMENDMENT) BILL** – Motion made and question proposed – That this Bill be now read a second time (*Mr Hulls*).

*Mr Hulls made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.*

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

Ordered – That the debate be adjourned until Friday 9 June 2000.

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

- 17 **ADJOURNMENT** – Resolved, after debate – That the House do now adjourn.

And the House, at 6.03 pm, adjourned until Tuesday 30 May 2000.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

## LEGISLATIVE ASSEMBLY OF VICTORIA

# VOTES AND PROCEEDINGS

## Nos 43, 44 and 45

### No 43 — Tuesday 30 May 2000

- 1 The Speaker took the Chair and read the Prayer.
  - 2 **QUESTIONS** — (Pursuant to Standing Order No 124).
  - 3 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
    - Secondary College site in Somerville** — Seeking that the Government suspend its sale of the land in Somerville acquired as a site for a secondary college and put in place all processes required for the development of a secondary college on that site, bearing 394 signatures (*by Mr Cooper*)
    - Churchill Hotel/Motel** — Seeking that the Minister for Gaming facilitates the immediate removal of all gaming machines from the Churchill Hotel/Motel, bearing 914 signatures (*by Mr Hamilton*).
- Severally ordered to lie on the Table.
- 4 **PETITION — SECONDARY COLLEGE SITE IN SOMERVILLE** — Motion made and question — That the petition presented by the Member for Mornington relating to the secondary college site in Somerville be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.
  - 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:
    - Anti-Cancer Council — Report for the year 1999
    - Audit Victoria — Financial Statements for the six months ended 31 December 1999
    - Auditor-General — Performance Audit Report No 64 — Building Control in Victoria: Setting sound foundations — Ordered to be printed
    - Financial Management Act 1994* — Report from the Minister for Health that he had received the Report for the period 1 December 1998 to 30 June 1999 of the Podiatrists Registration Board of Victoria
    - Legal Practice Act 1996* — Practitioner Remuneration Order pursuant to s 113
    - Medical Practitioners Board (incorporating the report of the Intern Training Accreditation Committee) — Report for the year ended 30 September 1999
    - Parliamentary Committees Act 1968*:
      - Response of the Attorney-General on the action taken with respect to the recommendations made by the Scrutiny of Acts and Regulations Committee Final Report Inquiry into the Right to Silence



Response of the Attorney-General on the action taken with respect to the recommendations made by the Law Reform Committee report Criminal Liability for Self-induced Intoxication

Response of the Attorney-General on the action taken with respect to the recommendations made by the Law Reform Committee report Technology and the Law

*Planning and Environment Act 1987* — Notice of approval of amendment to the Victorian Planning Provisions — No VC9

*The Constitution Act Amendment Act 1958* — Report on the General Election, 18 September 1999 (two papers)

Victoria Law Foundation — Report for the year 1998–99.

The following proclamation fixing an operative date was laid upon the Table by the Clerk pursuant to an Order of the House dated 3 November 1999:

*Education Acts (Amendment) Act 2000* — Remaining provisions on 24 May 2000 (*Gazette S71, 24 May 2000*).

**6 MESSAGE FROM HIS EXCELLENCY THE GOVERNOR — ASSENT TO BILLS —** Informing the Assembly that he had, that day, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Accident Compensation (Common Law and Benefits) Bill

Health Practitioner Acts (Amendment) Bill

Planning and Environment (Amendment) Bill

Superannuation Acts (Amendment) Bill

Transport (Amendment) Bill

Witness Protection (Amendment) Bill.

**7 GOVERNMENT BUSINESS PROGRAM —** Motion made and question — That, pursuant to Sessional Order 6(3), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 1 June 2000:

Emergency Management (Amendment) Bill

Control of Weapons (Amendment) Bill

Equal Opportunity (Gender Identity and Sexual Orientation) Bill

Adoption (Amendment) Bill

Agricultural and Veterinary Chemicals (Control of Use) (Amendment) Bill

Business Registration Acts (Amendment) Bill

Environment Protection (Enforcement and Penalties) Bill

Appropriation (2000/2001) Bill

National Parks (Amendment) Bill

Appropriation (Parliament 2000/2001) Bill

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

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

**9 POSTPONEMENT OF NOTICES OF MOTION —** Ordered — That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day.

**10 EMERGENCY MANAGEMENT (AMENDMENT) BILL —** Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 11 **CONTROL OF WEAPONS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

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

- 13 **ADOPTION (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Ordered — That a message be sent to the Legislative Council acquainting them that the Legislative Assembly has agreed to the Bill without amendment.

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

Arts Legislation (Amendment) Bill

Land (Revocation of Reservations) Bill

Children and Young Persons (Appointment of President) Bill.

- 15 **AGRICULTURAL AND VETERINARY CHEMICALS (CONTROL OF USE) (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Ordered — That a message be sent to the Legislative Council acquainting them that the Legislative Assembly has agreed to the Bill without amendment.

- 16 **BUSINESS REGISTRATION ACTS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Ordered — That a message be sent to the Legislative Council acquainting them that the Legislative Assembly has agreed to the Bill without amendment.

- 17 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the State Taxation Acts (Miscellaneous Amendments) Bill without amendment.

- 18 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 7, be postponed until tomorrow.

- 19 **APPROPRIATION (2000/2001) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm  
pursuant to Sessional Orders.*

- 20 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 11.18 pm.

R W PURDEY  
Clerk of the Legislative Assembly

A ANDRIANOPOULOS  
Speaker

## No 44 — Wednesday 31 May 2000

- 1 The Speaker took the Chair.
- 2 **ABORIGINAL RECONCILIATION** — Pursuant to a resolution of the House on 26 May 2000 Members of the Legislative Council entered the Legislative Assembly Chamber to hear Addresses by elders and members of the Indigenous Communities of Victoria and representatives from the Council for Aboriginal Reconciliation.  
Members of the Legislative Council withdrew from the Chamber following the Addresses.
- 3 **ABORIGINAL RECONCILIATION** — Motion made and question — That this House —
  - 1 welcomes and acknowledges this historic occasion where elders and other members of the Indigenous communities in Victoria have spoken about their history and the importance of achieving reconciliation;
  - 2 recognises the need for ongoing effort across all levels of government and the community to further progress the aims and objectives of reconciliation;
  - 3 acknowledges the work and achievements of the Council for Aboriginal Reconciliation including its release of the Australian Declaration Towards Reconciliation, Corroboree 2000 — Towards Reconciliation and Roadmap for Reconciliation; and
  - 4 commits to respond to the Council's Corroboree 2000 — Towards Reconciliation and the Roadmap for Reconciliation on behalf of the people of Victoria (*Mr Bracks*) — put, after debate, and agreed to.

*[The Speaker resumed the Chair and read the Prayer]*
- 4 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 5 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:
  - Auditor-General — Performance Audit Report No 65 — Reducing landfill: Waste management by municipal councils — Ordered to be printed
  - Financial Management Act 1994* — Report from the Minister for Health that he had received the Report for the year ending 30 September 1999 of the Dental Board of Victoria

*Parliamentary Committees Act 1968* — Response of the Minister for State and Regional Development on the action taken with respect to the recommendations made by the Economic Development Committee report into the Effects of Government Funded National Broadcasting on Victoria.

- 6 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Victorian Law Reform Commission Bill without amendment.
- 7 **MESSAGES FROM HIS EXCELLENCY THE GOVERNOR** — The Speaker announced the presentation of messages from His Excellency the Governor recommending appropriations for the purposes of the following bills:
  - Information Privacy Bill
  - Courts and Tribunals Legislation (Further Amendment) Bill
  - Victims of Crime Assistance (Amendment) Bill.
- 8 **STATEMENTS BY MEMBERS** — Statements by Members were made.
- 9 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.
- 10 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Electricity Industry Acts (Amendment) Bill without amendment.
- 11 **POSTPONEMENT OF NOTICES OF MOTION** — Ordered — That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day.
- 12 **CONSTITUTION (AMENDMENT) BILL** — Mr Bracks obtained leave, with Mr Thwaites, to bring in a Bill 'to amend the *Constitution Act 1975* by making provision for the passage of an Annual Appropriation Bill and other powers of the Houses of the Parliament and the duration of the Houses of Parliament, to amend *The Constitution Act Amendment Act 1958*, the *Electoral Boundaries Commission Act 1982*, the *Parliamentary Committees Act 1968* and the *Parliamentary Salaries and Superannuation Act 1968* and for other purposes'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 13 **DRUGS, POISONS AND CONTROLLED SUBSTANCES (INJECTING FACILITIES TRIAL) BILL** — Mr Thwaites, after debate, obtained leave with Mr Bracks, to bring in a Bill 'to amend the *Drugs, Poisons and Controlled Substances Act 1981* to provide for the trial of injecting facilities for drugs of dependence and for other purposes'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 14 **CONSTITUTION (PROPORTIONAL REPRESENTATION) BILL** — Mr Bracks, after debate, obtained leave with Mr Thwaites, to bring in a Bill 'to reform the *Constitution Act 1975* by making provision for the constitution of the Houses of Parliament and for the election of members of the Legislative Council using proportional representation, to amend the *Constitution Act 1975*, *The Constitution Act Amendment Act 1958* and the *Electoral Boundaries Commission Act 1982* and for other purposes'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 15 **PLANNING AND ENVIRONMENT (RESTRICTIVE COVENANTS) BILL** — Mr Thwaites obtained leave, with Mr Bracks, to bring in a Bill 'to amend the *Planning and Environment Act 1987* in relation to restrictive covenants and for other purposes'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.

- 16 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 1, be postponed until later this day.
- 17 **ENVIRONMENT PROTECTION (ENFORCEMENT AND PENALTIES) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.  
Pursuant to Sessional Orders, Ms Garbutt announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.  
Debate resumed on question — That this Bill be now read a second time.  
Bill read a second time and committed; considered in Committee.  
Committee reported progress; to sit again later this day.  
*Business having been interrupted at 10.00 pm  
pursuant to Sessional Orders.*  
Motion made and question — That the sitting be continued (*Mr Batchelor*) — put and agreed to.  
Further considered in Committee and reported with amendments; as amended, considered, and amendments agreed to; read a third time.  
Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.
- 18 **NATIONAL PARKS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.  
Pursuant to Sessional Orders, Ms Garbutt announced that it was proposed to move an amendment in Committee and requested that it be circulated. Amendment circulated.  
Debate resumed on question — That this Bill be now read a second time.  
Amendment proposed — That all the words after 'That' be omitted with the view of inserting in place thereof the words 'this House refuses to read this Bill a second time until a copy of the report of the Technical Advisory Group examining the Mt McKay ski field is provided to each Member of the Legislative Assembly, in order that this House can be fully informed on the issues and consultation can take place which is designed to secure an outcome in the best interests of the protection of the environment and rare and threatened species, as well as regional social and economic development' (*Mr Perton*) — and, after debate —  
Motion made and question — That the debate be now adjourned (*Mr Plowman*) — put and agreed to.  
Ordered — That the debate be adjourned until tomorrow.
- 19 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Hamilton*) — put and agreed to.
- 20 **ADJOURNMENT** — Motion made and question proposed — That the House do now adjourn (*Mr Hamilton*) — and, after debate —

And the House having continued to sit after 12 midnight —

THURSDAY 1 JUNE 2000

Question — put and agreed to.

And the House, at 12.32 am, adjourned until later this day.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

## No 45 — Thursday 1 June 2000

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:

**Mt McKay** — Seeking that the Government restores the Mt McKay area to full National Park status, bearing 1,750 signatures (*by Ms Lindell*).

Ordered to lie on the Table.

- 3 **PAPERS** —  
**REPORT OF INQUIRIES INTO CHILD DEATHS: PROTECTION AND CARE** — Motion made, by leave, and question — That there be presented to this House a copy of the Annual Report of Inquiries into Child Deaths: Protection and Care 2000 (*Ms Campbell*) — put and agreed to.

The said report was presented by Ms Campbell and ordered to lie on the Table.

**PRIVILEGES COMMITTEE** — Mr Loney, Chair, brought up a report from the Privileges Committee on the right of reply for Mr Damien Bonnice, a person referred to in the Legislative Assembly, together with an appendix and a submission.

Ordered to lie on the Table and the report and appendix to be printed.

### **PAPERS PURSUANT TO STATUTE** —

Mr Speaker presented:

*BLF (De-recognition) Act 1985* — Forty-Seventh Report of the Custodian

Ordered to lie on the Table and to be printed.

The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Auditor-General — Annual Plan 2000–2001

Auditor-General — Report on Ministerial Portfolios, June 2000 — Ordered to be printed

Forensic Leave Panel — Report for the year 1999

*Members of Parliament (Register of Interests) Act 1978* — Summary of Primary Returns — May 2000 and Summary of Variations Notified between 16 December 1999 and 31 May 2000 — Ordered to be printed

*Parliamentary Committees Act 1968* – Response of the Minister for Transport on the action taken with respect to the recommendations made by the Road Safety Committee report on the Incidence and Prevention of Pedestrian Accidents.

- 4 **MESSAGE FROM THE LEGISLATIVE COUNCIL** – Agreeing to the Tobacco (Amendment) Bill without amendment.
- 5 **TELEVISIONING AND BROADCASTING OF PROCEEDINGS** – Motion made, by leave, and question – That until 31 December 2003 inclusive, the resolution authorising the televising and broadcasting of proceedings in the Legislative Assembly agreed to by the House on 18 February 1998 be amended by the omission of paragraphs 1(b)(i) and 1(d)(i) (*Mr Batchelor*) – put, after debate, and agreed to.
- 6 **GRIEVANCE DAYS** – Motion made, by leave, and question – That Sessional Order 4(1) be amended by omitting the words 'on every third sitting Wednesday after the opening of the Session' and inserting the words 'on the first sitting Wednesday of each Autumn and Spring sitting period and every subsequent third sitting Wednesday' (*Mr Batchelor*) – put, after debate, and agreed to.
- 7 **GOVERNMENT BUSINESS PROGRAM** – Motion made and question – That the Government Business Program agreed to by this House on 30 May 2000 be amended by omitting the Order of the Day, Government Business, relating to the Equal Opportunity (Gender Identity and Sexual Orientation) Bill (*Mr Batchelor*) – put, after debate, and agreed to.
- 8 **SITTING OF THE HOUSE** – Motion made and question – That the House, at its rising, adjourn until a day and hour to be fixed by the Speaker, which time of meeting shall be notified in writing to each member of the House (*Mr Batchelor*) – put and agreed to.
- 9 **STATEMENTS BY MEMBERS** – Statements by Members were made.
- 10 **POSTPONEMENT OF NOTICES OF MOTION** – Ordered – That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day.
- 11 **ORDER OF THE DAY DISCHARGED** – Motion made and question – That the following Order of the Day, Government Business, be read and discharged:  
*Constitution (Reform) Bill – Second reading – Resumption of debate.*  
 and that the Bill be withdrawn (*Mr Batchelor*) – put, after debate, and agreed to.
- 12 **APPROPRIATION (PARLIAMENT 2000/2001) BILL** – Order read for resuming debate on question – That this Bill be now read a second time; debate resumed.  
 Bill read a second time and, by leave, read a third time forthwith.  
 Ordered – That the Bill be transmitted to the Legislative Council and their concurrence desired therein.
- 13 **NATIONAL PARKS (AMENDMENT) BILL** – Order read for resuming debate on question – That this Bill be now read a second time – *and on the amendment* – That all the words after 'That' be omitted with the view of inserting in place thereof the words 'this House refuses to read this Bill a second time until a copy of the report of the Technical Advisory Group examining the Mt McKay ski field is provided to each Member of the Legislative Assembly,

in order that this House can be fully informed on the issues and consultation can take place which is designed to secure an outcome in the best interests of the protection of the environment and rare and threatened species, as well as regional social and economic development'; debate resumed.

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

The House divided.

AYES, 46

Ms Allan ( <i>Bendigo East</i> )	Ms Delahunty ( <i>Northcote</i> )	Ms Kosky	Mr Robinson
Ms Allen ( <i>Benalla</i> )	Ms Duncan	Mr Leighton	Mr Savage
Ms Barker	Ms Garbutt	Mr Lenders	Mr Seitz
Mr Batchelor	Ms Gillett	Mr Lim	Mr Stensholt
Ms Beattie	Mr Haermeyer	Ms Lindell	Mr Thwaites
Mr Bracks	Mr Hamilton	Mr Loney	Mr Trezise
Mr Brumby	Mr Hardman	Mrs Maddigan	Mr Viney
Mr Cameron	Mr Helper	Mr Maxfield	Mr Wynne
Ms Campbell	Mr Holding	Mr Mildenhall	
Mr Carli	Mr Howard	Mr Nardella	<i>Tellers</i>
Ms Davies	Mr Hulls	Ms Overington	Mr Langdon
	Mr Ingram	Mr Pandazopoulos	Mr Languiller
		Ms Pike	

NOES, 41

Ms Asher	Mrs Elliott	Mr Maclellan	Mrs Shardey
Mr Ashley	Mrs Fyffe	Mr Mulder	Mr Spry
Mr Baillieu	Mr Honeywood	Dr Napthine	Mr Steggall
Ms Burke	Mr Jasper	Mr Paterson	Mr Thompson
Mr Clark	Mr Kilgour	Mr Perton	Mr Vogels
Mr Cooper	Mr Kotsiras	Mrs Peulich	Mr Wells
Dr Dean	Mr Leigh	Mr Phillips	Mr Wilson
Mr Delahunty ( <i>Wimmera</i> )	Mr Lupton	Mr Plowman	
Mr Dixon	Mr McArthur	Mr Richardson	<i>Tellers</i>
Mr Doyle	Ms McCall	Mr Rowe	Mr Maughan
	Mr McIntosh	Mr Ryan	Mr Smith

And so it was resolved in the affirmative.

Bill read a second time and committed; considered in Committee and reported with an amendment; as amended, considered, and amendment agreed to; read a third time.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 14 **APPROPRIATION (2000/2001) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm  
pursuant to Sessional Orders.*

- 15 **QUESTIONS** — (Pursuant to Standing Order No 124).

- 16 **APPROPRIATION (2000/2001) BILL** — Debate continued on question — That this Bill be now read a second time.



*Allocation of time — The Deputy Speaker advised that the time allocated for consideration of bills pursuant to resolution of the House on Tuesday 30 May 2000 and as amended on Thursday 1 June 2000 had expired.*

Question — That this Bill be now read a second and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 17 **DRUGS, POISONS AND CONTROLLED SUBSTANCES (INJECTING FACILITIES TRIAL) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Thwaites*).

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

Ordered, after debate — That the debate be adjourned until Thursday 15 June 2000.

- 18 **PLANNING AND ENVIRONMENT (RESTRICTIVE COVENANTS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Thwaites*).

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

Ordered — That the debate be adjourned until Thursday 15 June 2000.

- 19 **CONSTITUTION (PROPORTIONAL REPRESENTATION) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Bracks*).

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

Ordered, after debate — That the debate be adjourned until Thursday 15 June 2000.

- 20 **CONSTITUTION (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Bracks*).

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

Ordered, after debate — That the debate be adjourned until Thursday 15 June 2000.

- 21 **PAPERS —**

**COMMONWEALTH TREATY DOCUMENTS** — Motion made, by leave, and question — That there be presented to this House in accordance with the Government's Response to the former Federal-State Relations Committee's First Report — *International Treaty Making and the Role of the States* the following Treaty documents:

Agreement between the Government of Australia and the Government of the Slovak Republic on Trade and Economic Cooperation — 23 April 1999

Agreement on Social Security between Australia and the Republic of Italy and exchange of notes, amending and clarifying the said agreement — 13 September 1993

Agreement between Australia and the Kingdom of Denmark on Social Security — 1 July 1999

Agreement for Cooperation between Australia and the United States of America concerning Technology for the Separation of Isotopes of Uranium by Laser Excitation, agreed minute and exchange of notes — 28 October 1999

Agreement between the Government of Australia and the Government of New Zealand on Child and Spousal maintenance

Agreement between Australia and Romania for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Protocol — 2 February 2000

Convention on the Safety of United Nations and Associated Personnel — 9 November 1994

Convention on the Recognition and Enforcement of Decisions Relating to Maintenance Obligations — 2 October 1973

United Nations Convention on the Elimination of all Forms of Discrimination Against Women — Partial Withdrawal of Australia's reservation concerning women in combat and combat related duties

*(Mr Bracks)* — put and agreed to.

The said papers were presented by Mr Bracks and ordered to lie on the Table.

- 22 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Dairy Bill without amendment.
- 23 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed *(Mr Cameron)* — put and agreed to.
- 24 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.  
And the House, at 6.03 pm, adjourned until a day and hour to be fixed by the Speaker, which time of meeting shall be notified in writing to each Member of the House.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

## LEGISLATIVE ASSEMBLY OF VICTORIA

# VOTES AND PROCEEDINGS

## Nos 46, 47, 48 and 49

### No 46 — Tuesday 15 August 2000

- 1 The House met pursuant to the terms of the resolution of 1 June 2000, the Speaker having fixed this day at 2.00 pm as the time of meeting — The Speaker took the Chair and read the Prayer.
- 2 **DEATH OF THE HONOURABLE JOSEPH ANSTICE RAFFERTY** — Motion made and question — That this House expresses its sincere sorrow at the death of The Honourable Joseph Anstice Rafferty, and places on record its acknowledgment of the valuable services rendered by him to the Parliament and the people of Victoria as Member of the Legislative Assembly for the Electoral Districts of Caulfield from 1955 to 1958, Ormond from 1958 to 1967, and Glenhuntly from 1967 to 1979 (*Mr Bracks*) — put, after the Speaker and other Honourable Members had addressed the House in support of the motion and, Honourable Members rising in their places to signify their assent, agreed to unanimously.
- 3 **ADJOURNMENT** — Motion made and question — That, as a further mark of respect to the memory of the late Honourable Joseph Anstice Rafferty the House do now adjourn until 8.00 pm this day (*Mr Bracks*) — put and agreed to.

And the House, at 2.59 pm adjourned until 8.00 pm this day.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

### No 47 — Tuesday 15 August 2000 (8.00 PM)

- 1 The House met pursuant to adjournment — The Speaker took the Chair.
- 2 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 3 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:  
**Gladysdale Primary School** — Seeking that the Minister for Education and the Minister for Transport urgently provide funding for repair works to footpaths and parking at the Gladysdale Primary School, bearing 167 signatures (*by Mrs Fyffe*)

**Frankston Intersection** — Seeking that traffic lights or a bridge/walkover be immediately installed at the intersection of Robinsons Road and Frankston-Flinders Road, Frankston, bearing 355 signatures (*by Ms McCall*).

Severally ordered to lie on the Table.

- 4 **PETITION — FRANKSTON INTERSECTION** — Motion made and question — That the petition presented by the Member for Frankston relating to the intersection of Robinson Road and Frankston-Flinders Road, Frankston be taken into consideration tomorrow (*Ms McCall*) — put and agreed to.

5 **PAPERS —**

**CENTRAL GOLDFIELDS SHIRE REVIEW** — Motion made, by leave, and question — That there be presented to this House a copy of the Central Goldfields Shire Review, February 1998 (*Mr Cameron*) — put and agreed to.

The said report was presented by Mr Cameron and ordered to lie on the Table and to be printed.

**ENVIRONMENT AND NATURAL RESOURCES COMMITTEE** — Mr Seitz, Chair, brought up a report from the Environment and Natural Resources Committee upon the inquiry into the Utilisation of Victorian Native Flora and Fauna, together with Minutes of Evidence and Research Investigation Reports.

Ordered to lie on the Table and the Report to be printed.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Ms Gillett, Chair, brought up a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 7 of 2000 on the:

Accident Compensation (Common Law and Benefits) Act 2000  
 Chinese Medicine Registration Act 2000  
 Constitution (Amendment) Bill  
 Constitution (Proportional Representation) Bill  
 Courts and Tribunals Legislation (Further Amendment) Bill  
 Dairy Act 2000  
 Disability Services (Amendment) Act 2000  
 Drugs, Poisons and Controlled Substances (Injecting Facilities Trial) Bill  
 Education Acts (Amendment) Act 2000  
 Emergency Management (Amendment) Act 2000  
 Equal Opportunity (Gender Identity and Sexual Orientation) Bill  
 Health Practitioner Acts (Amendment) Act 2000  
 Information Privacy Bill  
 National Parks (Amendment) Act 2000  
 Petroleum Products (Pricing) Bill  
 Planning and Environment (Restrictive Covenants) Bill  
 Psychologists Registration Act 2000  
 Rail Corporations and Transport Acts (Amendment) Act 1999  
 Victims of Crime Assistance (Amendment) Bill

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:

*Agricultural Industry Development Act 1990:*

Northern Victorian Fresh Tomato Industry Development Order 2000

Victorian Strawberry Industry Development Order

Border Groundwaters Agreement Review Committee — Report for the year 1998–99

*Crown Land (Reserves) Act 1978* — Section 17DA Orders granting under s 17D — leases by the Bayside City Council (two orders)

*Drugs, Poisons and Controlled Substances Act 1981* — Documents pursuant to s 12H — Poisons Code:

Standard for the Uniform Scheduling of Drugs and Poisons No 14

Amendment Nos 1, 2 and 3 to the Standard for the Uniform Scheduling of Drugs and Poisons No 14

Notice regarding preparation, substitution, commencement and availability of the Poisons Code

*Financial Management Act 1994:*

Reports from the Minister for Health that he had received the 1997–1998 and 1998–1999 annual reports of the Chiropractors Registration Board

Report from the Minister for Health that he had received the 1998–99 annual report of The O'Connell Family Centre

Financial Management Regulations 1994 — Order in Council pursuant to Regulation 11: Authorisation of expenditure of a Royal Commission

Lake Mountain Alpine Resort Management Board — Report for the period ended 31 October 1999

*Land Acquisition and Compensation Act 1986* — Notice pursuant to s 7(4)

Mount Hotham Alpine Resort Management Board — Report for the year ended 31 October 1999

*Murray-Darling Basin Act 1994* — Revised Schedule E to the Murray Darling Basin Agreement pursuant to s 28(b)

*Planning and Environment Act 1987:*

Notices of approval of the following new Planning Schemes:

Central Goldfields Planning Scheme

Greater Bendigo Planning Scheme

Greater Geelong Planning Scheme

Hepburn Planning Scheme

Macedon Ranges Planning Scheme

Manningham Planning Scheme

Moorabool Planning Scheme

Nillumbik Planning Scheme

Northern Grampians Planning Scheme

Stonnington Planning Scheme

Wellington Planning Scheme

Yarra Ranges Planning Scheme

Notices of approval of amendments to the following Planning Schemes:

All Planning Schemes — Nos SL11, SL12  
 Ballarat Planning Scheme — No C23  
 Banyule Planning Scheme — No C4  
 Bass Coast Planning Scheme — No C5  
 Boroondara Planning Scheme — No C9  
 Brimbank Planning Scheme — Nos C15, C17  
 Campaspe Planning Scheme — Nos C3, C7, C9, C11  
 Cardinia Planning Scheme — Nos C7, C8  
 Casey Planning Scheme — Nos C7, C14  
 Colac Otway Planning Scheme — No C3  
 Darebin Planning Scheme — No C2  
 Greater Dandenong Planning Scheme — Nos C6, C9  
 Greater Shepparton Planning Scheme — No C5  
 Hobsons Bay Planning Scheme — Nos C6, C8  
 Indigo Planning Scheme — No C3  
 Kingston Planning Scheme — No C6  
 Maroondah Planning Scheme — No C6  
 Melbourne Planning Scheme — Nos C13, C27, C29, C31  
 Mitchell Planning Scheme — No C3  
 Moira Planning Scheme — No C3  
 Monash Planning Scheme — No L48  
 Moonee Valley Planning Scheme — Nos C4, C8, C14  
 Moreland Planning Scheme — No C4  
 Mornington Peninsula Planning Scheme — Nos C6 (Part 2), C20  
 Mount Alexander Planning Scheme — No C1  
 Port of Melbourne Planning Scheme — No SL12  
 Strathbogie Planning Scheme — No C1  
 Warrnambool Planning Scheme — Nos C4, C8  
 Whitehorse Planning Scheme — No C6  
 Whittlesea Planning Scheme — Nos C4, C6, C7, C11  
 Yarra Planning Scheme — Nos C11, C12

*Project Development and Construction Management Act 1994* — Orders in Council under ss 6 and 8 respectively and Statement under s 9 of reasons for making a Nomination Order (three papers)

Psychologists Registration Board — Report for the year 1999

Statutory Rules under the following Acts:

*Alpine Resorts (Management) Act 1997* — SR No 71  
*Cemeteries Act 1958* — SR No 70  
*Children and Young Persons Act 1989* — SR No 74  
*Co-operative Housing Societies Act 1958* — SR No 49  
*County Court Act 1958* — SR Nos 40, 42  
*Country Fire Authority Act 1958* — SR No 48  
*Court Security Act 1980* — SR No 47  
*Dangerous Goods Act 1985* — SR Nos 50, 61  
*Dental Practice Act 1999* — SR No 34  
*Education Act 1958* — SR No 52  
*Extractive Industries Development Act 1995* — SR No 53  
*Financial Institutions Duty Act 1982* — SR Nos 60, 80  
*Forests Act 1958* — SR No 66  
*Gaming Machine Control Act 1991* — SR No 44

*Health Act 1958* — SR No 57  
*Magistrates' Court Act 1989* — SR Nos 43, 46, 51, 69, 73  
*Melbourne City Link Act 1995* — SR No 35  
*Mineral Resources Development Act 1990* — SR Nos 54, 55, 56  
*National Parks Act 1975* — SR No 67  
*National Taxation Reform (Consequential Provisions) Act 2000* — SR Nos 39, 59  
*Occupational Health and Safety Act 1985* — SR Nos 50, 62  
*Petroleum Act 1998* — SR No 65  
*Planning and Environment Act 1987* — SR No 72  
*Road Safety Act 1986* — SR No 58  
*Subordinate Legislation Act 1994* — SR Nos 64, 76, 79  
*Supreme Court Act 1986* — SR Nos 36, 37, 41, 63, 75  
*Tobacco Act 1987* — SR No 45  
*Treasury Corporation of Victoria Act 1992* — SR No 32  
*Victorian Civil and Administrative Tribunal Act 1998* — SR No 33  
*Water Act 1989* — SR Nos 38, 77, 78  
*Zoological Parks and Gardens Act 1995* — SR No 68

*Subordinate Legislation Act 1994:*

Ministers' exception certificates in relation to Statutory Rule Nos 33, 36, 37, 40, 46, 47, 51, 53, 54, 55, 56, 63, 64, 67, 69, 73, 74, 75, 76, 77  
 Ministers' exemption certificates in relation to Statutory Rule Nos 32, 34, 35, 38, 44, 45, 48, 49, 52, 57, 58, 60, 68, 78

*The Constitution Act Amendment Act 1958:*

Report on the Burwood District by-election, 11 December 1999  
 Report on the Benalla District by-election, 13 May 2000  
 Statement of function conferred on the Electoral Commissioner, 6 June 2000

*Western Underground Gas Storage Pty Ltd* — Financial Statement for the period 26 June 1997 to 27 November 1998.

The following proclamations fixing operative dates were laid upon the Table by the Clerk pursuant to an Order of the House dated 3 November 1999:

*Accident Compensation (Common Law and Benefits) Act 2000* — Section 33 on 31 May 2000 (*Gazette S75, 30 May 2000*)  
*Business Registration Acts (Amendment) Act 2000* — Whole Act (except for ss 3, 8, 9, 10, 18, 20(1), 21, 22, 23, 24, 27, 29, 30, 31 and 37) on 19 June 2000 (*Gazette G24, 15 June 2000*)  
*Children and Young Persons (Appointment of President) Act 2000* — Whole Act on 26 June 2000 (*Gazette S87, 22 June 2000*)  
*Dairy Act 2000* — Sections 4, 5(b), 6(h), 6(i), 7 to 21, 62, 63 and 68 on 1 July 2000 (*Gazette G26, 29 June 2000*)  
*Electricity Industry Acts (Amendment) Act 2000* — Part 1, ss 5, 6, 7, 13, 14, Part 3 (except s 19), s 29 and Part 6 on 29 June 2000. Sections 3, 4, 9, 10, 19 and remaining provisions of Part 4 on 1 September 2000 (*Gazette G26, 29 June 2000*)  
*Federal Courts (Consequential Amendments) Act 2000* — Remaining provisions (except ss 22 and 23) on 1 July 2000 (*Gazette G26, 29 June 2000*)  
*Flora and Fauna Guarantee (Amendment) Act 2000* — Remaining provisions on 29 June 2000 (*Gazette G26, 29 June 2000*)  
*Health Practitioner Acts (Amendment) Act 2000* — Remaining provisions (except ss 7, 16, 17, 18, 19, 21(2), 21(3), 23, 25, 26 and 29) on 20 July 2000 (*Gazette G29, 20 July 2000*).

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

Appropriation (2000/2001) Bill  
 Appropriation (Parliament 2000/2001) Bill  
 Control of Weapons (Amendment) Bill  
 Emergency Management (Amendment) Bill  
 Environment Protection (Enforcement and Penalties) Bill  
 National Parks (Amendment) Bill.

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

On 6 June 2000

Adoption (Amendment) Bill  
 Agricultural and Veterinary Chemicals (Control of Use) (Amendment) Bill  
 Arts Legislation (Amendment) Bill  
 Business Registration Acts (Amendment) Bill  
 Children and Young Persons (Appointment of President) Bill  
 Dairy Bill  
 Electricity Industry Acts (Amendment) Bill  
 Health Services (Governance) Bill  
 Land (Revocation of Reservations) Bill  
 Psychologists Registration Bill  
 State Taxation Acts (Miscellaneous Amendments) Bill  
 Tobacco (Amendment) Bill  
 Victorian Law Reform Commission Bill

On 14 June 2000

Appropriation (2000/2001) Bill  
 Appropriation (Parliament 2000/2001) Bill  
 Control of Weapons (Amendment) Bill  
 Emergency Management (Amendment) Bill  
 Environment Protection (Enforcement and Penalties) Bill  
 National Parks (Amendment) Bill.

**8 APPROPRIATION (2000/2001) BILL — APPROPRIATION (PARLIAMENT 2000/2001) BILL**  
 — The Speaker announced that he had, on 14 June 2000, presented to His Excellency the Governor the Appropriation (2000/2001) Bill and the Appropriation (Parliament 2000/2001) Bill to which His Excellency had been pleased to give the royal assent.

**9 MESSAGES FROM HIS EXCELLENCY THE GOVERNOR —** The Speaker announced the presentation of messages from His Excellency the Governor recommending appropriations for the purposes of the following bills:

Constitution (Proportional Representation) Bill  
 Drugs, Poisons and Controlled Substances (Injecting Facilities Trial) Bill.



- 10 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, pursuant to Sessional Order 6(3), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 17 August 2000:  
     Courts and Tribunals Legislation (Further Amendment) Bill  
     Victims of Crime Assistance (Amendment) Bill  
 (*Mr Batchelor*) — put, after debate, and agreed to.
- 11 **STATEMENTS BY MEMBERS** — Statements by Members were made.
- 12 **POSTPONEMENT OF NOTICES OF MOTION** — Ordered — That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until tomorrow.
- 13 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 1 to 4 inclusive, be postponed until later this day.
- 14 **COURTS AND TRIBUNALS LEGISLATION (FURTHER AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Business having been interrupted at 10.00 pm  
 pursuant to Sessional Orders.*
- 13 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.55 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

## No 48 — Wednesday 16 August 2000

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
- Bus Services — Southern Mornington Peninsula** — Seeking that the Minister for Transport supports the request for improved bus services in the Southern Mornington Peninsula and its inclusion in a new Zone 4 of the Metropolitan Transport System, bearing 1,771 signatures (*by Mr Dixon*)
- Administrative Support for Preschools** — Seeking that immediate additional support be provided so that volunteer committees can receive targeted financial assistance for administrative support in managing their preschools, bearing 25 signatures (*by Mr Kilgour*)

**Preschool Education** — Seeking that the Government — (a) immediately invests more substantially in preschool education for the benefit of Victoria's young children and their future; and (b) increases funding to preschools to at least equivalent to the national average, bearing 353 signatures (*by Mr Kilgour*).

Severally ordered to lie on the Table.

- 3 **STATEMENTS BY MEMBERS** — Statements by Members were made.
- 4 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.
- 5 **POSTPONEMENT OF NOTICES OF MOTION** — Ordered — That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day.
- 6 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 1 to 3 inclusive, be postponed until later this day.
- 7 **COURTS AND TRIBUNALS LEGISLATION (FURTHER AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.  
 Bill read a second time and, by leave, read a third time forthwith.  
 Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.
- 8 **CONSTITUTION (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.  
 Pursuant to Sessional Orders, Mr Ingram announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.  
 Debate resumed on question — That this Bill be now read a second time.  
*Business having been interrupted at 2.00 pm  
 pursuant to Sessional Orders.*
- 9 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 10 **CONSTITUTION (AMENDMENT) BILL** — Debate continued on question — That this Bill be now read a second time.  
 Motion made and question — That the debate be now adjourned (*Mr Wilson*) — put and agreed to.  
 Ordered — That the debate be adjourned until later this day.
- 11 **VICTIMS OF CRIME ASSISTANCE (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.  
*Business having been interrupted at 10.00 pm  
 pursuant to Sessional Orders.*

- 12 **ADJOURNMENT** — The Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 11.17 pm.

R W PURDEY  
Clerk of the Legislative Assembly

A ANDRIANOPOULOS  
Speaker

## No 49 — Thursday 17 August 2000

- 1 The Speaker took the Chair and read the Prayer.
- 2 **MINISTERIAL STATEMENT — JUVENILE JUSTICE** — Ms Campbell made a ministerial statement relating to a balanced approach to juvenile justice in Victoria.  
Motion made, by leave, and question proposed — That this House takes note of the ministerial statement (*Ms Campbell*) — and, after debate —  
Motion made and question — That the debate be now adjourned (*Mr Langdon*) — put and agreed to.  
Ordered — That the debate be adjourned until later this day.
- 3 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:  
**Intersection of Princes Highway and Bruthen Road, Nowa Nowa** — Seeking that the proposed intersection of the Princes Highway and Bruthen Road in Nowa Nowa be situated to the west of the town, bearing 98 signatures (*by Mr Ingram*).  
Ordered to lie on the Table.
- 4 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourn until Tuesday 29 August 2000 (*Ms Campbell*) — put and agreed to.
- 5 **STATEMENTS BY MEMBERS** — Statements by Members were made.
- 6 **POSTPONEMENT OF NOTICES OF MOTION** — Ordered — That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day.
- 7 **STATUTE LAW REVISION BILL** — Mr Bracks, after debate, obtained leave with Mr Thwaites, to bring in a Bill 'to revise the Statute Law of Victoria'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 8 **PROJECT DEVELOPMENT AND CONSTRUCTION MANAGEMENT (AMENDMENT) BILL** — Mr Thwaites obtained leave, with Mr Bracks, to bring in a Bill 'to amend the *Project Development and Construction Management Act 1994* to establish the Secretary to the Department of State and Regional Development as a body corporate, to provide for its powers and functions and the transfer of certain matters to it and for other purposes'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.

- 9 **TERTIARY EDUCATION (AMENDMENT) BILL** – Ms Kosky, after debate, obtained leave with Mr Bracks, to bring in a Bill '*to amend the Tertiary Education Act 1993 to repeal the voluntary student unionism provisions, to make further provision about non-academic fees, subscriptions and charges and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 10 **INTERPRETATION OF LEGISLATION (AMENDMENT) BILL** – Mr Hulls, after debate, obtained leave with Ms Kosky, to bring in a Bill '*to amend the Interpretation of Legislation Act 1984 and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 11 **ANGLICAN TRUSTS CORPORATIONS (AMENDMENT) BILL** – Mr Hulls, after debate, obtained leave with Ms Campbell, to bring in a Bill '*to amend the Act No. 797 of the Parliament of Victoria and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 12 **CHILDREN AND YOUNG PERSONS (RECIPROCAL ARRANGEMENTS) BILL** – Ms Campbell obtained leave, with Mr Hulls, to bring in a Bill '*to amend the Children and Young Persons Act 1989 so as to provide for the transfer of child protection orders and proceedings between Victoria and another State or a Territory of Australia or between Victoria and New Zealand and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 13 **PLANT HEALTH AND PLANT PRODUCTS (AMENDMENT) BILL** – Mr Hamilton, after debate, obtained leave with Mr Hulls, to bring in a Bill '*to make miscellaneous amendments to the Plant Health and Plant Products Act 1995 and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 14 **CONSTITUTION (PROPORTIONAL REPRESENTATION) BILL** – Order read for resuming debate on question – That this Bill be now read a second time.  
Pursuant to Sessional Orders, Mr Ingram announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.  
Debate resumed on question – That this Bill be now read a second time.  
*Business having been interrupted at 2.00 pm  
pursuant to Sessional Orders.*
- 15 **QUESTIONS** – (Pursuant to Standing Order No 124).
- 16 **CONSTITUTION (PROPORTIONAL REPRESENTATION) BILL** – Debate resumed on question – That this Bill be now read a second time.  
Motion made and question – That the debate be now adjourned (*Mr Mildenhall*) – put and agreed to.  
Ordered – That the debate be adjourned until later this day.
- 17 **POSTPONEMENT OF ORDER OF THE DAY** – Ordered – That the consideration of Government Business, Order of the Day, No 2, be postponed until later this day.
- 18 **VICTIMS OF CRIME ASSISTANCE (AMENDMENT) BILL** – Order read for resuming debate on question – That this Bill be now read a second time; debate resumed.

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*Allocation of time – The Speaker advised that the time allocated for consideration of bills pursuant to resolution of the House on Tuesday 15 August 2000 had expired.*

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

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

Ordered – That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

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

20 **ADJOURNMENT** – Resolved, after debate – That the House do now adjourn.

And the House, at 5.00 pm, adjourned until Tuesday 29 August 2000.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

# LEGISLATIVE ASSEMBLY OF VICTORIA

## VOTES AND PROCEEDINGS Nos 50, 51 and 52

### No 50 — Tuesday 29 August 2000

- 1 The House met pursuant to adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 3 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Preschool Education** — Seeking that the Government — (a) immediately invests more substantially in preschool education for the benefit of Victoria's young children and their future; and (b) increases funding to preschools to at least equivalent to the national average, bearing 1,351, 574 and 61 signatures (*by Mrs Fyffe, Mr Mildenhall and Mrs Elliott, respectively*)

**Administrative Support for Preschools** — Seeking that immediate additional support be provided so that volunteer committees can receive targeted financial assistance for administrative support in managing their preschools, bearing 46 signatures (*by Mrs Elliott*).

Severally ordered to lie on the Table.

- 4 **PAPERS PURSUANT TO STATUTE** —

The Speaker presented:

*BLF (De-recognition) Act 1985* — Forty-Eighth Report of the Custodian

Ordered to lie on the Table and to be printed.

The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Anderson's Creek Cemetery Trust — Report for the year 1999

Ballaarat General Cemeteries Trust — Report for the year 1999

Bendigo Cemeteries Trust — Report for the year 1999

*Building Act 1993*:

Building Code of Australia 1996 — Amendment 6

Notice of making the Amendment (*Government Gazette No G33, 17 August 2000*)

Cheltenham and Regional Cemeteries Trust — Report for the year 1999

Fawkner Crematorium and Memorial Park Trust — Report for the year 1999

Geelong Cemeteries Trust — Report for the year 1999

Keilor Cemetery Trust — Report for the year 1999

Lilydale Memorial Park and Cemetery Trust — Report for the year 1999

Memorial Park Cemetery Trust (Altona) — Report for the year 1999

*Melbourne City Link Act 1995:*

Statement of Variation No 5/2000: Detailed Tolling Strategy

Mildura Cemetery Trust — Report for the year 1999

Mt Baw Baw Alpine Resort Management Board — Report for the year ended 31 October 1999

Necropolis Trust Springvale — Report for the year 1999

Preston Cemetery Trust — Report for the year 1999

Prince Henry's Institute of Medical Research — Report for the year 1999

Statutory Rules under the following Acts:

*Dangerous Goods Act 1985* — SR No 82

*Forests Act 1958* — SR No 81

Templestowe Cemetery Trust — Report for the year 1999

Wyndham Cemeteries Trust — Report for the year 1999.

- 5 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, pursuant to Sessional Order 6(3), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 31 August 2000:
- Equal Opportunity (Gender Identity and Sexual Orientation) Bill  
Constitution (Amendment) Bill
- (*Mr Batchelor*) — put, after debate, and agreed to.
- 6 **STATEMENTS BY MEMBERS** — Statements by Members were made.
- 7 **POSTPONEMENT OF NOTICES OF MOTION** — Ordered — That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day.
- 8 **STATUTE LAW REVISION BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Bracks*).
- Motion made and question — That the debate be now adjourned (*Mr Doyle*) — put and agreed to.
- Ordered — That the debate be adjourned until Tuesday 12 September 2000.
- 9 **STATUTE LAW REVISION BILL** — Motion made, by leave, and question — That the proposals contained in the Statute Law Revision Bill be referred to the Scrutiny of Acts and Regulations Committee for inquiry, consideration and report (*Mr Bracks*) — put and agreed to.
- 10 **PROJECT DEVELOPMENT AND CONSTRUCTION MANAGEMENT (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Thwaites*).
- Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.
- Ordered — That the debate be adjourned until Tuesday 12 September 2000.

- 11 **TERTIARY EDUCATION (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Kosky*).
- Motion made and question — That the debate be now adjourned (*Mr Baillieu*) — put and agreed to.
- Ordered — That the debate be adjourned until Tuesday 12 September 2000.
- 12 **INTERPRETATION OF LEGISLATION (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).
- Motion made and question — That the debate be now adjourned (*Dr Dean*) — put and agreed to.
- Ordered — That the debate be adjourned until Tuesday 12 September 2000.
- 13 **ANGLICAN TRUSTS CORPORATION (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).
- Motion made and question — That the debate be now adjourned (*Dr Dean*) — put and agreed to.
- Ordered — That the debate be adjourned until Tuesday 12 September 2000.
- 14 **CHILDREN AND YOUNG PERSONS (RECIPROCAL ARRANGEMENTS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Campbell*).
- Ms Campbell made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.*
- Motion made and question — That the debate be now adjourned (*Mrs Elliott*) — put and agreed to.
- Ordered — That the debate be adjourned until Tuesday 12 September 2000.
- 15 **PLANT HEALTH AND PLANT PRODUCTS (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hamilton*).
- Motion made and question — That the debate be now adjourned (*Mr McArthur*) — put and agreed to.
- Ordered — That the debate be adjourned until Tuesday 12 September 2000.
- 16 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 8 to 10 inclusive, be postponed until later this day.
- 17 **EQUAL OPPORTUNITY (GENDER IDENTITY AND SEXUAL ORIENTATION) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.
- Pursuant to Sessional Orders, Mr Hulls announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.
- Pursuant to Sessional Orders, Mr Savage announced that it was proposed to move an amendment in Committee and requested that it be circulated. Amendment circulated.
- Debate resumed on question — That this Bill be now read a second time.
- Business having been interrupted at 10.00 pm  
pursuant to Sessional Orders.*
- Motion made and question — That the sitting be continued (*Mr Cameron*) — put.



The House divided.

AYES, 45

Ms Allan ( <i>Bendigo East</i> )	Ms Duncan	Mr Lim	Mr Thwaites
Ms Allen ( <i>Benalla</i> )	Ms Garbutt	Ms Lindell	Mr Trezise
Ms Barker	Ms Gillett	Mr Loney	Mr Viney
Mr Batchelor	Mr Haermeyer	Mrs Maddigan	Mr Wynne
Ms Beattie	Mr Hamilton	Mr Maxfield	
Mr Bracks	Mr Hardman	Mr Mildenhall	
Mr Cameron	Mr Holding	Mr Nardella	
Ms Campbell	Mr Howard	Ms Overington	
Mr Carli	Mr Hulls	Mr Pandazopoulos	
Ms Davies	Mr Ingram	Ms Pike	
Ms Delahunty ( <i>Northcote</i> )	Ms Kosky	Mr Robinson	
	Mr Languiller	Mr Savage	<i>Tellers</i>
	Mr Leighton	Mr Seitz	Mr Helper
	Mr Lenders	Mr Stensholt	Mr Langdon

NOES, 40

Ms Asher	Mrs Elliott	Mr Mulder	Mr Spry
Mr Ashley	Mrs Fyffe	Dr Napthine	Mr Steggall
Mr Baillieu	Mr Honeywood	Mr Paterson	Mr Thompson
Ms Burke	Mr Jasper	Mr Perton	Mr Vogels
Mr Clark	Mr Kilgour	Mrs Peulich	Mr Wells
Mr Cooper	Mr Kotsiras	Mr Phillips	Mr Wilson
Dr Dean	Mr Leigh	Mr Plowman	
Mr Delahunty ( <i>Wimmera</i> )	Mr Lupton	Mr Richardson	
Mr Dixon	Mr McArthur	Mr Rowe	<i>Tellers</i>
Mr Doyle	Ms McCall	Mr Ryan	Mr Maughan
	Mr Maclellan	Mrs Shardey	Mr Smith

And so it was resolved in the affirmative.

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

Bill read a second time and committed; considered in Committee and reported with amendments; as amended, considered, and amendments agreed to; read a third time.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

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

- 19 **ADJOURNMENT** — Motion made and question proposed — That the House do now adjourn (*Mr Batchelor*) — and, after debate —

And the House having continued to sit after 12 midnight —

WEDNESDAY 30 AUGUST 2000

Question — put and agreed to.

And the House, at 12.20 am, adjourned until later this day.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

## No 51 — Wednesday 30 August 2000

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Preschool Education** — Seeking that the Government — (a) immediately invests more substantially in preschool education for the benefit of Victoria's young children and their future; and (b) increases funding to preschools to at least equivalent to the national average, bearing 203, 407 and 196, signatures (*by Ms Allen (Benalla), Mr Dixon and Mr McIntosh, respectively*)

**Illicit Drugs** — Seeking that the Government will — (a) stop supporting safe injecting houses which promote illicit drug dependency; (b) reduce the youth suicide problem by discouraging the use of illicit drugs; (c) clean out the police force by rewarding whistleblowers; and (d) toughen up the legal system against drug dealers, bearing 324 signatures (*by Mrs Peulich*)

**Administrative Support for Preschools** — Seeking that immediate additional support be provided so that volunteer committees can receive targeted financial assistance for administrative support in managing their preschools, bearing 56 signatures (*by Mr Savage*)

**Constitutional Changes to Victorian Parliament** — Seeking that the Government will effectively consult with the citizens of Victoria before making any constitutional changes to the Victorian Parliament, bearing 67 signatures (*by Mr Spry*).

Severally ordered to lie on the Table.

- 3 **PETITION — PRESCHOOL EDUCATION** — Motion made and question — That the petition presented by the Member for Dromana relating to increased funding for preschool education be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.
- 4 **PETITION — ADMINISTRATIVE SUPPORT FOR PRESCHOOLS** — Motion made and question — That the petition presented by the Member for Mildura relating to providing additional support to volunteer committees of preschools be taken into consideration tomorrow (*Mr Savage*) — put and agreed to.

- 5 **PETITION — ILLICIT DRUGS** — Motion made and question — That the petition presented by the Member for Bentleigh relating to safe injecting houses be taken into consideration tomorrow (*Mrs Peulich*) — put and agreed to.
- 6 **PAPERS —**  
**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — Mr Loney, Chair, brought up a report from the Public Accounts and Estimates Committee on Revised Audit Fees for the Financial Audit of the Victorian Auditor-General's Office for 1999–2000, together with appendices.  
 Ordered to lie on the Table and to be printed.
- PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk:  
 Auditor-General — Report of the Office for the year 1999–2000.
- 7 **STATEMENTS BY MEMBERS** — Statements by Members were made.
- 8 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — LITERACY WEEK PRIORITIES** — The House was informed that Mr Honeywood had proposed that a definite matter of public importance be submitted to the House for discussion, namely —  
 'That this House notes that, in Literacy Week, the Minister for Education is giving priority to social policy agenda issues, at the expense of benchmarking initiatives that will serve to bolster Victoria's literacy and numeracy standards.'  
 Mr Honeywood addressed the House — Discussion ensued.
- 9 **POSTPONEMENT OF NOTICES OF MOTION** — Ordered — That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day.
- 10 **WHISTLEBLOWERS PROTECTION BILL** — Mr Hulls obtained leave, with Ms Pike, to bring in a Bill '*to encourage and facilitate disclosures of improper conduct by public officers and public bodies, to protect persons making those disclosures and others from reprisals, to provide for the matters disclosed to be properly investigated and dealt with and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 11 **LAND (ST. KILDA SEA BATHS) BILL** — Ms Garbutt obtained leave, with Ms Pike, to bring in a Bill '*to provide for power to lease land for the purposes of a car park at St. Kilda and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 12 **CONSTITUTION (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.  
*Business having been interrupted at 2.00 pm  
 pursuant to Sessional Orders.*
- 13 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 14 **CONSTITUTION (AMENDMENT) BILL** — Debate resumed on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Mr Ingram announced that it was proposed to move further amendments in Committee and requested that they be circulated. Further amendments circulated.

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

*Business having been interrupted at 10.00 pm  
pursuant to Sessional Orders.*

- 15 **ADJOURNMENT** — The Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.45 pm.

R W PURDEY

*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS

*Speaker*

## No 52 — Thursday 31 August 2000

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
  - Preschool Education — Seeking that the Government — (a) immediately invests more substantially in preschool education for the benefit of Victoria's young children and their future; and (b) increases funding to preschools to at least equivalent to the national average, bearing 100, 523, 545 and 247, signatures (*by Dr Napthine, Mr Ashley, Mr Viney and Ms Davies, respectively*).

Severally ordered to lie on the Table.
- 3 **PETITION — PRESCHOOL EDUCATION** — Motion made and question — That the petition presented by the Member for Gippsland West relating to increased funding for preschool education be taken into consideration tomorrow (*Ms Davies*) — put and agreed to.
- 4 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:
  - Statutory Rules under the following Acts:
    - Gas Safety Act 1997 — SR No 83*
    - Melbourne City Link Act 1995 — SR No 84*
    - Subordinate Legislation Act 1994 — Minister's exemption certificate in relation to Statutory Rule No 84.*
- 5 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Courts and Tribunals Legislation (Further Amendment) Bill without amendment.
- 6 **STATEMENTS BY MEMBERS** — Statements by Members were made.

- 7 **POSTPONEMENT OF NOTICES OF MOTION** — Ordered — That the consideration of Government Business, Notices of Motion, Nos 1 to 6 inclusive, be postponed until later this day.
- 8 **WHISTLEBLOWERS PROTECTION BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).
- Mr Hulls made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.*
- Motion made and question — That the debate be now adjourned (*Dr Dean*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 14 September 2000.
- 9 **LAND (ST. KILDA SEA BATHS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Garbutt*).
- Motion made and question — That the debate be now adjourned (*Mr Perton*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 14 September 2000.
- 10 **DRUGS, POISONS AND CONTROLLED SUBSTANCES (INJECTING FACILITIES TRIAL) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Business having been interrupted at 2.00 pm  
pursuant to Sessional Orders.*
- 11 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 12 **DRUGS, POISONS AND CONTROLLED SUBSTANCES (INJECTING FACILITIES TRIAL) BILL** — Debate continued on question — That this Bill be now read a second time.
- Allocation of time — The Speaker advised that the time allocated for consideration of Bills pursuant to resolution of the House on Tuesday 29 August 2000 had expired.*
- 13 **CONSTITUTION (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time — put.
- The House divided.

AYES, 45

Ms Allan ( <i>Bendigo East</i> )	Ms Duncan	Mr Lim	Mr Thwaites
Ms Allen ( <i>Benalla</i> )	Ms Garbutt	Ms Lindell	Mr Trezise
Ms Barker	Ms Gillett	Mr Loney	Mr Viney
Mr Batchelor	Mr Haermeyer	Mrs Maddigan	Mr Wynne
Mr Bracks	Mr Hamilton	Mr Maxfield	
Mr Brumby	Mr Hardman	Mr Mildenhall	
Mr Cameron	Mr Helper	Mr Nardella	
Ms Campbell	Mr Holding	Ms Overington	
Mr Carli	Mr Howard	Mr Pandazopoulos	
Ms Davies	Mr Hulls	Ms Pike	
Ms Delahunty ( <i>Northcote</i> )	Ms Kosky	Mr Robinson	
	Mr Languiller	Mr Savage	<i>Tellers</i>
	Mr Leighton	Mr Seitz	Ms Beattie
	Mr Lenders	Mr Stensholt	Mr Langdon

NOES, 42

Ms Asher	Mrs Fyffe	Mr Mulder	Mr Steggall
Mr Ashley	Mr Honeywood	Dr Naphthine	Mr Thompson
Mr Baillieu	Mr Ingram	Mr Paterson	Mr Vogels
Ms Burke	Mr Jasper	Mr Perton	Mr Wells
Mr Clark	Mr Kilgour	Mrs Peulich	Mr Wilson
Mr Cooper	Mr Kotsiras	Mr Phillips	
Dr Dean	Mr Leigh	Mr Plowman	
Mr Delahunty	Mr Lupton	Mr Richardson	
( <i>Wimmera</i> )	Mr McArthur	Mr Rowe	
Mr Dixon	Ms McCall	Mr Ryan	<i>Tellers</i>
Mr Doyle	Mr McIntosh	Mrs Shardey	Mr Maughan
Mrs Elliott	Mr Maclellan	Mr Spry	Mr Smith

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 Assembly.

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

(*As there were voices cast for the 'Noes', Members supporting the motion were requested to stand in their places*) —

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

14 **DRUGS, POISONS AND CONTROLLED SUBSTANCES (INJECTING FACILITIES TRIAL) BILL** — Debate continued on question — That this Bill be now read a second time.

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

Ordered — That the debate be adjourned until tomorrow.

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

16 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

And the House, at 5.13 pm, adjourned until Tuesday 5 September 2000.

R W PURDEY  
Clerk of the Legislative Assembly

A ANDRIANOPOULOS  
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS  
Nos 53, 54 and 55

No 53 — Tuesday 5 September 2000

- 1 The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 3 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
  - Preschool Education** — Seeking that the Government — (a) immediately invests more substantially in preschool education for the benefit of Victoria's young children and their future; and (b) increases funding to preschools to at least equivalent to the national average, bearing 409 and 197 signatures (*by Mr Lupton and Mr Hardman, respectively*).Severally ordered to lie on the Table.
- 4 **PAPERS PURSUANT TO STATUTE** — The following papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:
  - Crown Land (Reserves) Act 1978* — Section 17DA Order granting under s 17D a lease by the Bayside City Council
  - Drugs, Poisons and Controlled Substances Act 1981* — Documents pursuant to s 12H — Poisons Code:
    - Standard for the Uniform Scheduling of Drugs and Poisons No 15
    - Amendment No 1 to the Standard for the Uniform Scheduling of Drugs and Poisons No 15
    - Notice regarding the amendment, commencement and availability of the Poisons Code
  - Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:
    - Ballarat Planning Scheme — Nos C8, C26, C32
    - Bass Coast Planning Scheme — No C1
    - Brimbank Planning Scheme — No C21
    - Campaspe Planning Scheme — No C12
    - Casey Planning Scheme — No C12
    - East Gippsland Planning Scheme — No C2
    - Greater Dandenong Planning Scheme — No C7
    - Maroondah Planning Scheme — No C4
    - Mornington Peninsula Planning Scheme — No C12 (Part 1)
    - Swan Hill Planning Scheme — No C2
    - Victoria Planning Provisions — No VC8
    - Yarra Planning Scheme — No C14

Statutory Rules under the following Acts:

*Drugs, Poisons and Controlled Substances Act 1981*— SR No 85

*Electronic Transactions (Victoria) Act 2000* — SR No 86

*Subordinate Legislation Act 1994*:

Minister's exception certificate in relation to Statutory Rule No 79

Ministers' exemption certificates in relation to Statutory Rule Nos 82, 85

The following proclamation fixing an operative date was laid upon the Table by the Clerk pursuant to an Order of the House dated 3 November 1999:

*Accident Compensation (Common Law and Benefits) Act 2000* — Section 4 on 1 September 2000 (*Gazette G35, 31 August 2000*).

- 5 **MESSAGE FROM HIS EXCELLENCY THE GOVERNOR — ASSENT TO BILL** — Informing the Assembly that he had, that day, given the royal assent to the Courts and Tribunals Legislation (Further Amendment) Bill, presented to him by the Clerk of the Parliaments.
- 6 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, pursuant to Sessional Order 6(3), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 7 September 2000:

Juries Bill — Amendments of the Legislative Council

Information Privacy Bill

Planning and Environment (Restrictive Covenants) Bill

Drugs, Poisons and Controlled Substances (Injecting Facilities Trial) Bill

Constitution (Proportional Representation) Bill

(*Mr Batchelor*) — and, after debate —

Amendment proposed — That the words 'Drugs, Poisons and Controlled Substances (Injecting Facilities Trial) Bill' and 'Constitution (Proportional Representation) Bill' be omitted

(*Mr McArthur*) — and, after debate —

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

The House divided.

AYES, 45

Ms Allan ( <i>Bendigo East</i> )	Ms Delahunty ( <i>Northcote</i> )	Ms Kosky	Mr Robinson
Ms Allen ( <i>Benalla</i> )	Ms Duncan	Mr Languiller	Mr Seitz
Ms Barker	Ms Garbutt	Mr Leighton	Mr Stensholt
Mr Batchelor	Ms Gillett	Mr Lenders	Mr Thwaites
Ms Beattie	Mr Haermeyer	Mr Lim	Mr Trezise
Mr Bracks	Mr Hamilton	Ms Lindell	Mr Viney
Mr Brumby	Mr Hardman	Mr Loney	Mr Wynne
Mr Cameron	Mr Helper	Mrs Maddigan	
Ms Campbell	Mr Holding	Mr Mildenhall	
Mr Carli	Mr Howard	Mr Nardella	<i>Tellers</i>
Ms Davies	Mr Hulls	Ms Overington	Mr Langdon
	Mr Ingram	Mr Pandazopoulos	Mr Maxfield
		Ms Pike	



NOES, 42

Ms Asher	Mrs Fyffe	Dr Napthine	Mr Steggall
Mr Ashley	Mr Honeywood	Mr Paterson	Mr Thompson
Mr Baillieu	Mr Jasper	Mr Perton	Mr Vogels
Ms Burke	Mr Kilgour	Mrs Peulich	Mr Wells
Mr Clark	Mr Kotsiras	Mr Phillips	Mr Wilson
Mr Cooper	Mr Leigh	Mr Plowman	
Dr Dean	Mr Lupton	Mr Richardson	
Mr Delahunty	Mr McArthur	Mr Rowe	
( <i>Wimmera</i> )	Ms McCall	Mr Ryan	
Mr Dixon	Mr McIntosh	Mr Savage	<i>Tellers</i>
Mr Doyle	Mr Maclellan	Mrs Shardey	Mr Maughan
Mrs Elliott	Mr Mulder	Mr Spry	Mr Smith

And so it was resolved in the affirmative.

Original motion — put and agreed to.

7 **STATEMENTS BY MEMBERS** — Statements by Members were made.

8 **POSTPONEMENT OF NOTICES OF MOTION** — Ordered — That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until tomorrow.

9 **INFORMATION PRIVACY BILL** — Motion made and question — That it be an instruction to the Committee that they have power to consider a new clause and an amendment to the Information Privacy Bill to provide for an additional criterion to be considered by the Scrutiny of Acts and Regulations Committee in reviewing statutory rules pursuant to section 21(1) of the *Subordinate Legislation Act 1994 (Mr Batchelor)* — put and agreed to.

10 **JURIES BILL** — Order read for the consideration of the amendments made by the Legislative Council.

The said amendments were read a second time.

On the motion of Mr Hulls— Amendment No 1 agreed to.

Motion made and question — That amendment No 2 be disagreed with but a further amendment be made in the Bill (*Mr Hulls*) — after debate, put.

The House divided.

AYES, 46

Ms Allan	Ms Delahunty	Ms Kosky	Ms Pike
( <i>Bendigo East</i> )	( <i>Northcote</i> )	Mr Languiller	Mr Robinson
Ms Allen	Ms Duncan	Mr Leighton	Mr Savage
( <i>Benalla</i> )	Ms Garbutt	Mr Lenders	Mr Seitz
Ms Barker	Ms Gillett	Mr Lim	Mr Thwaites
Mr Batchelor	Mr Haermeyer	Ms Lindell	Mr Trezise
Ms Beattie	Mr Hamilton	Mr Loney	Mr Viney
Mr Bracks	Mr Hardman	Mrs Maddigan	Mr Wynne
Mr Brumby	Mr Helper	Mr Maxfield	
Mr Cameron	Mr Holding	Mr Mildenhall	
Ms Campbell	Mr Howard	Mr Nardella	<i>Tellers</i>
Mr Carli	Mr Hulls	Ms Overington	Mr Langdon
Ms Davies	Mr Ingram	Mr Pandazopoulos	Mr Stensholt

## NOES, 41

Ms Asher	Mrs Elliott	Mr Maclellan	Mrs Shardey
Mr Ashley	Mrs Fyffe	Mr Mulder	Mr Spry
Mr Baillieu	Mr Honeywood	Dr Napthine	Mr Steggall
Ms Burke	Mr Jasper	Mr Paterson	Mr Thompson
Mr Clark	Mr Kilgour	Mr Perton	Mr Vogels
Mr Cooper	Mr Kotsiras	Mrs Peulich	Mr Wells
Dr Dean	Mr Leigh	Mr Phillips	Mr Wilson
Mr Delahunty ( <i>Wimmera</i> )	Mr Lupton	Mr Plowman	
Mr Dixon	Mr McArthur	Mr Richardson	<i>Tellers</i>
Mr Doyle	Ms McCall	Mr Rowe	Mr Maughan
	Mr McIntosh	Mr Ryan	Mr Smith

And so it was resolved in the affirmative.

Amendment No 2 disagreed with but a further amendment made in the Bill.

Ordered — That the Bill be returned to the Legislative Council with a message acquainting them accordingly.

11 **INFORMATION PRIVACY BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Mr Brumby announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

Pursuant to Sessional Orders, Mr Perton announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

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

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

Bill considered in Committee and reported with amendments; as amended, considered, and amendments agreed to.

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

12 **PLANNING AND ENVIRONMENT (RESTRICTIVE COVENANTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Mr Thwaites announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

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

*Business having been interrupted at 10.00 pm  
pursuant to Sessional Orders.*

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

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

Bill read a second time and committed; considered in Committee and reported with amendments; as amended, considered, and amendments agreed to; read a third time.

Ordered – That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

13 **MESSAGE FROM THE LEGISLATIVE COUNCIL** – Agreeing to the Victims of Crime Assistance (Amendment) Bill without amendment.

14 **POSTPONEMENT OF ORDER OF THE DAY** – Ordered – That the consideration of Government Business, Order of the Day, No 4, be postponed until later this day.

15 **CONSTITUTION (PROPORTIONAL REPRESENTATION) BILL** – Order read for resuming debate on question – That this Bill be now read a second time; debate resumed.

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

Ordered – That the debate be adjourned until tomorrow.

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

17 **ADJOURNMENT** – Motion made and question proposed – That the House do now adjourn (*Mr Hamilton*) – and, after debate –

And the House having continued to sit after 12 midnight –

WEDNESDAY 6 SEPTEMBER 2000

Question – put and agreed to.

And the House, at 12.29 am, adjourned until later this day.

R W PURDEY

*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS

*Speaker*

## No 54 – Wednesday 6 September 2000

1 The Speaker took the Chair and read the Prayer.

2 **PETITION** – The Clerk announced that the following petition had been lodged for presentation:

**Preschool Education** – Seeking that the Government – (a) immediately invests more substantially in preschool education for the benefit of Victoria’s young children and their future; and (b) increases funding to preschools to at least equivalent to the national average, bearing 121 signatures (*by Mr Phillips*).

Ordered to lie on the Table.

3 **MEMBERSHIP OF COMMITTEES** – Motion made, by leave, and question – That –

(a) Mr Wells be discharged from attendance on the Drugs and Crime Prevention Committee and that Mr Cooper be appointed in his stead; and

(b) Ms McCall be appointed a member of the Law Reform Committee

(*Mr Batchelor*) – put and agreed to.

4 **SUSPENSION OF SESSIONAL ORDERS** – Motion made, by leave, and question – That so much of Sessional Orders be suspended for today to allow, in lieu of the period of two and a half hours provided by Sessional Order 9, following Statements by Members:

(a) General Business, Notices of Motion, Nos 31 and 32 to be considered;

(b) If General Business, Notices of Motion, Nos 31 and 32 be disposed of, a Matter of Public Importance pursuant to Sessional Order 9 to be proposed and discussed in the remaining time.

(*Mr Batchelor*) – put and agreed to.

5 **STATEMENTS BY MEMBERS** – Statements by Members were made.

6 **ORDER OF THE DAY DISCHARGED** – Motion made and question – That the following Order of the Day, General Business, be read and discharged:

*Petroleum Products (Pricing) Bill – Second reading – Resumption of debate.*

and that the Bill be withdrawn (*Mr Savage*) – put and agreed to.

7 **PETROLEUM PRODUCTS (TERMINAL GATE PRICING) BILL** – Mr Savage obtained leave, with Ms Davies, to bring in a Bill '*to require the determination of terminal gate prices for petroleum products and for other purposes*'; and the said Bill was read a first time, ordered to be printed and, by leave, read a second time forthwith.

8 **PETROLEUM PRODUCTS (TERMINAL GATE PRICING) BILL** – Motion made and question proposed – That this Bill be now read a second time (*Mr Savage*).

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

Ordered – That the debate be adjourned until Wednesday 20 September 2000.

9 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE – WORLD ECONOMIC FORUM** – The House was informed that Mr Lenders had proposed that a definite matter of public importance be submitted to the House for discussion, namely –

'That, in light of the fact that the hosting of the World Economic Forum in Melbourne presents an opportunity to showcase Victoria, this House notes the strength of the Victorian economy, particularly in relation to new investment and employment growth'.

Mr Lenders addressed the House – Discussion ensued.

10 **POSTPONEMENT OF NOTICES OF MOTION** – Ordered – That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until tomorrow.

11 **ELECTRICITY INDUSTRY BILL** – Mr Brumby obtained leave, with Ms Kosky, to bring in a Bill '*to regulate the electricity supply industry and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.

- 12 **ELECTRICITY INDUSTRY LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Mr Brumby obtained leave, with Ms Kosky, to bring in a Bill '*to amend the **Electricity Industry Act 1993** as a consequence of the **Electricity Industry Act 2000**, to amend the **Electricity Safety Act 1998**, the **Gas Industry Act 1994**, the **Office of the Regulator-General Act 1994** and the **State Electricity Commission Act 1958** and other Acts and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 13 **TATTERSALL CONSULTATIONS (AMENDMENT) BILL** — Mr Brumby obtained leave, with Ms Kosky, to bring in a Bill '*to amend the **Tattersall Consultations Act 1958** to adjust taxation rates and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 14 **TRAINING AND FURTHER EDUCATION ACTS (AMENDMENT) BILL** — Ms Kosky obtained leave, with Mr Brumby, to bring in a Bill '*to amend the **Adult, Community and Further Education Act 1991** to provide for the establishment of adult education institutions and their governing boards, to transfer the staff employed in the Department of Education, Employment and Training in the administration or provision of adult multicultural education services to an adult education institution to be known as Adult Multicultural Education Services and to make other amendments, to repeal the **Council of Adult Education Act 1981** and to transfer the staff, property, rights and liabilities of the Council to an adult education institution to be called the Centre for Adult Education, to repeal the **Employment Agents Act 1983** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 15 **PUBLIC LOTTERIES BILL** — Mr Pandazopoulos obtained leave, with Mr Brumby, to bring in a Bill '*to provide for the lawful conduct of public lotteries, including football pools and competitions, to repeal the **Tattersall Consultations Act 1958**, to entitle the promoter under that Act to a public lottery licence for consultations and soccer football pools, to make consequential amendments to other Acts and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 16 **WATER INDUSTRY (AMENDMENT) BILL** — Ms Garbutt obtained leave, with Ms Kosky, to bring in a Bill '*to provide for the power for Melbourne Parks and Waterways to surrender all its land to the State, to provide for functions, powers, rights and liabilities of Melbourne Parks and Waterways to be transferred to the State, to repeal provisions of the **Water Industry Act 1994** establishing Melbourne Parks and Waterways, to make further amendments to other Acts, to repeal the **Wattle Park Land Act 1991** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 17 **CONSTITUTION (PROPORTIONAL REPRESENTATION) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Business having been interrupted at 2.00 pm  
pursuant to Sessional Orders.*
- 18 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 19 **CONSTITUTION (PROPORTIONAL REPRESENTATION) BILL** — Debate resumed on question — That this Bill be now read a second time.
- Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put.

The House divided.

AYES, 40

Ms Asher	Mrs Fyffe	Mr Paterson	Mr Vogels
Mr Ashley	Mr Honeywood	Mr Perton	Mr Wells
Mr Baillieu	Mr Kilgour	Mrs Peulich	Mr Wilson
Ms Burke	Mr Kotsiras	Mr Phillips	
Mr Clark	Mr Leigh	Mr Plowman	
Mr Cooper	Mr Lupton	Mr Richardson	
Dr Dean	Mr McArthur	Mr Rowe	
Mr Delahunty	Ms McCall	Mr Ryan	
(Wimmera)	Mr McIntosh	Mrs Shardey	
Mr Dixon	Mr Maclellan	Mr Spry	Tellers
Mr Doyle	Mr Mulder	Mr Steggall	Mr Maughan
Mrs Elliott	Dr Napthine	Mr Thompson	Mr Smith

NOES, 46

Ms Allan	Ms Delahunty	Mr Languiller	Mr Robinson
(Bendigo East)	(Northcote)	Mr Leighton	Mr Savage
Ms Allen	Ms Garbutt	Mr Lenders	Mr Seitz
(Benalla)	Ms Gillett	Mr Lim	Mr Stensholt
Ms Barker	Mr Haermeyer	Ms Lindell	Mr Thwaites
Mr Batchelor	Mr Hamilton	Mr Loney	Mr Trezise
Ms Beattie	Mr Hardman	Mrs Maddigan	Mr Viney
Mr Bracks	Mr Helper	Mr Maxfield	Mr Wynne
Mr Brumby	Mr Holding	Mr Mildenhall	
Mr Cameron	Mr Howard	Mr Nardella	
Ms Campbell	Mr Hulls	Ms Overington	Tellers
Mr Carli	Mr Ingram	Mr Pandazopoulos	Ms Duncan
Ms Davies	Ms Kosky	Ms Pike	Mr Langdon

And so it passed in the negative.

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

*Business having been interrupted at 10.00 pm  
pursuant to Sessional Orders.*

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

The House divided.

AYES, 46

Ms Allan ( <i>Bendigo East</i> )	Ms Delahunty ( <i>Northcote</i> )	Ms Kosky	Ms Pike
Ms Allen ( <i>Benalla</i> )	Ms Duncan	Mr Languiller	Mr Robinson
Ms Barker	Ms Garbutt	Mr Leighton	Mr Savage
Mr Batchelor	Ms Gillett	Mr Lenders	Mr Seitz
Ms Beattie	Mr Haermeyer	Mr Lim	Mr Stensholt
Mr Bracks	Mr Hamilton	Ms Lindell	Mr Thwaites
Mr Brumby	Mr Hardman	Mr Loney	Mr Viney
Mr Cameron	Mr Helper	Mrs Maddigan	Mr Wynne
Ms Campbell	Mr Holding	Mr Maxfield	
Mr Carli	Mr Howard	Mr Mildenhall	<i>Tellers</i>
Ms Davies	Mr Hulls	Mr Nardella	Mr Langdon
	Mr Ingram	Ms Overington	Mr Trezise
		Mr Pandazopoulos	

NOES, 41

Ms Asher	Mrs Fyffe	Dr Napthine	Mr Thompson
Mr Ashley	Mr Honeywood	Mr Paterson	Mr Vogels
Mr Baillieu	Mr Jasper	Mr Perton	Mr Wells
Ms Burke	Mr Kilgour	Mrs Peulich	Mr Wilson
Mr Clark	Mr Kotsiras	Mr Phillips	
Mr Cooper	Mr Leigh	Mr Plowman	
Dr Dean	Mr Lupton	Mr Richardson	
Mr Delahunty ( <i>Wimmera</i> )	Mr McArthur	Mr Rowe	
Mr Dixon	Ms McCall	Mr Ryan	
Mr Doyle	Mr McIntosh	Mrs Shardey	<i>Tellers</i>
Mrs Elliott	Mr Maclellan	Mr Spry	Mr Maughan
	Mr Mulder	Mr Steggall	Mr Smith

And so it was resolved in the affirmative.

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

And the House having continued to sit after 12 midnight —

THURSDAY 7 SEPTEMBER 2000

Motion made and question — That the debate be adjourned (*Mr Maclellan*) — put.

The House divided.

AYES, 41

Ms Asher	Mrs Fyffe	Dr Napthine	Mr Thompson
Mr Ashley	Mr Honeywood	Mr Paterson	Mr Vogels
Mr Baillieu	Mr Jasper	Mr Perton	Mr Wells
Ms Burke	Mr Kilgour	Mrs Peulich	Mr Wilson
Mr Clark	Mr Kotsiras	Mr Phillips	
Mr Cooper	Mr Leigh	Mr Plowman	
Dr Dean	Mr Lupton	Mr Richardson	
Mr Delahunty	Mr McArthur	Mr Rowe	
( <i>Wimmera</i> )	Ms McCall	Mr Ryan	
Mr Dixon	Mr McIntosh	Mrs Shardey	<i>Tellers</i>
Mr Doyle	Mr Maclellan	Mr Spry	Mr Maughan
Mrs Elliott	Mr Mulder	Mr Steggall	Mr Smith

NOES, 45

Ms Allan	Ms Delahunty	Mr Languiller	Mr Robinson
( <i>Bendigo East</i> )	( <i>Northcote</i> )	Mr Leighton	Mr Savage
Ms Allen	Ms Duncan	Mr Lenders	Mr Seitz
( <i>Benalla</i> )	Ms Garbutt	Mr Lim	Mr Stensholt
Ms Barker	Ms Gillett	Ms Lindell	Mr Trezise
Mr Batchelor	Mr Haermeyer	Mr Loney	Mr Viney
Ms Beattie	Mr Hamilton	Mrs Maddigan	Mr Wynne
Mr Bracks	Mr Hardman	Mr Maxfield	
Mr Brumby	Mr Helper	Mr Mildenhall	
Mr Cameron	Mr Holding	Mr Nardella	
Ms Campbell	Mr Hulls	Ms Overington	<i>Tellers</i>
Mr Carli	Mr Ingram	Mr Pandazopoulos	Mr Howard
Ms Davies	Ms Kosky	Ms Pike	Mr Langdon

And so it passed in the negative.

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

Question — put.

The House divided.

AYES, 45

Ms Allan	Ms Duncan	Mr Lenders	Mr Stensholt
( <i>Bendigo East</i> )	Ms Garbutt	Mr Lim	Mr Trezise
Ms Allen	Ms Gillett	Ms Lindell	Mr Viney
( <i>Benalla</i> )	Mr Haermeyer	Mr Loney	Mr Wynne
Ms Barker	Mr Hamilton	Mrs Maddigan	
Mr Batchelor	Mr Hardman	Mr Maxfield	
Mr Bracks	Mr Helper	Mr Mildenhall	
Mr Brumby	Mr Holding	Mr Nardella	
Mr Cameron	Mr Howard	Ms Overington	
Ms Campbell	Mr Hulls	Mr Pandazopoulos	
Mr Carli	Mr Ingram	Ms Pike	
Ms Davies	Ms Kosky	Mr Robinson	<i>Tellers</i>
Ms Delahunty	Mr Languille	Mr Savage	Ms Beattie
( <i>Northcote</i> )	Mr Leighton	Mr Seitz	Mr Langdon



NOES, 41

Ms Asher	Mr Jasper	Mr Paterson	Mr Vogels
Mr Ashley	Mr Kilgour	Mr Perton	Mr Wells
Mr Baillieu	Mr Kotsiras	Mrs Peulich	Mr Wilson
Ms Burke	Mr Leigh	Mr Phillips	
Mr Clark	Mr Lupton	Mr Plowman	
Mr Cooper	Mr McArthur	Mr Richardson	
Dr Dean	Ms McCall	Mr Rowe	
Mr Dixon	Mr McIntosh	Mr Ryan	
Mr Doyle	Mr Maclellan	Mrs Shardey	<i>Tellers</i>
Mrs Elliott	Mr Maughan	Mr Spry	Mr Delahunty
Mrs Fyffe	Mr Mulder	Mr Steggall	<i>(Wimmera)</i>
Mr Honeywood	Dr Napthine	Mr Thompson	Mr Smith

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 Assembly and committed.

Bill considered in Committee and reported with amendments; as amended, considered, and amendments agreed to.

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

The House divided.

AYES, 45

Ms Allan	Ms Duncan	Mr Lenders	Mr Stensholt
<i>(Bendigo East)</i>	Ms Garbutt	Mr Lim	Mr Trezise
Ms Allen	Ms Gillett	Ms Lindell	Mr Viney
<i>(Benalla)</i>	Mr Haermeyer	Mr Loney	Mr Wynne
Ms Barker	Mr Hamilton	Mrs Maddigan	
Mr Batchelor	Mr Hardman	Mr Maxfield	
Mr Bracks	Mr Helper	Mr Mildenhall	
Mr Brumby	Mr Holding	Mr Nardella	
Mr Cameron	Mr Howard	Ms Overington	
Ms Campbell	Mr Hulls	Mr Pandazopoulos	
Mr Carli	Mr Ingram	Ms Pike	
Ms Davies	Ms Kosky	Mr Robinson	<i>Tellers</i>
Ms Delahunty	Mr Languiller	Mr Savage	Ms Beattie
<i>(Northcote)</i>	Mr Leighton	Mr Seitz	Mr Langdon

## NOES, 41

Ms Asher	Mr Jasper	Mr Paterson	Mr Vogels
Mr Ashley	Mr Kilgour	Mr Perton	Mr Wells
Mr Baillieu	Mr Kotsiras	Mrs Peulich	Mr Wilson
Ms Burke	Mr Leigh	Mr Phillips	
Mr Clark	Mr Lupton	Mr Plowman	
Mr Cooper	Mr McArthur	Mr Richardson	
Dr Dean	Ms McCall	Mr Rowe	
Mr Dixon	Mr McIntosh	Mr Ryan	
Mr Doyle	Mr Maclellan	Mrs Shardey	<i>Tellers</i>
Mrs Elliott	Mr Maughan	Mr Spry	Mr Delahunty
Mrs Fyffe	Mr Mulder	Mr Steggall	( <i>Wimmera</i> )
Mr Honeywood	Dr Napthine	Mr Thompson	Mr Smith

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 Assembly.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 20 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Batchelor*) — put and agreed to.
- 21 **ADJOURNMENT** — Resolved — That the House do now adjourn.  
And the House, at 7.25 am, adjourned until later this day.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

## No 55 — Thursday 7 September 2000

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
- Preschool Education** — Seeking that the Government — (a) immediately invests more substantially in preschool education for the benefit of Victoria's young children and their future; and (b) increases funding to preschools to at least equivalent to the national average, bearing 441 and 871 signatures (*by Mr Viney and Mr Trezise, respectively*).
- Severally ordered to lie on the Table.
- 3 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:
- Crimes Act 1958* — Authorisation pursuant to s 464Z(2)

*Financial Management Act 1994* – Report from the Minister for Agriculture that he had received the 1999 annual report of the Veterinary Practitioners Registration Board of Victoria

*Interpretation of Legislation Act 1984* – Notice under s 32(3)(a)(iii) in relation to Statutory Rule Nos 47, 48, 49, 50, 141/1999, 31/2000

*Parliamentary Officers Act 1975:*

Statement of Appointments and Alterations of Classifications during the year 1999-2000 in the:

Department of the Legislative Council  
Department of the Legislative Assembly  
Department of the Parliamentary Library  
Department of the Parliamentary Debates

Statement of Persons Temporarily Employed during the year 1999-2000 in the:

Department of the Legislative Council  
Department of the Legislative Assembly  
Department of the Parliamentary Library  
Department of the Parliamentary Debates.

**4 MESSAGES FROM THE LEGISLATIVE COUNCIL –**

Agreeing to the Equal Opportunity (Gender Identity and Sexual Orientation) Bill without amendment

Not insisting on their amendment in the Juries Bill with which the Assembly have disagreed and agreeing to the amendment made by the Assembly in the Bill.

**5 MESSAGES FROM HIS EXCELLENCY THE GOVERNOR –** The Speaker announced the presentation of messages from His Excellency the Governor recommending appropriations for the purposes of the following bills:

Children and Young Persons (Reciprocal Arrangements) Bill  
Land (St Kilda Sea Baths) Bill  
Plant Health and Plant Products (Amendment) Bill  
Project Development and Construction Management (Amendment) Bill.

**6 POTTER FOUNDATION –** Motion made, by leave, and question – That this House places on record the gratitude of the Parliament and people of Victoria to the Trustees of the Potter Foundation for the generous donation to the National Gallery of Victoria and resolves further, that a copy of this resolution be forwarded to the Trustees of the Potter Foundation (*Mrs Elliott*) – put and agreed to.

**7 SITTING OF THE HOUSE –** Motion made and question – That the House, at its rising, adjourn until Tuesday 3 October 2000 (*Mr Batchelor*) – put and agreed to.

**8 STATEMENTS BY MEMBERS –** Statements by Members were made.

**9 POSTPONEMENT OF NOTICES OF MOTION –** Ordered – That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day.

- 10 **DRUGS, POISONS AND CONTROLLED SUBSTANCES (INJECTING FACILITIES TRIAL) BILL** – Order read for resuming debate on question – That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm  
pursuant to Sessional Orders.*

- 11 **QUESTIONS** – (Pursuant to Standing Order No 124).

- 12 **DRUGS, POISONS AND CONTROLLED SUBSTANCES (INJECTING FACILITIES TRIAL) BILL** – Debate continued on question – That this Bill be now read a second time.

*Allocation of time – The Acting Speaker advised that the time allocated for consideration of bills pursuant to resolution of the House on Tuesday 5 September 2000 had expired.*

Question – That this Bill be now read a second and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein – put.

The House divided

AYES, 44

Ms Allan <i>(Bendigo East)</i>	Ms Delahunty <i>(Northcote)</i>	Mr Leighton	Mr Seitz
Ms Allen <i>(Benalla)</i>	Ms Duncan	Mr Lenders	Mr Stensholt
Ms Barker	Ms Garbutt	Mr Lim	Mr Thwaites
Mr Batchelor	Ms Gillett	Mr Loney	Mr Trezise
Ms Beattie	Mr Haermeyer	Mrs Maddigan	Mr Viney
Mr Bracks	Mr Hamilton	Mr Maxfield	Mr Wynne
Mr Brumby	Mr Hardman	Mr Mildenhall	
Mr Cameron	Mr Helper	Mr Nardella	
Ms Campbell	Mr Howard	Ms Overington	<i>Tellers</i>
Mr Carli	Mr Hulls	Mr Pandazopoulos	Mr Holding
Ms Davies	Ms Kosky	Ms Pike	Mr Langdon
	Mr Languiller	Mr Robinson	

NOES, 43

Ms Asher	Mr Ingram	Dr Napthine	Mr Steggall
Mr Ashley	Mr Jasper	Mr Paterson	Mr Thompson
Mr Baillieu	Mr Kilgour	Mr Perton	Mr Vogels
Ms Burke	Mr Kotsiras	Mrs Peulich	Mr Wells
Mr Clark	Mr Leigh	Mr Phillips	Mr Wilson
Mr Cooper	Mr Lupton	Mr Plowman	
Dr Dean	Mr McArthur	Mr Richardson	
Mr Dixon	Ms McCall	Mr Rowe	
Mr Doyle	Mr McIntosh	Mr Ryan	<i>Tellers</i>
Mrs Elliott	Mr Maclellan	Mr Savage	Mr Delahunty
Mrs Fyffe	Mr Maughan	Mrs Shardey	<i>(Wimmera)</i>
Mr Honeywood	Mr Mulder	Mr Spry	Mr Smith

And so it was resolved in the affirmative.

- 
- 13 **ELECTRICITY INDUSTRY BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).
- Mr Brumby made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.*
- Motion made and question — That the debate be now adjourned (*Ms Asher*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 21 September 2000.
- 14 **ELECTRICITY INDUSTRY LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).
- Motion made and question — That the debate be now adjourned (*Ms Asher*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 21 September 2000.
- 15 **TATTERSALL CONSULTATIONS (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).
- Motion made and question — That the debate be now adjourned (*Ms Asher*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 21 September 2000.
- 16 **TRAINING AND FURTHER EDUCATION ACTS (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Kosky*).
- Motion made and question — That the debate be now adjourned (*Mr Baillieu*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 21 September 2000.
- 17 **PUBLIC LOTTERIES BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Pandazopoulos*).
- Motion made and question — That the debate be now adjourned (*Mr Baillieu*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 21 September 2000.
- 18 **WATER INDUSTRY (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Garbutt*).
- Motion made and question — That the debate be now adjourned (*Mr Perton*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 21 September 2000.
- 19 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Ms Garbutt*) — put and agreed to.

- 20 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.  
And the House, at 5.56 pm, adjourned until Tuesday 3 October 2000.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS

Nos 56, 57 and 58

#### No 56 — Tuesday 3 October 2000

- 1 The House met pursuant to adjournment — The Speaker took the Chair and read the Prayer.
- 2 **DEATH OF THE HONOURABLE SIR WILLIAM GORDON FRY** — Motion made and question — That this House expresses its sincere sorrow at the death of the Honourable Sir William Gordon Fry, and places on record its acknowledgment of the valuable services rendered by him to the Parliament and the people of Victoria as Member of the Legislative Council for the Higinbotham Province from 1967 to 1979 and as President of the Legislative Council from 1976 to 1979 (*Mr Bracks*) — put, after the Speaker and other Honourable Members had addressed the House in support of the motion and, honourable members rising in their places to signify their assent, agreed to unanimously.
- 3 **DEATH OF GLYDE ALGERNON SURTEES BUTLER** — The Speaker announced the death of Glyde Algernon Surtees Butler, Member of the Legislative Council for the Thomastown Province from 1979 to 1985; and, honourable members rose in their places as a mark of respect to the memory of the deceased.
- 4 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 5 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
  - Traffic Management Unit for Korumburra** — Seeking that the new facility for the Traffic Management Unit of the Victoria Police currently intended to be built in Wonthaggi be located at Korumburra, bearing 1,325 signatures (*by Mr Ryan*)
  - Yarra Junction Primary School** — Seeking that the Ministers for Education and Transport urgently provide funding for works to be carried out at the parking, vehicle access and drop off and pick up areas at the Yarra Junction Primary School, bearing 661 signatures (*by Mrs Fyffe*)
  - Secondary College Site in Somerville** — Seeking that the Government suspends its sale of the land in Somerville acquired as a site for a secondary college and puts in place all processes required for the development of a secondary college on that site, bearing 13 signatures (*by Mr Cooper*)
  - Railway Level Crossing, Hodgins Road, Hastings** — Seeking that the Government installs boom gates immediately at the railway level crossing at Hodgins Road, Hastings before an accident claims lives, bearing 52 signatures (*by Mr Cooper*)
  - Intersection of Frankston-Flinders, Dandenong-Hastings and Denham Roads, Tyabb** — Seeking that urgent action is taken to make the intersection of Frankston-Flinders Road with Dandenong-Hastings Road and Denham Road in Tyabb safer before more lives are lost at the location, bearing 76 signatures (*by Mr Cooper*)

**Preschool Education** — Seeking that the Government — (a) immediately invests more substantially in preschool education for the benefit of Victoria's young children and their future; and (b) increases funding to preschools to at least equivalent to the national average, bearing 62 signatures (*by Ms Barker*).

Severally ordered to lie on the Table.

- 6 **PETITION — YARRA JUNCTION PRIMARY SCHOOL** — Motion made and question — That the petition presented by the Member for Evelyn relating to funding for parking and vehicular access at the Yarra Junction Primary School, be taken into consideration tomorrow (*Mrs Fyffe*) — put and agreed to.
- 7 **PETITION — SECONDARY COLLEGE SITE IN SOMERVILLE** — Motion made and question — That the petition presented by the Member for Mornington relating to the site for a Secondary College in Somerville be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.
- 8 **PETITION — RAILWAY LEVEL CROSSING, HODGINS ROAD, HASTINGS** — Motion made and question — That the petition presented by the Member for Mornington relating to the railway level crossing, Hodgins Road, Hastings be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.
- 9 **PETITION — INTERSECTION OF FRANKSTON-FLINDERS, DANDENONG-HASTINGS AND DENHAM ROADS, TYABB** — Motion made and question — That the petition presented by the Member for Mornington relating to the intersection of Frankston-Flinders Road with Dandenong-Hastings Road and Denham Road in Tyabb be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.
- 10 **PETITION — TRAFFIC MANAGEMENT UNIT FOR KORUMBURRA** — Motion made and question — That the petition presented by the Member for Gippsland South relating to the new facility for the Traffic Management Unit of the Victoria Police be taken into consideration tomorrow (*Mr Ryan*) — put and agreed to.
- 11 **PAPERS —**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Ms Gillett, Chair, brought up two reports from the Scrutiny of Acts and Regulations Committee:

Report concerning Statute Law Revision Bill, together with an appendix

Report being the Alert Digest No 8 of 2000 on the:

Anglican Trusts Corporations (Amendment) Bill  
 Children and Young Persons (Reciprocal Arrangements) Bill  
 Electricity Industry Bill  
 Electricity Industry Legislation (Miscellaneous Amendments) Bill  
 Essential Services Legislation (Dispute Resolution) Bill  
 Information Privacy Bill  
 Interpretation of Legislation (Amendment) Bill  
 Land (St. Kilda Sea Baths) Bill  
 Local Government (Restoration of Local Democracy to Melton) Bill  
 Petroleum Products (Terminal Gate Pricing) Bill  
 Plant Health and Plant Products (Amendment) Bill  
 Project Development and Construction Management (Amendment) Bill  
 Public Lotteries Bill  
 Statute Law Revision Bill



Tattersall Consultations (Amendment) Bill  
Tertiary Education (Amendment) Bill  
Training and Further Education Acts (Amendment) Bill  
Water Industry (Amendment) Bill  
Whistleblowers Protection Bill

together with appendices

Severally ordered to lie on the Table and to be printed.

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

*Environment Protection Act 1970* — Order declaring State Environment Protection Policy (Used Packaging Materials) (Government Gazette No S88, 23 June 2000)

Falls Creek Alpine Resort Management Board — Report for the year ended 31 October 1999

*Melbourne City Link Act 1995:*

Melbourne City Link Twelfth Amending Deed  
City Link and Extension Projects Integration and Facilitation Agreement Fifth Amending Deed

*Parliamentary Officers Act 1975:*

Statement of Appointments and Alterations of Classifications during the year 1999-2000 in the Department of Parliamentary Services

Statement of Persons Temporarily Employed during the year 1999-2000 in the Department of Parliamentary Services

*Planning and Environment Act 1987:*

Amendment No 113 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan

Notices of approval of amendments to the following Planning Schemes:

Ballarat Planning Scheme — No C33  
Banyule Planning Scheme — No C10  
Brimbank Planning Scheme — No C13  
Campaspe Planning Scheme — No C10  
Cardinia Planning Scheme — Nos C4, C14 Part 1  
Colac Otway Planning Scheme — No C5  
Gannawarra Planning Scheme — No C1  
Glen Eira Planning Scheme — No C4  
Greater Shepparton Planning Scheme — No C4 Part 1  
Indigo Shire Planning Scheme — No C4 Part 2  
Maroondah Planning Scheme — Nos C6, C11  
Melbourne Planning Scheme — No C8  
Melton Planning Scheme — No C11  
Mitchell Planning Scheme — No C7  
Moonee Valley Planning Scheme — No C1  
Queenscliffe Planning Scheme — No C6  
Towong Shire Planning Scheme — No C1  
Wangaratta Planning Scheme — No C5  
Yarra Planning Scheme — Nos C16, C17

Statutory Rules under the following Acts:

*Magistrates' Court Act 1989* – SR No 89

*Road Safety Act 1986* – SR No 88

*Subordinate Legislation Act 1994* – SR No 87

*Subordinate Legislation Act 1994*:

Ministers' exception certificates in relation to Statutory Rule Nos 87, 89

Minister's exemption certificate in relation to Statutory Rule No 88.

The following proclamation fixing an operative date was laid upon the Table by the Clerk pursuant to an Order of the House dated 3 November 1999:

*Dairy Act 2000* – Section 5 (except paragraph (b)), s 6 (except paragraphs (h) and (i)), ss 64, 66, 69 and 70 and Parts 3, 4 and 5 on 30 September 2000 (*Gazette G39, 28 September 2000*).

- 12 **MESSAGE FROM HIS EXCELLENCY THE GOVERNOR – ASSENT TO BILLS –** Informing the Assembly that he had, on 12 September 2000, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:
- Equal Opportunity (Gender Identity and Sexual Orientation) Bill
  - Juries Bill
  - Victims of Crime Assistance (Amendment) Bill.
- 13 **MESSAGES FROM HIS EXCELLENCY THE GOVERNOR –** The Speaker announced the presentation of messages from His Excellency the Governor recommending appropriations for the purposes of the following bills:
- Electricity Industry Bill
  - Public Lotteries Bill
  - Tattersall Consultations (Amendment) Bill
  - Training and Further Education Acts (Amendment) Bill
  - Water Industry (Amendment) Bill.
- 14 **SUSPENSION OF SESSIONAL ORDERS –** Motion made, by leave, and question – That on Wednesday 4 October 2000 so much of Sessional Orders be suspended so as to provide that –
- 1 The Speaker do take the Chair at 2.00 pm; and
  - 2 The House is to proceed with its business in the following order:
    - Oral Questions
    - Formal Business
    - Statements by Members
    - Grievances
    - Government Business
    - General Business
- (*Mr Batchelor*) – put, after debate, and agreed to.
- 15 **GOVERNMENT BUSINESS PROGRAM –** Motion made and question – That, pursuant to Sessional Order 6(3), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 5 October 2000:
- Children and Young Persons (Reciprocal Arrangements) Bill
  - Plant Health and Plant Products (Amendment) Bill
  - Land (St. Kilda Sea Baths) Bill

Interpretation of Legislation (Amendment) Bill  
Anglican Trusts Corporations (Amendment) Bill  
Tattersall Consultations (Amendment) Bill  
Training and Further Education Acts (Amendment) Bill  
Public Lotteries Bill

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

- 16 **STATEMENTS BY MEMBERS** – Statements by Members were made.
- 17 **POSTPONEMENT OF NOTICES OF MOTION** – Ordered – That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day.
- 18 **POSTPONEMENT OF ORDER OF THE DAY** – Ordered – That the consideration of Government Business, Order of the Day, No 1, be postponed until later this day.
- 19 **CHILDREN AND YOUNG PERSONS (RECIPROCAL ARRANGEMENTS) BILL** – Order read for resuming debate on question – That this Bill be now read a second time; debate resumed.  
Bill read a second time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.  
By leave, Bill read a third time forthwith with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.  
Ordered – That the Bill be transmitted to the Legislative Council and their concurrence desired therein.
- 20 **PLANT HEALTH AND PLANT PRODUCTS (AMENDMENT) BILL** – Order read for resuming debate on question – That this Bill be now read a second time; debate resumed.  
Bill read a second time and, by leave, read a third time forthwith.  
Ordered – That the Bill be transmitted to the Legislative Council and their concurrence desired therein.
- 21 **LAND (ST. KILDA SEA BATHS) BILL** – Order read for resuming debate on question – That this Bill be now read a second time; debate resumed.  
*Business having been interrupted at 10.00 pm  
pursuant to Sessional Orders.*
- 22 **ADJOURNMENT** – The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.59 pm.

## No 57 — Wednesday 4 October 2000

- 1 The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 3 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
  - Preschool Education** — Seeking that the Government — (a) immediately invests more substantially in preschool education for the benefit of Victoria's young children and their future; and (b) increases funding to preschools to at least equivalent to the national average, bearing 410 signatures (*by Ms Davies*)
  - Rail Transport for Gippsland** — Seeking that the availability of rail transport be improved by — (a) the return of the South Gippsland freight line; (b) a fast rail passenger link departing from Lang Lang to Melbourne; and (c) a rail link through to Leongatha, bearing 2,604 signatures (*by Ms Davies*).

Severally ordered to lie on the Table.
- 4 **PETITION — PRESCHOOL EDUCATION** — Motion made and question — That the petition presented by the Member for Gippsland West relating to increased funding for preschool education be taken into consideration tomorrow (*Ms Davies*) — put and agreed to.
- 5 **PETITION — RAIL TRANSPORT FOR GIPPSLAND** — Motion made and question — That the petition presented by the Member for Gippsland West relating to the return of the South Gippsland freight line, a fast rail passenger link departing from Lang Lang to Melbourne and a rail link through to Leongatha be taken into consideration tomorrow (*Ms Davies*) — put and agreed to.
- 6 **LOCAL GOVERNMENT (RESTORATION OF LOCAL DEMOCRACY TO MELTON) BILL** — The Speaker announced the receipt of a message from the Legislative Council transmitting a Bill '*to amend the Local Government Act 1989 to provide for a general election of Councillors for the Melton Shire Council on 13 October 2001 and for other purposes*' and desiring the concurrence of the Legislative Assembly therein.
 

On the motion of Mr Cameron, the Bill transmitted by the foregoing message was read a first time, ordered to be printed and read a second time tomorrow.
- 7 **STATEMENTS BY MEMBERS** — Statements by Members were made.
- 8 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.
- 9 **POSTPONEMENT OF NOTICES OF MOTION** — Ordered — That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day.
- 10 **UPPER YARRA VALLEY AND DANDENONG RANGES REGIONAL STRATEGY PLAN** — Motion made and question — That pursuant to section 46D(1)(c) of the **Planning and Environment Act 1987**, Amendment No 113 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan be approved (*Mr Thwaites*) — put, after debate, and agreed to.

- 11 **HERITAGE (AMENDMENT) BILL** — Mr Thwaites, after debate, obtained leave with Mr Hulls, to bring in a Bill '*to amend the **Heritage Act 1995** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 12 **DUTIES BILL** — Mr Brumby, pursuant to a motion moved on his behalf by Mr Thwaites, obtained leave, with Mr Hulls, to bring in a Bill '*to create and charge a number of duties, to repeal the **Stamps Act 1958**, to make consequential amendments to other Acts and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 13 **CRIMES (AMENDMENT) BILL** — Mr Hulls, after debate, obtained leave with Mr Haermeyer, to bring in a Bill '*to amend the **Crimes Act 1958**, to make consequential amendments to the **Education Act 1958** and the **Sentencing Act 1991** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 14 **WRONGS (AMENDMENT) BILL** — Mr Hulls obtained leave, with Mr Haermeyer, to bring in a Bill '*to amend the **Wrongs Act 1958** with respect to the apportionment of damages in claims arising from breach of contract and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 15 **TRANSPORT ACCIDENT (AMENDMENT) BILL** — Mr Cameron obtained leave, with Mr Haermeyer, to bring in a Bill '*to amend the **Transport Accident Act 1986** to increase certain compensation payments, to provide for improved access to benefits and to revise claims procedures, to amend the **Accident Compensation Act 1985** and the **Dangerous Goods Act 1985** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 16 **AGRICULTURAL INDUSTRY DEVELOPMENT (AMENDMENT) BILL** — Mr Hamilton, after debate, obtained leave with Mr Haermeyer, to bring in a Bill '*to amend the **Agricultural Industry Development Act 1990** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 17 **MINERAL RESOURCES DEVELOPMENT (AMENDMENT) BILL** — Ms Garbutt, after debate, obtained leave with Mr Hamilton, to bring in a Bill '*to amend the **Mineral Resources Development Act 1990** and the **National Parks Act 1975** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 18 **FISHERIES (AMENDMENT) BILL** — Ms Garbutt obtained leave, with Mr Hamilton, to bring in a Bill '*to amend the **Fisheries Act 1995** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 19 **INTERPRETATION OF LEGISLATION (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.  
 Bill read a second time and, by leave, read a third time forthwith.  
 Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.
- 20 **ANGLICAN TRUSTS CORPORATIONS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.  
 The Acting Speaker ruled the Bill to be a private bill.  
 Motion made and question — That this Bill be treated as a public bill and that fees be dispensed with (*Mr Hulls*) — put and agreed to.

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

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 21 **TATTERSALL CONSULTATIONS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm  
pursuant to Sessional Orders.*

- 22 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 11.03 pm.

R W PURDEY

*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS

*Speaker*

## No 58 — Thursday 5 October 2000

- 1 The Speaker took the Chair and read the Prayer.
- 2 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourn until Tuesday 24 October 2000 (*Mr Batchelor*) — put and agreed to.
- 3 **STATEMENTS BY MEMBERS** — Statements by Members were made.
- 4 **POSTPONEMENT OF NOTICES OF MOTION** — Ordered — That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day.
- 5 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 1 and 2, be postponed until later this day.
- 6 **PUBLIC LOTTERIES BILL** — Order read for resuming debate on question — That this Bill be now read a second time.  
Pursuant to Sessional Orders, Mr Pandazopoulos announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.  
Motion made and question — That the debate be now adjourned (*Mr Baillieu*) — put and agreed to.  
Ordered — That the debate be adjourned until later this day.
- 7 **TATTERSALL CONSULTATIONS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.  
Bill read a second time and, by leave, read a third time forthwith.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

8 **MESSAGE FROM HIS EXCELLENCY THE GOVERNOR** — The Deputy Speaker announced the presentation of a message from His Excellency the Governor recommending a further appropriation for the purposes of the Public Lotteries Bill.

9 **TRAINING AND FURTHER EDUCATION ACTS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm  
pursuant to Sessional Orders.*

10 **QUESTIONS** — (Pursuant to Standing Order No 124).

11 **TRAINING AND FURTHER EDUCATION ACTS (AMENDMENT) BILL** — Debate continued on question — That this Bill be now read a second time.

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

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

12 **PUBLIC LOTTERIES BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Allocation of time — The Acting Speaker advised that the time allocated for consideration of bills pursuant to resolution of the House on Tuesday 3 October 2000 had expired.*

Question — That this Bill be now read a second time, Government amendments Nos 1 to 4 inclusive be agreed to, the Bill be read a third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

13 **LAND (ST. KILDA SEA BATHS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

14 **TRAINING AND FURTHER EDUCATION ACTS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

15 **PAPERS** —

**CORRECTIONAL SERVICES COMMISSIONER'S REPORT** — Motion made, by leave, and question — That there be presented to this House a copy of the Correctional Services Commissioner's Report on Metropolitan Women's Correctional Centre's Compliance with its Contractual Obligations and Prison Services Agreement (*Mr Haermeyer*) — put and agreed to.

The said report was presented by Mr Haermeyer 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:

Victorian Civil and Administrative Tribunal — Report for the year 1999–2000.

- 16 **LOCAL GOVERNMENT (RESTORATION OF LOCAL DEMOCRACY TO MELTON) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Cameron*).
- Motion made and question — That the debate be now adjourned (*Ms Burke*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 19 October 2000.
- 17 **TRANSPORT ACCIDENT (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Cameron*).
- Mr Cameron made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.*
- Motion made and question — That the debate be now adjourned (*Ms Asher*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 19 October 2000.
- 18 **HERITAGE (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Thwaites*).
- Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 19 October 2000.
- 19 **DUTIES BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).
- Motion made and question — That the debate be now adjourned (*Ms Asher*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 19 October 2000.
- 20 **CRIMES (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).
- Motion made and question — That the debate be now adjourned (*Dr Dean*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 19 October 2000.
- 21 **WRONGS (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).
- Mr Hulls made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.*
- Motion made and question — That the debate be now adjourned (*Dr Dean*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 19 October 2000.
- 22 **AGRICULTURAL INDUSTRY DEVELOPMENT (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hamilton*).
- Motion made and question — That the debate be now adjourned (*Mr McArthur*) — put and agreed to.



Ordered — That the debate be adjourned until Thursday 19 October 2000.

- 23 **MINERAL RESOURCES DEVELOPMENT (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Garbutt*).

*Ms Garbutt made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.*

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

Ordered — That the debate be adjourned until Thursday 19 October 2000.

- 24 **FISHERIES (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Garbutt*).

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

Ordered — That the debate be adjourned until Thursday 19 October 2000.

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

- 26 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

And the House, at 6.40 pm, adjourned until Tuesday 24 October 2000.

R W PURDEY

*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS

*Speaker*

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS  
Nos 59, 60 and 61

No 59 — Tuesday 24 October 2000

- 1 The House met pursuant to adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 3 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Recreational Fishing** — Seeking that no Victorian waters be closed to recreational fishing except where sound scientific investigation has shown the need for such closure, and that all reference material used in such investigation be available for scrutiny by all affected by any such proposed closure, bearing 2,794 signatures (*by Mr Trezise*)

**Administrative Support for Preschools** — Seeking that immediate additional support be provided so that volunteer committees can receive targeted financial assistance for administrative support in managing their preschools, bearing 66 signatures (*by Mr Trezise*)

**Combating Child Sexual Assault Report** — Seeking that the Government immediately enacts certain key recommendations from the 1995 Parliamentary Report on 'Combating Child Sexual Assault' bearing 888 signatures (*by Mr Wynne*).

Severally ordered to lie on the Table.

4 **PAPERS** —

**VICTORIA POLICE REVISED OUTPUT** — Motion made, by leave, and question — That there be presented to this House a copy of the clarification of variations between the 2000–01 Budget Paper and the revised 2000–01 Budget Estimates for Victoria Police (*Mr Haermeyer*) — put and agreed to.

The said paper was presented by Mr Haermeyer and ordered to lie on the Table.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Ms Gillett, Chair, brought up a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 9 of 2000 on the:

Accident Compensation (Common Law and Benefits) Act  
Agricultural Industry Development (Amendment) Bill  
Associations Incorporation (Amendment) Bill  
Courts and Tribunals Legislation (Miscellaneous Amendments) Bill  
Crimes (Amendment) Bill  
Duties Bill  
Fisheries (Amendment) Bill  
Heritage (Amendment) Bill  
Mineral Resources Development (Amendment) Bill

Transport Accident (Amendment) Bill  
 Transport (Miscellaneous Amendments) Bill  
 Wrongs (Amendment) Bill

together with appendices

Ordered to lie on the Table and to be printed.

**DRUGS AND CRIME PREVENTION COMMITTEE** — Mr Lupton, brought up a report from the Drugs and Crime Prevention Committee on Benchmarking Crime Trend Data 1995–1996 to 1999–2000, 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:

Barwon Regional Waste Management Group — Report for the year 1998–99, together with an explanation for the delay in tabling

Calder Regional Waste Management Group — Report for the year 1998–99, together with an explanation for the delay in tabling

Central Murray Regional Waste Management Group — Report for the year 1998–99, together with an explanation for the delay in tabling

*Crown Land (Reserves) Act 1978* — Section 17DA Orders granting under s 17D leases by the:

Corangamite Shire Council  
 National Trust of Australia (Victoria)  
 Fairlea Prison Reserve, Committee of Management

Desert Fringe Regional Waste Management Group — Report for the year 1998–99, together with an explanation for the delay in tabling

Eastern Regional Waste Management Group — Report for the year 1998–99, together with an explanation for the delay in tabling

Emergency Services Superannuation Scheme — Report for the year 1999–2000

Environment Conservation Council — Report for the year 1999–2000

*Environment Conservation Council Act 1997* — Final Report of the Environment Conservation Council's Marine, Coastal and Estuarine Investigation (two papers)

*Financial Management Act 1994*:

Financial Report for the State of Victoria, incorporating the annual financial statement for the year 1999–2000 — Ordered to be printed

Report from the Minister for Environment and Conservation that she had received the 1999–2000 annual report of the Trust for Nature

Gippsland Regional Waste Management Group — Report for the year 1998–99, together with an explanation for the delay in tabling

Goulburn Valley Regional Waste Management Group — Report for the year 1998–99, together with an explanation for the delay in tabling

Grampians Regional Waste Management Group — Report for the year 1998–99, together with an explanation for the delay in tabling

Highlands Regional Waste Management Group — Report for the year 1998–99, together with an explanation for the delay in tabling

*Interpretation of Legislation Act 1984* — Notice under s 32(3)(a)(iii) in relation to Statutory Rule No 90

*Members of Parliament (Register of Interests) Act 1978* — Summary of Returns June 2000 and Summary of Variations Notified between 1 June and 30 September 2000 — Ordered to be printed

Mildura Regional Waste Management Group — Report for the year 1998–99, together with an explanation for the delay in tabling

Morrington Peninsula Regional Waste Management Group — Report for the year 1998–99, together with an explanation for the delay in tabling

National Parks Advisory Council — Report for the year 1999–2000

North East Victorian Regional Waste Management Group — Report for the year 1998–99, together with an explanation for the delay in tabling

Northern Regional Waste Management Group — Report for the year 1998–99, together with an explanation for the delay in tabling

*Planning and Environment Act 1987:*

Notice of approval of the new Surf Coast Planning Scheme

Notices of approval of amendments to the following Planning Schemes:

Brimbank Planning Scheme — No C10

Casey Planning Scheme — No C6

Darebin Planning Scheme — Nos C6, C13

Delatite Planning Scheme — No C2

Glen Eira Planning Scheme — Nos C2, C12

Greater Shepparton Planning Scheme — No C7 Part 1

Mildura Planning Scheme — No C1

Moonee Valley Planning Scheme — No C15

Strathbogie Planning Scheme — No C2

Towong Planning Scheme — No C2

Wangaratta Rural City Planning Scheme — No C3 Part 1

Whittlesea Planning Scheme — No C1

Yarra Planning Scheme — No C3

Yarra Ranges Planning Scheme — No C1

Police Appeals Board — Report for the year 1999–2000

South Eastern Regional Waste Management Group — Report for the year 1998–99, together with an explanation for the delay in tabling

South Western Regional Waste Management Group — Report for the year 1998–99, together with an explanation for the delay in tabling

*Stamps Act 1958* — Report of exemptions and partial exemptions approved and refunds made pursuant to s 137R for the year 1999–2000

Statutory Rules under the following Acts:

*Accident Compensation Act 1985* — SR No 102

*Administration and Probate Act 1958* — SR No 98

*Environment Protection Act 1970* — SR No 92

*Petroleum Act 1998* — SR No 91

*Pipelines Act 1967* — SR No 90

*Road Safety Act 1986* — SR Nos 95, 96

*Subdivision Act 1988* — SR Nos 94, 101

*Subordinate Legislation Act 1994* — SR No 99

*Supreme Court Act 1986* — SR Nos 97, 98  
*Tobacco Act 1987* — SR Nos 93, 100

*Subordinate Legislation Act 1994*:

Ministers' exception certificates in relation to Statutory Rules Nos 97, 98, 99

Ministers' exemption certificates in relation to Statutory Rules Nos 91, 93, 95, 100, 101

*The Constitution Act Amendment Act 1958* — Statement of function conferred on the Electoral Commissioner, 10 October 2000

Victorian Funds Management Corporation — Report for the year 1999–2000

Victorian Managed Insurance Authority — Report for the year 1999–2000

Western Regional Waste Management Group — Report for the year 1998–99, together with an explanation for the delay in tabling.

The following proclamations fixing operative dates were laid upon the Table by the Clerk pursuant to an Order of the House dated 3 November 1999:

*Accident Compensation (Common Law and Benefits) Act 2000* — Section 17 on 20 October 2000 (*Gazette G42, 19 October 2000*)

*Equal Opportunity (Gender Identity and Sexual Orientation) Act 2000* — Whole Act on 9 October 2000 (*Gazette G40, 5 October 2000*)

*Financial Sector Reform (Victoria) Act 1999* — Section 20 on 1 November 2000 (*Gazette G42, 19 October 2000*).

- 5 **MESSAGES FROM HIS EXCELLENCY THE GOVERNOR** — The Speaker announced the presentation of messages from His Excellency the Governor recommending appropriations for the purposes of the following bills:

Duties Bill

Fisheries (Amendment) Bill

Mineral Resources Development (Amendment) Bill.

- 6 **CONCURRENT DEBATE — ELECTRICITY INDUSTRY BILL AND ELECTRICITY INDUSTRY LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Motion made, by leave, and question — That this House authorises and requires the Speaker to permit the second reading and subsequent stages of the Electricity Industry Bill and the Electricity Industry Legislation (Miscellaneous Amendments) Bill to be moved and debated concurrently (*Mr Batchelor*) — put and agreed to.

- 7 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, pursuant to Sessional Order 6(3), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 26 October 2000:

Electricity Industry Bill

Electricity Industry Legislation (Miscellaneous Amendments) Bill

Water Industry (Amendment) Bill

Tertiary Education (Amendment) Bill

Project Development and Construction Management (Amendment) Bill

Local Government (Restoration of Local Democracy to Melton) Bill

Transport Accident (Amendment) Bill

Heritage (Amendment) Bill

Wrongs (Amendment) Bill

(*Mr Batchelor*) — put and agreed to.

- 8 **STATEMENTS BY MEMBERS** — Statements by Members were made.
- 9 **POSTPONEMENT OF NOTICES OF MOTION**— Ordered — That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day.
- 10 **ELECTRICITY INDUSTRY BILL AND ELECTRICITY INDUSTRY LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Order read for resuming debate on question — That these Bills be now read a second time.
- Pursuant to Sessional Orders, Mr Brumby announced that it was proposed to move amendments to both Bills in Committee and requested that they be circulated. Amendments circulated.
- Debate resumed on question — That these Bills be now read a second time.
- Electricity Industry Bill read a second time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.
- Electricity Industry Legislation (Miscellaneous Amendments) Bill read a second time.
- Bills committed; considered in Committee.
- Electricity Industry Bill reported with amendments; as amended, considered, and amendments agreed to.
- Electricity Industry Legislation (Miscellaneous Amendments) Bill reported with an amendment; as amended, considered, and amendment agreed to.
- Electricity Industry Bill read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.
- Electricity Industry Legislation (Miscellaneous Amendments) Bill read a third time.
- Ordered — That these Bills be transmitted to the Legislative Council and their concurrence desired therein.
- 11 **WATER INDUSTRY (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Bill read a second time and, by leave, read a third time forthwith.
- Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.
- 12 **TERTIARY EDUCATION (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.
- Pursuant to Sessional Orders, Mr Baillieu announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.
- Pursuant to Sessional Orders, Ms Davies announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.
- Pursuant to Sessional Orders, Mr Maughan announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.
- Debate resumed on question — That this Bill be now read a second time.
- Business having been interrupted at 10.00 pm  
pursuant to Sessional Orders.*
- Motion made and question — That the sitting be continued (*Mr Batchelor*) — put and agreed to.
- Debate continued on question — That this Bill be now read a second time.

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

Ordered — That the debate be adjourned until tomorrow.

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

14 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

And the House, at 11.53 pm, adjourned until tomorrow.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

## No 60 — Wednesday 25 October 2000

1 The Speaker 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:

*City West Water Limited* — Report for the year 1999–2000

*National Parks Act 1975* — Report on the workings of the Act for the year 1999–2000

*Parliamentary Committees Act 1968*:

Response of the Premier on action taken with respect to the recommendations made by the Public Accounts and Estimates Committee report *Outsourcing of Government Services in the Victorian Public Sector*

Response of the Premier on action taken with respect to the recommendations made by the Public Accounts and Estimates Committee report *Commercial in Confidence Material and the Public Interest*

*Rural Finance Corporation* — Report for the year 1999–2000

*South East Water Limited* — Report for the year 1999–2000

*State Electricity Commission of Victoria* — Report for the year 1999–2000

Statutory Rules under the following Acts:

*Pharmacists Act 1974* — SR No 104

*Subdivision Act 1988* — SR No 105

*Subordinate Legislation Act 1994* — SR No 103

*Transport Accident Act 1986* — SR No 106

*Subordinate Legislation Act 1994* — Ministers' exception certificates in relation to Statutory Rule Nos 103, 104

*Yarra Valley Water Limited* — Report for the year 1999–2000.

3 **STATEMENTS BY MEMBERS** — Statements by Members were made.

- 4 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — BUSINESS CONFIDENCE IN VICTORIA** — The House was informed that Dr Napthine had proposed that a definite matter of public importance be submitted to the House for discussion, namely —
- 'That this House notes with concern the dramatic fall in business confidence in Victoria due to undue delays in Government decision-making and calls on the Government to take decisive action to get Victoria moving again.'
- Dr Napthine addressed the House — Discussion ensued.
- 5 **POSTPONEMENT OF NOTICES OF MOTION** — Ordered — That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day.
- 6 **MELBOURNE CITY LINK (MISCELLANEOUS AMENDMENTS) BILL** — Mr Batchelor obtained leave, with Mr Hulls, to bring in a Bill *'to make miscellaneous amendments to the Melbourne City Link Act 1995, to repeal the Melbourne City Link Authority Act 1994, to make minor amendments to other Acts and for other purposes'*; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 7 **FAIR EMPLOYMENT BILL** — Mr Bracks obtained leave, with Mr Batchelor, to bring in a Bill *'to provide for a fresh system of employment regulation in Victoria, to establish a Fair Employment Tribunal, to repeal the Long Service Leave Act 1992 and for other purposes'*; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 8 **NURSES (AMENDMENT) BILL** — Mr Thwaites, after debate, obtained leave with Mr Batchelor, to bring in a Bill *'to make miscellaneous amendments to the Nurses Act 1993 and to amend the Drugs, Poisons and Controlled Substances Act 1981 and for other purposes'*; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 9 **GAMING ACTS (GAMING MACHINE LEVY) BILL** — Mr Brumby obtained leave, with Mr Batchelor, to bring in a Bill *'to amend the Casino Control Act 1991 and the Gaming Machine Control Act 1991 to impose an annual levy on gaming machines operating in Victoria and for other purposes'*; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 10 **RACING AND BETTING ACTS (AMENDMENT) BILL** — Mr Hulls obtained leave, with Mr Batchelor, to bring in a Bill *'to amend the Racing Act 1958, the Lotteries Gaming and Betting Act 1966 and the Gaming and Betting Act 1994 and for other purposes'*; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 11 **MAGISTRATES' COURT (INFRINGEMENTS) BILL** — Mr Hulls obtained leave, with Mr Batchelor, to bring in a Bill *'to amend the Magistrates' Court Act 1989, the Sentencing Act 1991 and the Chattel Securities Act 1987 and for other purposes'*; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 12 **MAGISTRATES' COURT (COMMITTAL PROCEEDINGS) BILL** — Mr Hulls, after debate, obtained leave with Mr Batchelor, to bring in a Bill *'to amend the Magistrates' Court Act 1989, the Crimes Act 1958 and the Evidence Act 1958 and for other purposes'*; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 13 **GAMBLING LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Mr Pandazopoulos, after debate, obtained leave with Mr Batchelor, to bring in a Bill *'to make miscellaneous amendments to the Gaming Machine Control Act 1991, the Gaming and Betting*



*Act 1994, the Casino Control Act 1991, the Gaming No. 2 Act 1997, and the Interactive Gaming (Player Protection) Act 1999 and for other purposes'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.*

- 14 **GAMING NO. 2 (COMMUNITY BENEFIT) BILL** — Mr Pandazopoulos, after debate, obtained leave with Mr Batchelor, to bring in a Bill '*to amend the Gaming No. 2 Act 1997 to make further provision for activities regulated by the Act and the administration of the Act and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 15 **COUNTRY FIRE AUTHORITY (AMENDMENT) BILL** — Mr Haermeyer, after debate, obtained leave with Mr Batchelor, to bring in a Bill '*to amend the Country Fire Authority Act 1958 and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 16 **LAND (FURTHER REVOCATION OF RESERVATIONS) BILL** — Ms Garbutt, after debate, obtained leave with Mr Batchelor, to bring in a Bill '*to provide for the revocation of the reservations over several parcels of land, the revocation of a Crown grant and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 17 **DOMESTIC (FERAL AND NUISANCE) ANIMALS (AMENDMENT) BILL** — Mr Hamilton obtained leave, with Ms Kosky, to bring in a Bill '*to improve the administration and effectiveness of the Domestic (Feral and Nuisance) Animals Act 1994 and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 18 **TERTIARY EDUCATION (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Business having been interrupted at 2.00 pm  
pursuant to Sessional Orders.*
- 19 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 20 **TERTIARY EDUCATION (AMENDMENT) BILL** — Debate resumed on question — That this Bill be now read a second time.
- Bill read a second time and committed; considered in Committee and reported with amendments; and with an amended long title, which title is as follows:
- 'A Bill to amend the Tertiary Education Act 1993 to repeal certain voluntary student unionism provisions, to make further provision about non-academic fees, subscriptions and charges and for other purposes'.*
- Bill, as amended, considered and amendments agreed to; read a third time.
- Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.
- 21 **LOCAL GOVERNMENT (RESTORATION OF LOCAL DEMOCRACY TO MELTON) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Bill read a second time and, by leave, read a third time forthwith.
- Ordered — That a message be sent to the Legislative Council acquainting them that the Legislative Assembly has agreed to the Bill without amendment.

- 22 **ASSOCIATIONS INCORPORATION (AMENDMENT) BILL** – The Speaker announced the receipt of a message from the Legislative Council transmitting a Bill 'to amend the *Associations Incorporation Act 1981 in relation to the distribution of assets on voluntary winding up of an incorporated association and for other purposes*' and desiring the concurrence of the Legislative Assembly therein.

On the motion of Mr Haermeyer, the Bill transmitted by the foregoing message was read a first time, ordered to be printed and read a second time tomorrow.

- 23 **TRANSPORT (MISCELLANEOUS AMENDMENTS) BILL** – The Speaker announced the receipt of a message from the Legislative Council transmitting a Bill 'to amend the *Transport Act 1983 and the Rail Corporations Act 1996 and for other purposes*' and desiring the concurrence of the Legislative Assembly therein.

On the motion of Mr Batchelor, the Bill transmitted by the foregoing message was read a first time, ordered to be printed and read a second time tomorrow.

- 24 **PROJECT DEVELOPMENT AND CONSTRUCTION MANAGEMENT (AMENDMENT) BILL** – Order read for resuming debate on question – That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm  
pursuant to Sessional Orders.*

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

Debate continued on question – That this Bill be now read a second time.

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

Ordered – That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 25 **ORDER OF THE HOUSE READ AND RESCINDED** – Motion made, by leave, and question – That the Order of the House acquainting the Legislative Council that the House had agreed to the Local Government (*Restoration of Local Democracy to Melton*) Bill without amendment be read and rescinded; and that Orders of the House for the second and third readings be read and rescinded (*Mr Cameron*) – put and agreed to.

- 26 **LOCAL GOVERNMENT (RESTORATION OF LOCAL DEMOCRACY TO MELTON) BILL** – Order read for resuming debate on question – That this Bill be now read a second time.

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

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

Ordered – That a message be sent to the Legislative Council acquainting them that the Legislative Assembly has agreed to the Bill without amendment.

- 27 **HERITAGE (AMENDMENT) BILL** – Order read for resuming debate on question – That this Bill be now read a second time; debate resumed.

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

Ordered – That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 28 **ESSENTIAL SERVICES LEGISLATION (DISPUTE RESOLUTION) BILL** – The Acting Speaker announced the receipt of a message from the Legislative Council transmitting a Bill 'to amend the *Electricity Industry Act 1993, the Gas Industry Act 1994, the Water Industry Act 1994, the Water Act 1989 and the Melbourne Water Corporation Act 1992 to provide for customer dispute resolution and for other purposes*' and desiring the concurrence of the Legislative Assembly therein.

On the motion of Mr Brumby, the Bill transmitted by the foregoing message was read a first time, ordered to be printed and read a second time tomorrow.

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

- 30 **ADJOURNMENT** – Motion made and question proposed – That the House do now adjourn (*Mr Hulls*) – and, after debate –

And the House having continued to sit after 12 midnight –

THURSDAY 26 OCTOBER 2000

Question – put and agreed to.

And the House, at 12.17 am, adjourned until later this day.

R W PURDEY  
Clerk of the Legislative Assembly

A ANDRIANOPOULOS  
Speaker

## No 61 – Thursday 26 October 2000

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** – The Clerk announced that the following petitions had been lodged for presentation:

**Preschool Education** – Seeking that the Government – (a) immediately invests more substantially in preschool education for the benefit of Victoria's young children and their future; and (b) increases funding to preschools to at least equivalent to the national average, bearing 297 and 157 signatures (*by Dr Dean and Ms Duncan, respectively*)

**Seat Belts in buses transporting students** – Seeking that legislation be enacted which specifies that buses used to transport students must be fitted with seat belts for the protection and safety of these passengers, bearing 680 signatures (*by Dr Dean*).

Severally ordered to lie on the Table.

- 3 **PAPERS** –

**SHIRE OF MELTON INVESTIGATION** – Motion made, by leave, and question – That there be presented to this House a copy of the Report on the Investigation of the Allegations by Mr L Dobie of irregularities on the part of Officers of the Shire of Melton in regard to the construction of a section of road (*Mr Savage*) – put and agreed to.

The said report was presented by Mr Savage and 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:

Harness Racing Board – Report for the year 1999-2000

Queen Victoria Women's Centre Trust – Report for the year 1999-2000

Treasury Corporation of Victoria – Report for the year 1999-2000

Victorian Multicultural Commission – Report for the year 1999-2000.

- 4 **FINANCIAL AUDIT OF AUDITOR-GENERAL'S OFFICE** – Motion made, by leave, and question – That pursuant to section 17 of the *Audit Act 1994* and the recommendation contained in the Report of the Public Accounts and Estimates Committee on the Financial Audit of the Auditor-General's Office for 1999-2000 – Revised Audit Fees (Parliamentary Paper No 35, Session 1999-2000) the level of remuneration to be paid to Mr Douglas N Bartley of KPMG to complete the financial audit of the Victorian Auditor-General's Office for the 1999-2000 financial year be increased by \$9,000 to a total remuneration of \$24,000 (*Mr Batchelor*) – put and agreed to.

Ordered – That a message be sent to the Legislative Council acquainting them of the resolution and seeking their concurrence therein.

- 5 **STATEMENTS BY MEMBERS** – Statements by Members were made.
- 6 **POSTPONEMENT OF NOTICES OF MOTION** – Ordered – That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day.

- 7 **WRONGS (AMENDMENT) BILL** – Order read for resuming debate on question – That this Bill be now read a second time; debate resumed.

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

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

Ordered – That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 8 **TRANSPORT ACCIDENT (AMENDMENT) BILL** – Order read for resuming debate on question – That this Bill be now read a second time.

Pursuant to Sessional Orders, Mr Cameron announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

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

*Business having been interrupted at 2.00 pm  
pursuant to Sessional Orders.*

- 9 **QUESTIONS** – (Pursuant to Standing Order No 124).

- 10 **TRANSPORT ACCIDENT (AMENDMENT) BILL** – Debate resumed on question – That this Bill be now read a second time.

*Allocation of time – The Speaker advised that the time allocated for consideration of bills pursuant to resolution of the House on Tuesday 24 October 2000 had expired.*

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

Government amendments Nos 1 and 2 agreed to.

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

Ordered – That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

11 **POSTPONEMENT OF ORDERS OF THE DAY** – Ordered – That the consideration of Government Business, Orders of the Day, Nos 3 and 4, be postponed until later this day.

12 **FAIR EMPLOYMENT BILL** – Motion made and question proposed – That this Bill be now read a second time (*Mr Bracks*).

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

Ordered, after debate – That the debate be adjourned until Thursday 9 November 2000.

13 **MELBOURNE CITY LINK (MISCELLANEOUS AMENDMENTS) BILL** – Motion made and question proposed – That this Bill be now read a second time (*Mr Batchelor*).

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

Ordered, after debate – That the debate be adjourned until Thursday 9 November 2000.

14 **TRANSPORT (MISCELLANEOUS AMENDMENTS) BILL** – Motion made and question proposed – That this Bill be now read a second time (*Mr Batchelor*).

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

Ordered, after debate – That the debate be adjourned until Wednesday 1 November 2000.

15 **NURSES (AMENDMENT) BILL** – Motion made and question proposed – That this Bill be now read a second time (*Mr Thwaites*).

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

Ordered – That the debate be adjourned until Thursday 9 November 2000.

16 **GAMING ACTS (GAMING MACHINE LEVY) BILL** – Motion made and question proposed – That this Bill be now read a second time (*Mr Brumby*).

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

Ordered – That the debate be adjourned until Thursday 9 November 2000.

17 **ESSENTIAL SERVICES LEGISLATION (DISPUTE RESOLUTION) BILL** – Motion made and question proposed – That this Bill be now read a second time (*Mr Brumby*).

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

- Ordered – That the debate be adjourned until Wednesday 1 November 2000.
- 18 **RACING AND BETTING ACTS (AMENDMENT) BILL** – Motion made and question proposed – That this Bill be now read a second time (*Mr Hulls*).
- Motion made and question – That the debate be now adjourned (*Mr Mulder*) – put and agreed to.
- Ordered – That the debate be adjourned until Thursday 9 November 2000.
- 19 **MAGISTRATES' COURT (INFRINGEMENTS) BILL** – Motion made and question proposed – That this Bill be now read a second time (*Mr Hulls*).
- Motion made and question – That the debate be now adjourned (*Dr Dean*) – put and agreed to.
- Ordered – That the debate be adjourned until Thursday 9 November 2000.
- 20 **MAGISTRATES' COURT (COMMITTAL PROCEEDINGS) BILL** – Motion made and question proposed – That this Bill be now read a second time (*Mr Hulls*).
- Motion made and question – That the debate be now adjourned (*Dr Dean*) – put and agreed to.
- Ordered – That the debate be adjourned until Thursday 9 November 2000.
- 21 **GAMBLING LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** – Motion made and question proposed – That this Bill be now read a second time (*Mr Pandazopoulos*).
- Motion made and question – That the debate be now adjourned (*Mr Baillieu*) – put and agreed to.
- Ordered – That the debate be adjourned until Thursday 9 November 2000.
- 22 **GAMING NO. 2 (COMMUNITY BENEFIT) BILL** – Motion made and question proposed – That this Bill be now read a second time (*Mr Pandazopoulos*).
- Motion made and question – That the debate be now adjourned (*Mr Baillieu*) – put and agreed to.
- Ordered – That the debate be adjourned until Thursday 9 November 2000.
- 23 **COUNTRY FIRE AUTHORITY (AMENDMENT) BILL** – Motion made and question proposed – That this Bill be now read a second time (*Mr Haermeyer*).
- Motion made and question – That the debate be now adjourned (*Mr Wells*) – put and agreed to.
- Ordered – That the debate be adjourned until Thursday 9 November 2000.
- 24 **ASSOCIATIONS INCORPORATION (AMENDMENT) BILL** – Motion made and question proposed – That this Bill be now read a second time (*Mr Haermeyer*).
- Motion made and question – That the debate be now adjourned (*Dr Dean*) – put and agreed to.
- Ordered – That the debate be adjourned until Wednesday 1 November 2000.
- 25 **LAND (FURTHER REVOCATION OF RESERVATIONS) BILL** – Motion made and question proposed – That this Bill be now read a second time (*Ms Garbutt*).

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

Ordered – That the debate be adjourned until Thursday 9 November 2000.

- 26 **DOMESTIC (FERAL AND NUISANCE) ANIMALS (AMENDMENT) BILL** – Motion made and question proposed – That this Bill be now read a second time (*Mr Hamilton*).

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

Ordered – That the debate be adjourned until Thursday 9 November 2000.

- 27 **COURTS AND TRIBUNALS LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL**  
– The Acting Speaker announced the receipt of a message from the Legislative Council transmitting a Bill '*to amend the Administration and Probate Act 1958, the Evidence Act 1958, the Guardianship and Administration Act 1986, the Juries Act 2000 and the Supreme Court Act 1986 and for other purposes*' and desiring the concurrence of the Legislative Assembly therein.

On the motion of Mr Hulls, the Bill transmitted by the foregoing message was read a first time, ordered to be printed and read a second time tomorrow.

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

- 29 **ADJOURNMENT** – Resolved, after debate – That the House do now adjourn.

And the House, at 7.41 pm, adjourned until Tuesday 31 October 2000.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS  
Nos 62, 63 and 64

No 62 — Tuesday 31 October 2000

- 1 The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 3 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:

**Preschool Education** — Seeking that the Government — (a) immediately invests more substantially in preschool education for the benefit of Victoria's young children and their future; and (b) increases funding to preschools to at least equivalent to the national average, bearing 499 signatures (*by Mr Baillieu*).

Ordered to lie on the Table.

4 **PAPERS** —

**TREATY DOCUMENTS** — Motion made, by leave, and question — That there be presented to this House in accordance with the Government's Response to the former Federal-State Relations Committee's First Report — *International Treaty Making and the Role of the States (1997)* the following treaty documents:

Agreement between the Government of Australia and the Kingdom of Spain on Remunerated Employment for Dependants of Diplomatic, Consular, Administrative and Technical Personnel of Diplomatic and Consular Missions, Madrid — 6 March 2000

Amendments to Appendices I and II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora of 3 March 1973, Nairobi — April 2000

Treaty on Extradition between Australia and the Republic of Latvia, Riga — 14 July 2000

Exchange of notes constituting an agreement to further amend the exchange of letters constituting an agreement between Australia and Japan establishing an implementing arrangement pursuant to the agreement between Australia and Japan for Co-operation in the Peaceful Uses of Nuclear Energy of 5 March 1982 as amended, Canberra — 16 June and 1 August 2000

Exchange of notes constituting an agreement between Australia and the United States of America to further amend and extend the agreement concerning Space Vehicle Tracking and Communication Facilities of 29 May 1980 as amended, Canberra — 4 August 2000.

(*Mr Bracks*) — put and agreed to.

The said documents were presented by Mr Bracks and ordered to lie on the Table.



**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Ms Gillett, Chair, brought up a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 10 of 2000 on the Mineral Resources Development (Amendment) Bill, together with appendices.

Ordered to lie on the Table and to be printed.

**ENVIRONMENT AND NATURAL RESOURCES COMMITTEE** — Mr Seitz, Chair, brought up a report from the Environment and Natural Resources Committee upon the inquiry into the Control of Ovine Johne's Disease in Victoria, together with appendices, a minority report, extracts from the proceedings of the Committee, minutes of evidence and research investigation reports.

Ordered to lie on the Table and the report, appendices, minority report and extracts from the proceedings of the Committee 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, Community and Further Education Board — Report for the year 1999–2000
- Agriculture Victoria Services Pty Ltd — Report for the year 1999–2000
- Albury-Wodonga Development Corporation — Report for the year 1999–2000
- Architects Registration Board of Victoria — Report for the year 1999–2000
- Australian Grand Prix Corporation — Report for the year 1999–2000
- Board of Studies — Report for the year 1999–2000
- Building Control Commission — Report for the year 1999–2000
- Children's Court of Victoria — Report for the year 1999–2000
- Cinemia Corporation — Report for the year 1999–2000
- Docklands Authority — Report for the year 1999–2000
- Education, Employment and Training, Department of — Report for the year 1999–2000
- Emerald Tourist Railway Board — Report for the year 1999–2000
- Financial Management Act 1994* — Report from the Minister for Finance that she had not received the 1999–2000 annual report of VicFleet Pty Ltd, together with an explanation for the delay in tabling
- First Mildura Irrigation Trust — Report for the year 1999–2000
- Gambling Research Panel — Report for the period 10 May 2000 to 30 June 2000
- Gascor Pty Ltd — Report for the year 1999–2000
- Geelong Performing Arts Centre Trust — Report for the year 1999–2000
- Gippsland and Southern Rural Water Authority — Report for the year 1999–2000
- Goulburn-Murray Rural Water Authority — Report for the year 1999–2000
- Government Superannuation Office — Report for the year 1999–2000
- Greyhound Racing Control Board — Report for the year 1999–2000
- Heritage Council — Report for the year 1999–2000
- Infertility Treatment Authority — Report for the year 1999–2000
- Legal Practice Board — Report for the year 1999–2000
- Legal Practitioners Liability Committee — Report for the year 1999
- Library Board of Victoria — Report for the year 1999–2000

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- Marine Board of Victoria — Report for the year 1999–2000
- Melbourne 2006 Commonwealth Games Pty Ltd — Report for the period 15 July 1999 to 30 June 2000
- Melbourne and Olympic Parks Trust — Report for the year 1999–2000
- Melbourne Convention and Exhibition Trust — Report for the year 1999–2000
- Melbourne Market Authority — Report for the year 1999–2000
- Melbourne Port Corporation — Report for the year 1999–2000
- Melbourne Water Corporation — Report for the year 1999–2000
- Met Train 1 (Bayside Trains) — Report for the period 1 July 1999 to 23 December 1999
- Met Train 2 (Hillside Trains) — Report for the period 1 July 1999 to 23 December 1999
- Met Tram 1 (Swanston Trams) — Report for the period 1 July 1999 to 23 December 1999
- Met Tram 2 (Yarra Trams) — Report for the period 1 July 1999 to 23 December 1999
- Overseas Projects Corporation of Victoria Ltd — Report for the year 1999–2000
- Parks Victoria — Report for the year 1999–2000
- Parliamentary Committees Act 1968* — Response of the Premier and Treasurer on action taken with respect to the recommendations made by the Public Accounts and Estimates Committee report Reforms for Scrutinising the Budget Estimates
- Parliamentary Contributory Superannuation Fund — Report for the year 1999–2000
- Planning and Environment Act 1987*:
- Notices of approval of amendments to the following Planning Schemes:
- Baw Baw Planning Scheme — No C11
  - Boroondara Planning Scheme — No C4
  - Buloke Planning Scheme — No C1
  - Cardinia Planning Scheme — No C3
  - Darebin Planning Scheme — No C14
  - Hobsons Bay Planning Scheme — Nos C3, C13
  - Maroondah Planning Scheme — No C9 Part 1
  - Mitchell Planning Scheme — Nos C2, C4, C5
  - Wangaratta Planning Scheme — No C6
- Plumbing Industry Commission — Report for the year 1999–2000
- Premier and Cabinet, Department of — Report for the year 1999–2000
- Public Record Office Victoria — Report for the year 1999–2000
- Public Transport Corporation — Report for the year 1999–2000
- Regulator-General, Report of the Office for the year 1999–2000
- Roads Corporation (VicRoads) — Report for the year 1999–2000
- Royal Botanic Gardens Board — Report for the year 1999–2000
- State and Regional Development, Department of — Report for the year 1999–2000
- State Sport Centres Trust — Report for the year 1999–2000
- State Training Board — Report for the year 1999–2000
- State Trustees Limited — Report for the year 1999–2000 (together with Financial Statements of the Common Fund) (two papers)
- Sunraysia Rural Water Authority — Report for the year 1999–2000

Tourism Victoria — Report for the year 1999–2000  
 Transport Accident Commission — Report for the year 1999–2000  
 Treasury and Finance, Department of — Report for the year 1999–2000  
 Tricontinental Holdings Limited — Report for the year 1999  
 Urban Land Corporation — Report for the year 1999–2000  
 Victims of Crime Assistance Tribunal — Report for the year 1999–2000  
 Victoria Grants Commission — Report for the year ended 31 August 2000  
 Victorian Casino and Gaming Authority — Report for the year 1999–2000  
 Victorian Channels Authority — Report for the year 1999–2000  
 Victorian Coastal Council — Report for the year 1999–2000  
 Victorian Energy Networks Corporation — Report for the year 1999–2000  
 Victorian Government Purchasing Board — Report for the year 1999–2000  
 Victorian Institute of Sport — Report for the year 1999–2000 (two papers)  
 Victorian Meat Authority — Report for the year 1999–2000  
 Victorian Medical Consortium Pty Ltd — Report for the year 1999–2000  
 Victorian Relief Committee — Report for the year 1999–2000  
 Victorian WorkCover Authority — Report for the year 1999–2000  
 V/Line Passenger Corporation — Report for the year 1999–2000  
 Wimmera-Mallee Rural Water Authority — Report for the year 1999–2000  
 Young Farmers' Finance Council — Report for the year 1999–2000  
 Zoological Parks and Gardens Board — Report for the year 1999–2000.

The following proclamation fixing an operative date was laid upon the Table by the Clerk pursuant to an Order of the House dated 3 November 1999:

*Dairy Act 2000* — Section 65 on 27 October 2000 and remaining provisions on 31 October 2000 (*Gazette G43, 26 October 2000*).

- 5 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Acquainting the Assembly that they have concurred with the Assembly in agreeing that the level of remuneration to be paid to Mr Douglas N Bartley of KPMG, to complete the financial audit of the Victorian Auditor-General's Office for the 1999–2000 financial year, be increased by \$9,000 to a total remuneration of \$24,000.
- 6 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Information Privacy Bill with an amendment.  
 Ordered — That the said amendment be printed and taken into consideration tomorrow.
- 7 **MESSAGE FROM HIS EXCELLENCY THE GOVERNOR — ASSENT TO BILL** — Informing the Assembly that he had, that day, given the royal assent to the Local Government (Restoration of Local Democracy to Melton) Bill, presented to him by the Clerk of the Parliaments.
- 8 **SUSPENSION OF SESSIONAL ORDERS** — Motion made, by leave, and question — That so much of Sessional Orders be suspended on Wednesday 1 November 2000 to allow:

- (a) in substitution of a discussion on a Matter of Public Importance pursuant to Sessional Order 9, consideration of General Business Order of the Day No 7 and Government Business after Statements by Members; and
- (b) in the event of General Business Order of the Day No 7 not being disposed of at the conclusion of the time provided for under Sessional Order 9(7), such item shall be set down on the Notice Paper for the next sitting and any member speaking at that time may, upon the resumption of debate thereon, continue such speech.

(Mr Batchelor) — put and agreed to.

- 9 **MINERAL RESOURCES DEVELOPMENT (AMENDMENT) BILL** — Ms Garbutt, by leave, made a statement pursuant to s 85 of the *Constitution Act 1975* of the reasons why that section should be altered or varied by clause 70 of the Mineral Resources Development (Amendment) Bill in lieu of the statement in the second reading speech made in relation to the Bill on Thursday 5 October 2000.
- 10 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, pursuant to Sessional Order 6(3), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 2 November 2000:

Duties Bill  
 Crimes (Amendment) Bill  
 Agricultural Industry Development (Amendment) Bill  
 Mineral Resources Development (Amendment) Bill  
 Fisheries (Amendment) Bill  
 Statute Law Revision Bill  
 Transport (Miscellaneous Amendments) Bill  
 Essential Services Legislation (Dispute Resolution) Bill  
 Associations Incorporation (Amendment) Bill

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

- 11 **STATEMENTS BY MEMBERS** — Statements by Members were made.
- 12 **POSTPONEMENT OF NOTICES OF MOTION** — Ordered — That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day.
- 13 **COURTS AND TRIBUNALS LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Motion made and question proposed — That this Bill be now read a second time (Mr Hulls).

*Mr Hulls made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.*

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

Ordered — That the debate be adjourned until Tuesday 14 November 2000.

- 14 **DUTIES BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Bill read a second time and, by leave, read a third time forthwith.
- Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 15 **CRIMES (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.  
 Bill read a second time and, by leave, read a third time forthwith.  
 Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.
- 16 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:  
 Chief Electrical Inspector — Report of the Office for the year 1999–2000  
 Environment Protection Authority — Report for the year 1999–2000  
*Financial Management Act 1994* — Report from the Minister for Environment and Conservation that she had received the 1999–2000 Annual Reports of the:  
     Barwon Regional Waste Management Group  
     Central Murray Regional Waste Management Group  
     Eastern Regional Waste Management Group  
     Goulburn Valley Regional Waste Management Group  
     Mornington Peninsula Regional Waste Management Group  
     North East Victorian Regional Waste Management Group  
     Northern Regional Waste Management Group  
 Gas Safety — Report of the Office for the year 1999–2000  
 Hastings Port (Holding) Corporation — Report for the year 1999–2000  
 Human Services, Department of — Report for the year 1999–2000  
 Melbourne City Link Authority — Report for the year 1999–2000  
 Museums Board of Victoria — Report for the year 1999–2000  
 South Eastern Regional Waste Management Group — Report for the year 1999–2000  
 Sustainable Energy Authority Victoria — Report for the year 1999–2000  
 Victorian Rail Track (VicTrack) — Report for the year 1999–2000.
- 17 **AGRICULTURAL INDUSTRY DEVELOPMENT (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.  
*Business having been interrupted at 10.00 pm  
 pursuant to Sessional Orders.*
- 18 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.57 pm.

R W PURDEY  
 Clerk of the Legislative Assembly

A ANDRIANOPOULOS  
 Speaker

## No 63 — Wednesday 1 November 2000

- 1 The Speaker 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:
  - Crown Land (Reserves) Act 1978* — Section 17DA Order granting under s 17D a lease by Indigo Shire Council
  - Infrastructure, Department of — Report for the year 1999–2000
  - Justice, Department of — Report for the year 1999–2000
  - Melbourne City Link Act 1995* — Statement of Variation No 6/2000: Detailed Tolling Strategy
  - National Gallery of Victoria — Report of the Council of Trustees for the year 1999–2000.
- 3 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Planning and Environment (Restrictive Covenants) Bill with amendments.  
Ordered — That the said amendments be printed and taken into consideration tomorrow.
- 4 **STATEMENTS BY MEMBERS** — Statements by Members were made.
- 5 **PETROLEUM PRODUCTS (TERMINAL GATE PRICING) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.  
Mr Savage, by leave, announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.  
Debate resumed on question — That this Bill be now read a second time.  
*The Acting Speaker advised that the time allocated for consideration of the Petroleum Products (Terminal Gate Pricing) Bill pursuant to resolution of the House on Tuesday 31 October 2000 had expired.*
- 6 **ORDER OF THE HOUSE RESCINDED AND SUSPENSION OF SESSIONAL ORDERS** — Motion made, by leave, and question — That —
  - (1) The General Business Order of the Day for tomorrow relating to the Petroleum Products (Terminal Gate Pricing) Bill be read and rescinded and that it be made an Order of the Day forthwith;
  - (2) So much of Sessional Orders be suspended to allow consideration forthwith of the remaining stages of the Petroleum Products (Terminal Gate Pricing) Bill on the following basis:
    - (a) The time allotted for the remaining stages of the Bill be until 5.00 pm today;
    - (b) At 5.00 pm the Chair shall put forthwith the question on any amendment or motion already proposed from the Chair for the purpose of bringing to a conclusion any proceedings on the Bill; and
      - (i) as required, the remaining questions necessary for the passage of the Bill through the House and transmission to the Legislative Council shall be combined; and
      - (ii) in the case of the consideration of the Bill in Committee of the Whole or on any of the remaining stages at that time, the Chair shall put a combined question or a number of questions (the form and number being at the discretion of the Chair) disposing of any clauses and schedules and any

amendment and new clauses and schedules desired by the Member for Mildura — copies of which have been circulated by leave of the House at the commencement of this day's proceedings on the Bill — and any other questions required to dispose of the Bill before the Committee of the Whole or the House;

- (c) At the conclusion of consideration of the remaining stages of the Bill, whether prior to 5.00 pm or following an interruption pursuant to paragraph (b), the House shall proceed with Government Business in accordance with the Notice Paper.

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

- 7 **PETROLEUM PRODUCTS (TERMINAL GATE PRICING) BILL** — Debate continued on question — That this Bill be now read a second time. Bill read a second time.

*Business having been interrupted at 2.00 pm  
pursuant to Sessional Orders.*

- 8 **QUESTIONS** — (Pursuant to Standing Order No 124).

- 9 **PETROLEUM PRODUCTS (TERMINAL GATE PRICING) BILL** — Bill committed; considered in Committee and reported with amendments; as amended, considered, and amendments agreed to; read a third time.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 10 **POSTPONEMENT OF NOTICES OF MOTION** — Ordered — That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day.

- 11 **BUILDING (LEGIONELLA) BILL** — Mr Thwaites obtained leave, with Mr Batchelor, to bring in a Bill '*to amend the **Building Act 1993** and the **Health Act 1958** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.

- 12 **MARINE (AMENDMENT) BILL** — Mr Batchelor obtained leave, with Mr Brumby, to bring in a Bill '*to amend the **Marine Act 1988** to provide for the licensing of operators of recreational vessels and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.

- 13 **STATE TAXATION ACTS (FURTHER MISCELLANEOUS AMENDMENTS) BILL** — Mr Brumby obtained leave, with Ms Kosky, to bring in a Bill '*to make further miscellaneous amendments to the **First Home Owner Grant Act 2000**, the **Land Tax Act 1958**, the **Pay-roll Tax Act 1971**, the **Stamps Act 1958** and the **Taxation Administration Act 1997** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.

- 14 **STATUTE LAW AMENDMENT (AUTHORISED DEPOSIT-TAKING INSTITUTIONS) BILL** — Mr Brumby obtained leave, with Ms Kosky, to bring in a Bill '*to amend specified Acts so as to permit non-bank financial institutions to provide banking services to bodies regulated by statute and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.

- 15 **GAS INDUSTRY ACTS (AMENDMENT) BILL** — Mr Brumby obtained leave, with Ms Kosky, to bring in a Bill '*to amend the **Gas Industry Act 1994** to further regulate the gas industry, to amend the **Gas Safety Act 1997** and other Acts and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 16 **SUPERANNUATION ACTS (BENEFICIARY CHOICE) BILL** — Ms Kosky obtained leave, with Mr Brumby, to bring in a Bill '*to enable the commutation of certain pension entitlements and deferred benefit entitlements under the **State Superannuation Act 1988**, the **Police Regulation Act 1958**, the **State Employees Retirement Benefits Act 1979**, the **Superannuation (Portability) Act 1989** and the **Transport Superannuation Act 1988**, to make miscellaneous amendments to certain Superannuation Acts and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 17 **VICTORIAN QUALIFICATIONS AUTHORITY BILL** — Ms Kosky obtained leave, with Ms Delahunty (*Northcote*), to bring in a Bill '*to establish the Victorian Qualifications Authority and to reconstitute the State Training Board of Victoria as the Victorian Learning and Employment Skills Commission and to make consequential amendments to other Acts and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 18 **VICTORIAN CURRICULUM AND ASSESSMENT AUTHORITY BILL** — Ms Delahunty (*Northcote*) obtained leave, with Ms Kosky, to bring in a Bill '*to establish the Victorian Curriculum and Assessment Authority, to abolish the Board of Studies and to repeal the **Board of Studies Act 1993** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 19 **PROFESSIONAL BOXING AND MARTIAL ARTS (AMENDMENT) BILL** — Mr Pandazopoulos, after debate, obtained leave with Ms Delahunty (*Northcote*), to bring in a Bill '*to amend the **Professional Boxing and Martial Arts Act 1985** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 20 **ENVIRONMENT PROTECTION (LIVEABLE NEIGHBOURHOODS) BILL** — Ms Garbutt, after debate, obtained leave with Ms Delahunty (*Northcote*), to bring in a Bill '*to amend the **Environment Protection Act 1970** to include principles of environment protection, to provide for neighbourhood environment improvement plans and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 21 **UNIVERSITY OF MELBOURNE LAND BILL** — Ms Garbutt obtained leave, with Ms Delahunty (*Northcote*), to bring in a Bill '*to provide for the revocation of a reservation and a Crown grant relating to land at Parkville, to provide for the re-reservation of that land and the granting of a restricted Crown grant of that land to the University of Melbourne, to repeal the **Melbourne (Veterinary School) Lands Act 1970** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 22 **VICTORIAN ENVIRONMENTAL ASSESSMENT COUNCIL BILL** — Ms Garbutt, after debate, obtained leave with Ms Delahunty (*Northcote*), to bring in a Bill '*to establish the Victorian Environmental Assessment Council, to repeal the **Environment Conservation Council Act 1997** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 23 **FORESTRY RIGHTS (AMENDMENT) BILL** — Ms Garbutt obtained leave, with Ms Delahunty (*Northcote*), to bring in a Bill '*to amend the **Forestry Rights Act 1996** to provide for rights to exploit carbon sequestered by trees, to require consent to certain agreements under that*



*Act and for other purposes'*; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.

- 24 **MINERAL RESOURCES DEVELOPMENT (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Mr Hamilton announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

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

Bill read a second time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly and committed; considered in Committee.

Committee reported progress; to sit again later this day.

*Business having been interrupted at 10.00 pm  
pursuant to Sessional Orders.*

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

Further considered in Committee and reported with amendments; as amended, considered, and amendments agreed to.

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

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

Children and Young Persons (Reciprocal Arrangements) Bill  
Plant Health and Plant Products (Amendment) Bill  
Interpretation of Legislation (Amendment) Bill  
Anglican Trusts Corporations (Amendment) Bill  
Land (St. Kilda Sea Baths) Bill.

- 26 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 2 to 5 inclusive, be postponed until later this day.

- 27 **STATUTE LAW REVISION BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

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

- 29 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.  
And the House, at 11.30 pm, adjourned until tomorrow.

R W PURDEY  
Clerk of the Legislative Assembly

A ANDRIANOPOULOS  
Speaker

## No 64 — Thursday 2 November 2000

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
- Administrative Support for Preschools** — Seeking that immediate additional support be provided so that volunteer committees can receive targeted financial assistance for administrative support in managing their preschools, bearing 10,714 signatures (*by Mr Langdon*)
  - Preschool Education** — Seeking that the Government — (a) immediately invests more substantially in preschool education for the benefit of Victoria's young children and their future; and (b) increases funding to preschools to at least equivalent to the national average, bearing 525 and 356 signatures (*by Mr Langdon and Mr McArthur, respectively*).
- Severally ordered to lie on the Table.
- 3 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:
- Barwon Region Water Authority — Report for the year 1999–2000
  - Central Gippsland Region Water Authority — Report for the year 1999–2000
  - Central Highlands Region Water Authority — Report for the year 1999–2000
  - Coliban Region Water Authority — Report for the year 1999–2000 (two papers)
  - East Gippsland Region Water Authority — Report for the year 1999–2000
  - Financial Management Act 1994* — Report from the Minister for Health that he had received the 1999–2000 annual report of the Optometrists Registration Board of Victoria
  - Fisheries Co-Management Council — Report for the year 1999–2000
  - Glenelg Region Water Authority — Report for the year 1999–2000
  - Goulburn Valley Region Water Authority — Report for the year 1999–2000
  - Grampians Region Water Authority — Report for the year 1999–2000
  - Lower Murray Region Water Authority — Report for the year 1999–2000
  - Natural Resources and Environment, Department of — Report for the year 1999–2000 (two papers)
  - North East Region Water Authority — Report for the year 1999–2000
  - Portland Coast Region Water Authority — Report for the year 1999–2000

South Gippsland Region Water Authority — Report for the year 1999–2000

South West Water Authority — Report for the year 1999–2000

Victoria Legal Aid — Report for the year 1999–2000

Victorian Arts Centre Trust — Report for the year 1999–2000

Western Region Water Authority — Report for the year 1999–2000

Westernport Region Water Authority — Report for the year 1999–2000.

- 4 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourn until Tuesday 14 November 2000 (*Mr Batchelor*) — put and agreed to.
- 5 **STATEMENTS BY MEMBERS** — Statements by Members were made.
- 6 **POSTPONEMENT OF NOTICES OF MOTION** — Ordered — That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day.
- 7 **TRANSPORT (MISCELLANEOUS AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.  
Bill read a second time and, by leave, read a third time forthwith.  
Ordered — That a message be sent to the Legislative Council acquainting them that the Legislative Assembly has agreed to the Bill without amendment.
- 8 **ESSENTIAL SERVICES LEGISLATION (DISPUTE RESOLUTION) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.  
Bill read a second time and, by leave, read a third time forthwith.  
Ordered — That a message be sent to the Legislative Council acquainting them that the Legislative Assembly has agreed to the Bill without amendment.
- 9 **ASSOCIATIONS INCORPORATION (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.  
Bill read a second time and, by leave, read a third time forthwith.  
Ordered — That a message be sent to the Legislative Council acquainting them that the Legislative Assembly has agreed to the Bill without amendment.
- 10 **FISHERIES (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.  
*Business having been interrupted at 2.00 pm pursuant to Sessional Orders.*
- 11 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 12 **FISHERIES (AMENDMENT) BILL** — Debate resumed on question — That this Bill be now read a second time.  
*Allocation of time — The Acting Speaker advised that the time allocated for consideration of bills pursuant to resolution of the House on Tuesday 31 October 2000 had expired.*  
Question — That this Bill be now read a second and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 13 **AGRICULTURAL INDUSTRY DEVELOPMENT (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.  
 Question — That this Bill be now read a second and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.
- 14 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Training and Further Education Acts (Amendment) Bill without amendment.
- 15 **PAPER PURSUANT TO STATUTE** — The following Paper, pursuant the direction of an Act of Parliament, was laid upon the Table by the Clerk:  
 Victoria Police — Report for the year 1999–2000.
- 16 **MARINE (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).  
*Mr Batchelor made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.*  
 Motion made and question — That the debate be now adjourned (*Mr Perton*) — put and agreed to.  
 Ordered — That the debate be adjourned until Thursday 16 November 2000.
- 17 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 7, be postponed until later this day.
- 18 **BUILDING (LEGIONELLA) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Thwaites*).  
 Motion made and question — That the debate be now adjourned (*Mr Doyle*) — put and agreed to.  
 Ordered — That the debate be adjourned until Thursday 16 November 2000.
- 19 **STATUTE LAW AMENDMENT (AUTHORISED DEPOSIT-TAKING INSTITUTIONS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).  
 Motion made and question — That the debate be now adjourned (*Ms Asher*) — put and agreed to.  
 Ordered — That the debate be adjourned until Thursday 16 November 2000.
- 20 **GAS INDUSTRY ACTS (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).  
 Motion made and question — That the debate be now adjourned (*Ms Asher*) — put and agreed to.  
 Ordered — That the debate be adjourned until Thursday 16 November 2000.
- 21 **SUPERANNUATION ACTS (BENEFICIARY CHOICE) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Kosky*).  
 Motion made and question — That the debate be now adjourned (*Ms Asher*) — put and agreed to.  
 Ordered — That the debate be adjourned until Thursday 16 November 2000.

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- 22 **VICTORIAN QUALIFICATIONS AUTHORITY BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Kosky*).  
Motion made and question — That the debate be now adjourned (*Mr Baillieu*) — put and agreed to.  
Ordered — That the debate be adjourned until Thursday 16 November 2000.
- 23 **VICTORIAN CURRICULUM AND ASSESSMENT AUTHORITY BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Delahunty, Northcote*).  
Motion made and question — That the debate be now adjourned (*Mr Honeywood*) — put and agreed to.  
Ordered — That the debate be adjourned until Thursday 16 November 2000.
- 24 **PROFESSIONAL BOXING AND MARTIAL ARTS (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Pandazopoulos*).  
Motion made and question — That the debate be now adjourned (*Mr Baillieu*) — put and agreed to.  
Ordered — That the debate be adjourned until Thursday 16 November 2000.
- 25 **ENVIRONMENT PROTECTION (LIVEABLE NEIGHBOURHOODS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Garbutt*).  
Motion made and question — That the debate be now adjourned (*Mr Perton*) — put and agreed to.  
Ordered — That the debate be adjourned until Thursday 16 November 2000.
- 26 **UNIVERSITY OF MELBOURNE LAND BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Garbutt*).  
Motion made and question — That the debate be now adjourned (*Mr Perton*) — put and agreed to.  
Ordered — That the debate be adjourned until Thursday 16 November 2000.
- 27 **VICTORIAN ENVIRONMENTAL ASSESSMENT COUNCIL BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Garbutt*).  
Motion made and question — That the debate be now adjourned (*Mr Perton*) — put and agreed to.  
Ordered — That the debate be adjourned until Thursday 16 November 2000.
- 28 **FORESTRY RIGHTS (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Garbutt*).  
Motion made and question — That the debate be now adjourned (*Mr Perton*) — put and agreed to.  
Ordered — That the debate be adjourned until Thursday 16 November 2000.
- 29 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Ms Garbutt*) — put and agreed to.

30 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.  
And the House, at 6.52 pm, adjourned until Tuesday 14 November 2000.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS  
Nos 65, 66 and 67

No 65 — Tuesday 14 November 2000

- 1 The House met pursuant to adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 3 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Poker Machines in Beechworth** — Seeking that legislation be enacted which will — (a) give local government the power to reject the introduction of poker machines into their municipality; and/or (b) require the Victorian Casino and Gaming Authority to reject an application for a licence when there is clear community opposition to the introduction of poker machines into a specific community, bearing 1,528 signatures (*by Mr Plowman*)

**Preschool Education** — Seeking that the Government — (a) immediately invests more substantially in preschool education for the benefit of Victoria's young children and their future; and (b) increases funding to preschools to at least equivalent to the national average, bearing 72 and 44 signatures (*by Ms Allan, Bendigo East and Mr Maughan, respectively*)

**Rate Rises — City of Maribyrnong** — Seeking that action be taken in a reasonable and appropriate manner to rectify the excessive rate rises in the City of Maribyrnong, bearing 3,476 signatures (*by Ms Burke*).

Severally ordered to lie on the Table.

- 4 **PETITION — RATE RISES — CITY OF MARIBYRNONG** — Motion made and question — That the petition presented by the Member for Prahran relating to rate rises in the City of Maribyrnong be taken into consideration tomorrow (*Ms Burke*) — put and agreed to.
- 5 **PETITION — POKER MACHINES IN BEECHWORTH** — Motion made and question — That the petition presented by the Member for Benambra relating to legislation being enacted to give local government the power to reject the introduction of poker machines into their municipality be taken into consideration tomorrow (*Mr Plowman*) — put and agreed to.
- 6 **PAPERS** —  
**HEALTH SERVICES COMMISSIONER** — Motion made, by leave, and question — That there be presented to this House a copy of the Report of the Health Services Commissioner for the year 1999–2000 (*Mr Thwaites*) — put and agreed to.

The said report was presented by Mr Thwaites and ordered to lie on the Table.

**FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE** — Mr Lim, Chair, brought up a report from the Family and Community Development Committee upon its Inquiry into the

effects of Television and Multimedia on Children and Families in Victoria, together with appendices, extracts from the proceedings, a minority report and minutes of evidence.

Ordered to lie on the Table and the report, appendices, extracts from the proceedings and minority report to be printed.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Ms Gillett, Chair, brought up a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 11 of 2000 on the:

Building (Legionella) Bill  
 Children and Young Persons (Reciprocal Arrangements) Bill  
 Country Fire Authority (Amendment) Bill  
 Crimes (Further Amendment) Bill  
 Domestic (Feral and Nuisance) Animals (Amendment) Bill  
 Environment Protection (Liveable Neighbourhoods) Bill  
 Fair Employment Bill  
 Forestry Rights (Amendment) Bill  
 Gambling Legislation (Miscellaneous Amendments) Bill  
 Gaming Acts (Gaming Machine Levy) Bill  
 Gaming No. 2 (Community Benefit) Bill  
 Gas Industry Acts (Amendment) Bill  
 Land (Further Revocation of Reservations) Bill  
 Magistrates' Court (Committal Proceedings) Bill  
 Magistrates' Court (Infringements) Bill  
 Marine (Amendment) Bill  
 Melbourne City Link (Miscellaneous Amendments) Bill  
 Nurses (Amendment) Bill  
 Professional Boxing and Martial Arts (Amendment) Bill  
 Public Lotteries Bill  
 Racing and Betting Acts (Amendment) Bill  
 Statute Law Amendment (Authorised Deposit-taking Institutions) Bill  
 Superannuation Acts (Beneficiary Choice) Bill  
 University of Melbourne Land Bill  
 Victorian Curriculum and Assessment Authority Bill  
 Victorian Environmental Assessment Council Bill  
 Victorian Qualification Authority Bill  
 Whistleblowers Protection Bill

together with appendices

Ordered to lie on the Table and to be printed.

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

Auditor-General — Report on the Finances of the State of Victoria for the year 1999–2000  
 — Ordered to be printed

Dental Health Services Victoria — Report for the year 1999–2000

Equal Opportunity Commission — Report for the year 1999–2000 — Ordered to be printed

*Financial Management Act 1994:*

Report from the Attorney-General that he had not received the 1999–2000 annual report of the Legal Ombudsman, together with an explanation for the delay in tabling



Reports from the Minister for Agriculture that he had received the 1999–2000 annual reports of the:

Victorian Broiler Industry Negotiation Committee  
Victorian Strawberry Industry Development Committee

Report from the Minister for Environment and Conservation that she had received the 1999–2000 annual report of the Highlands Regional Waste Management Group

Reports from the Minister for Health that he had received the 1999–2000 annual reports of the:

Alexandra and District Ambulance Service  
Nurses Board of Victoria  
Physiotherapists Registration Board of Victoria  
Podiatrists Registration Board of Victoria

*Health Services Act 1988* — Report of the Community Visitors for the year 1999–2000 — Ordered to be printed

*Interpretation of Legislation Act 1984* — Notice under s 32(3)(a)(iii) in relation to Statutory Rule No 93

Pharmacy Board of Victoria — Report for the year 1999–2000

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

Ballarat Planning Scheme — No C17  
Baw Baw Planning Scheme — No C10 (Part 1)  
Boroondara Planning Scheme — No C11  
Casey Planning Scheme — No C24  
East Gippsland Planning Scheme — No C1  
Horsham Planning Scheme — Nos C3, C4  
Hume Planning Scheme — No C2  
Macedon Ranges Planning Scheme — No C4  
Maroondah Planning Scheme — No C5  
Melbourne Planning Scheme — No C35  
Mildura Planning Scheme — No C3 (Part 1)  
Moorabool Planning Scheme — No C1  
Mornington Peninsula Planning Scheme — No C22  
Mount Alexander Planning Scheme — No C4  
Murrindindi Planning Scheme — No C4  
Stonnington Planning Scheme — No C1  
Wyndham Planning Scheme — No C15

Public Advocate — Report of the Office for the year 1999–2000 — Ordered to be printed

Public Employment Office — Report for the year 1999–2000

Public Prosecutions — Report of the Director, Committee and Office for the year 1999–2000

Radiation Advisory Committee — Report for the year ended 30 September 2000

Rural Ambulance Victoria — Report for the year 1999–2000

Statutory Rules under the following Acts:

*Building Act 1993*—SR Nos 109, 110

*Fisheries Act 1995* — SR No 107

*Victorian Civil and Administrative Tribunal Act 1998* — SR No 108

*Subordinate Legislation Act 1994* — Minister's exception certificate in relation to Statutory Rule No 108

Victorian Electoral Commission — Report for the year 1999–2000

Victorian Dairy Industry Authority — Report for the year 1999–2000

Victorian Institute of Forensic Medicine — Report for the year 1999–2000

Victorian Institute of Forensic Mental Health — Report for the year 1999–2000

The following proclamations fixing operative dates were laid upon the Table by the Clerk pursuant to an Order of the House dated 3 November 1999:

*Chinese Medicine Registration Act 2000* — Parts 1, 6 and 7 and s 95 on 1 December 2000 (*Gazette G45, 9 November 2000*)

*Interactive Gaming (Player Protection) Act 1999* — Remaining provisions on 9 November 2000 (*Gazette G45, 9 November 2000*).

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

Tattersall Consultations (Amendment) Bill

Water Industry (Amendment) Bill.

**8 MESSAGE FROM HIS EXCELLENCY THE GOVERNOR — ASSENT TO BILLS** — Informing the Assembly that he had, on 8 November 2000, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Anglican Trusts Corporation (Amendment) Bill

Associations Incorporation (Amendment) Bill

Children and Young persons (Reciprocal Arrangements) Bill

Essential Services Legislation (Dispute Resolution) Bill

Interpretation of Legislation (Amendment) Bill

Land (St. Kilda Sea Baths) Bill

Plant Health and Plant Products (Amendment) Bill

Tattersall Consultations (Amendment) Bill

Training and Further Education Acts (Amendment) Bill

Transport (Miscellaneous Amendments) Bill

Water Industry (Amendment) Bill.

**9 MESSAGES FROM HIS EXCELLENCY THE GOVERNOR** — The Speaker announced the presentation of messages from His Excellency the Governor recommending appropriations for the purposes of the following bills:

Building (Legionella) Bill

Country Fire Authority (Amendment) Bill

Domestic (Feral and Nuisance) Animals (Amendment) Bill

Environment Protection (Liveable Neighbourhoods) Bill

Fair Employment Bill

Gaming Acts (Gaming Machine Levy) Bill

Gas Industry Acts (Amendment) Bill

Land (Further Revocation of Reservations) Bill

Magistrates' Court (Infringements) Bill

Marine (Amendment) Bill

Melbourne City Link (Miscellaneous Amendments) Bill

Professional Boxing and Martial Arts (Amendment) Bill

Superannuation Acts (Beneficiary Choice) Bill

University of Melbourne Land Bill  
 Victorian Curriculum and Assessment Authority Bill  
 Victorian Environmental Assessment Council Bill  
 Victorian Qualifications Authority Bill.

10 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question proposed — That, pursuant to Sessional Order 6(3), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 16 November 2000:

Fair Employment Bill  
 Melbourne City Link (Miscellaneous Amendments) Bill  
 Nurses (Amendment) Bill  
 Gaming Acts (Gaming Machine Levy) Bill  
 Gambling Legislation (Miscellaneous Amendments) Bill  
 Gaming No. 2 (Community Benefit) Bill  
 Country Fire Authority (Amendment) Bill  
 Magistrates' Court (Committal Proceedings) Bill  
 Domestic (Feral and Nuisance) Animals (Amendment) Bill

(*Mr Batchelor*).

Amendment proposed — That the words 'Fair Employment Bill' be omitted from the motion (*Dr Napthine*) — and, after debate —

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

The House divided.

AYES, 46

Ms Allan ( <i>Bendigo East</i> )	Ms Delahunty ( <i>Northcote</i> )	Ms Kosky	Mr Robinson
Ms Allen ( <i>Benalla</i> )	Ms Duncan	Mr Leighton	Mr Savage
Ms Barker	Ms Garbutt	Mr Lenders	Mr Seitz
Mr Batchelor	Ms Gillett	Mr Lim	Mr Stensholt
Ms Beattie	Mr Haermeyer	Ms Lindell	Mr Thwaites
Mr Bracks	Mr Hamilton	Mr Loney	Mr Trezise
Mr Brumby	Mr Hardman	Mrs Maddigan	Mr Viney
Mr Cameron	Mr Helper	Mr Maxfield	Mr Wynne
Ms Campbell	Mr Holding	Mr Mildenhall	
Mr Carli	Mr Howard	Mr Nardella	
Ms Davies	Mr Hulls	Ms Overington	<i>Tellers</i>
	Mr Ingram	Mr Pandazopoulos	Mr Langdon
		Ms Pike	Mr Languiller

## NOES, 41

Ms Asher	Mrs Elliott	Mr Maclellan	Mrs Shardey
Mr Ashley	Mrs Fyffe	Mr Mulder	Mr Spry
Mr Baillieu	Mr Honeywood	Dr Napthine	Mr Steggall
Ms Burke	Mr Jasper	Mr Paterson	Mr Thompson
Mr Clark	Mr Kilgour	Mr Perton	Mr Vogels
Mr Cooper	Mr Kotsiras	Mrs Peulich	Mr Wells
Dr Dean	Mr Leigh	Mr Phillips	Mr Wilson
Mr Delahunty ( <i>Wimmera</i> )	Mr Lupton	Mr Plowman	
Mr Dixon	Mr McArthur	Mr Richardson	<i>Tellers</i>
Mr Doyle	Ms McCall	Mr Rowe	Mr Maughan
	Mr McIntosh	Mr Ryan	Mr Smith

And so it was resolved in the affirmative.

Original motion — put and agreed to.

- 11 **STATEMENTS BY MEMBERS** — Statements by Members were made.
- 12 **POSTPONEMENT OF NOTICES OF MOTION** — Ordered — That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day.
- 13 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 1 to 15 inclusive, be postponed until later this day.
- 14 **STATE TAXATION ACTS (FURTHER MISCELLANEOUS AMENDMENTS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).
- Mr Brumby made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.*
- Motion made and question — That the debate be now adjourned (*Ms Asher*) — put and agreed to.
- Motion made and question proposed — That the debate be adjourned for one week (*Mr Brumby*).
- Amendment proposed — That the words 'one week' be omitted with the view of inserting in place thereof the words 'two weeks' (*Ms Asher*) — and, after debate —
- Question — That the words proposed to be omitted stand part of the question — put and negatived.
- Question — That the words proposed to be inserted be so inserted — put and agreed to.
- Ordered — That the debate be adjourned until Tuesday 28 November 2000.
- 15 **FAIR EMPLOYMENT BILL** — Order read for resuming debate on question — That this Bill be now read a second time.
- Pursuant to Sessional Orders, Mr Brumby announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.
- Debate resumed on question — That this Bill be now read a second time.
- Amendment proposed — That all the words after 'That' be omitted with the view of inserting in place thereof the words 'this House refuses to read this Bill a second time until adequate

community consultation has been conducted on the economic, employment, social and business impacts of the legislation' (*Dr Naphine*) — and, after debate —

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

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

- 16 **MELBOURNE CITY LINK (MISCELLANEOUS AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

*Business having been interrupted at 10.00 pm  
pursuant to Sessional Orders.*

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

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

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

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

- 18 **GAMING ACTS (GAMING MACHINE LEVY) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

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

Electricity Industry Bill

Electricity Industry Legislation (Miscellaneous Amendments) Bill.

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

- 21 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

And the House, at 11.52 pm, adjourned until tomorrow.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

## No 66 — Wednesday 15 November 2000

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

- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
- Preschool Education** — Seeking that the Government — (a) immediately invests more substantially in preschool education for the benefit of Victoria's young children and their future; and (b) increases funding to preschools to at least equivalent to the national average, bearing 55 and 41 signatures (*by Mr Stensholt and Mr Kilgour, respectively*).
- Severally ordered to lie on the Table.
- 3 **PAPER** —
- PRIVILEGES COMMITTEE** — Mr Loney, Chair, brought up a report from the Privileges Committee on the right of reply for Mr Frank Webber, a person referred to in the Legislative Assembly, together with an appendix.
- Ordered to lie on the Table and to be printed.
- 4 **STATEMENTS BY MEMBERS** — Statements by Members were made.
- 5 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.
- 6 **POSTPONEMENT OF NOTICES OF MOTION** — Ordered — That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day.
- 7 **GAMBLING LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Motion made and question — That it be an instruction to the Committee that they have power to consider amendments to the *Gaming and Betting Act 1994* to provide for an increase in commissions and taxes for totalisators in relation to racing and sports betting competitions (*Mr Pandazopoulos*) — put and agreed to.
- 8 **HEALTH SERVICES (AMENDMENT) BILL** — Mr Thwaites obtained leave, with Ms Campbell, to bring in a Bill '*to amend the Health Services Act 1988 to provide for elected and appointed members of boards of community health centres and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 9 **FAIR EMPLOYMENT BILL** — Order read for resuming debate on question — That this Bill be now read a second time — *and on the amendment* — That all the words after 'That' be omitted with the view of inserting in place thereof the words 'this House refuses to read this Bill a second time until adequate community consultation has been conducted on the economic, employment, social and business impacts of the legislation'; debate resumed.
- Business having been interrupted at 2.00 pm  
pursuant to Sessional Orders.*
- 10 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 11 **FAIR EMPLOYMENT BILL** — Debate resumed on question — That this Bill be now read a second time — *and on the amendment* — That all the words after 'That' be omitted with the view of inserting in place thereof the words 'this House refuses to read this Bill a second time until adequate community consultation has been conducted on the economic, employment, social and business impacts of the legislation'.

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

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

- 12 **CRIMES (FURTHER AMENDMENT) BILL** — The Acting Speaker announced the receipt of a message from the Legislative Council transmitting a Bill *'to amend the Crimes Act 1958'* and desiring the concurrence of the Legislative Assembly therein.

On the motion of Dr Dean, the Bill transmitted by the foregoing message was read a first time, ordered to be printed and, by leave, read a second time forthwith.

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

Ordered — That the debate be adjourned until Wednesday 29 November 2000.

- 13 **DOMESTIC (FERAL AND NUISANCE) ANIMALS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Mr Hamilton announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

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

Bill read a second time and committed; considered in Committee and reported with amendments; as amended, considered, and amendments agreed to; read a third time.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 14 **MAGISTRATES' COURT (COMMITTAL PROCEEDINGS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

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

Petroleum Products (Terminal Gate Pricing) Bill  
Public Lotteries Bill.

- 16 **COUNTRY FIRE AUTHORITY (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Mr Kilgour announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

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

*Business having been interrupted at 10.00 pm  
pursuant to Sessional Orders.*

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

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

Bill read a second time and committed; considered in Committee and reported without amendment; read a third time.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 17 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Batchelor*) — put and agreed to.
- 18 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.  
And the House, at 11.55 pm, adjourned until tomorrow.

R W PURDEY  
Clerk of the Legislative Assembly

A ANDRIANOPOULOS  
Speaker

## No 67 — Thursday 16 November 2000

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Speed Limit — Rocklands Reservoir** — Seeking that immediate action be taken to impose a maximum speed limit of 8 knots in all areas of Rocklands Reservoir, except the existing designated water-ski area located near the dam wall, bearing 191 signatures (*by Dr Naphthine*)

**Speed Limit — Hamilton Highway through Tarrington** — Seeking that the speed limit which applies to the Hamilton Highway through Tarrington be reduced from 70 km to 60 km per hour and to 50 km per hour through the school area during school hours, bearing 55 signatures (*by Dr Naphthine*)

**Djerriwarrh, Bacchus Marsh and Melton Hospital** — Seeking that funds be injected into the Djerriwarrh, Bacchus Marsh and Melton Hospital to enable its operating theatres to be upgraded, bearing 759 signatures (*by Mr Nardella*).

Severally ordered to lie on the Table.

- 3 **PAPERS** —

**RESPONSE BY MINISTER FOR FINANCE TO THE AUDITOR-GENERAL'S REPORTS** — Motion made, by leave, and question — That there be presented to this House a copy of the Minister for Finance's Reponse to the Auditor-General's Report on Ministerial Portfolios, June 2000 and Performance Audit Reports Nos 61 to 65 tabled during 1999-2000 (*Mr Batchelor*) — put and agreed to.

The said report was presented by Mr Batchelor and ordered to lie on the Table.

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

Auditor-General — Performance Audit Report — Non-metropolitan urban water authorities: Enhancing performance and accountability — Ordered to be printed



Country Fire Authority — Report for the year 1999–2000, together with an explanation for the delay in tabling

*Financial Management Act 1994* — Reports from the Minister for Health that he had received the 1999–2000 annual reports of the:

Advanced Dental Technicians Qualifications Board  
Dental Technicians Licensing Committee

*Financial Management Regulations 1994* — Order in Council pursuant to Regulation 11 — Authorisation of expenditure of a Royal Commission

*Mental Health Act 1986* — Report of the Community Visitors for the year 1999–2000

Intellectual Disability Review Panel — Report for the year 1999–2000

Mental Health Review Board and Psychosurgery Review Board — Report for the year 1999–2000

Metropolitan Fire and Emergency Services Board — Report for the year 1999–2000, together with an explanation for the delay in tabling.

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

Heritage (Amendment) Bill  
Project Development and Construction Management (Amendment) Bill  
Statute Law Revision Bill  
Wrongs (Amendment) Bill.

**5 STATEMENTS BY MEMBERS** — Statements by Members were made.

**6 POSTPONEMENT OF NOTICES OF MOTION** — Ordered — That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day.

**7 GAMBLING LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Mr Pandazopoulos announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

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

Bill read a second time and committed; considered in Committee and reported with amendments; as amended, considered, and amendments agreed to; read a third time.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

**8 GAMING NO. 2 (COMMUNITY BENEFIT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Mr Baillieu announced that it was proposed to move an amendment in Committee and requested that it be circulated. Amendment circulated.

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

Bill read a second time and committed; considered in Committee and reported with an amendment; as amended, considered, and amendment agreed to; read a third time.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 9 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 3, be postponed until later this day.
- 10 **FAIR EMPLOYMENT BILL** — Order read for resuming debate on question — That this Bill be now read a second time — *and on the amendment* — That all the words after 'That' be omitted with the view of inserting in place thereof the words 'this House refuses to read this Bill a second time until adequate community consultation has been conducted on the economic, employment, social and business impacts of the legislation'; debate resumed.
- Business having been interrupted at 2.00 pm  
pursuant to Sessional Orders.*
- 11 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 12 **FAIR EMPLOYMENT BILL** — Debate resumed on question — That this Bill be now read a second time — *and on the amendment* — That all the words after 'That' be omitted with the view of inserting in place thereof the words 'this House refuses to read this Bill a second time until adequate community consultation has been conducted on the economic, employment, social and business impacts of the legislation'.
- Motion made and question — That the debate be now adjourned (*Mr Cameron*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 13 **GOVERNMENT BUSINESS PROGRAM** — Motion made, by leave, and question — That the Government Business Program resolution agreed to by this House on 14 November 2000 be amended by omitting the Nurses (Amendment) Bill (*Mr Batchelor*) — put and agreed to.
- 14 **NURSES (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.
- Mr Thwaites, by leave, announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.
- Mr Doyle, by leave, announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.
- Mr Savage, by leave, announced that it was proposed to move an amendment in Committee and requested that it be circulated. Amendment circulated.
- Debate resumed on question — That this Bill be now read a second time.
- Bill read a second time and committed; considered in Committee and reported with amendments; as amended, considered, and amendments agreed to; read a third time.
- Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.
- 15 **FAIR EMPLOYMENT BILL** — Order read for resuming debate on question — That this Bill be now read a second time — *and on the amendment* — That all the words after 'That' be omitted with the view of inserting in place thereof the words 'this House refuses to read this Bill a second time until adequate community consultation has been conducted on the economic, employment, social and business impacts of the legislation'; debate resumed.
- Allocation of time — The Speaker advised that the time allocated for consideration of bills pursuant to resolution of the House on Tuesday 14 November 2000 had expired.*
- Question — That the words proposed to be omitted stand part of the question — put.

The House divided.

AYES, 46

Ms Allan ( <i>Bendigo East</i> )	Ms Delahunty ( <i>Northcote</i> )	Ms Kosky	Ms Pike
Ms Allen ( <i>Benalla</i> )	Ms Duncan	Mr Languiller	Mr Robinson
Ms Barker	Ms Garbutt	Mr Leighton	Mr Savage
Mr Batchelor	Ms Gillett	Mr Lenders	Mr Seitz
Ms Beattie	Mr Haermeyer	Mr Lim	Mr Thwaites
Mr Bracks	Mr Hamilton	Ms Lindell	Mr Trezise
Mr Brumby	Mr Hardman	Mr Loney	Mr Viney
Mr Cameron	Mr Helper	Mrs Maddigan	Mr Wynne
Ms Campbell	Mr Holding	Mr Maxfield	
Mr Carli	Mr Howard	Mr Mildenhall	<i>Tellers</i>
Ms Davies	Mr Howard	Mr Nardella	Mr Langdon
	Mr Hulls	Ms Overington	Mr Stensholt
	Mr Ingram	Mr Pandazopoulos	

NOES, 41

Ms Asher	Ms Fyffe	Dr Napthine	Mr Thompson
Mr Ashley	Mr Honeywood	Mr Paterson	Mr Vogels
Mr Baillieu	Mr Jasper	Mr Perton	Mr Wells
Ms Burke	Mr Kilgour	Mrs Peulich	Mr Wilson
Mr Clark	Mr Kotsiras	Mr Phillips	
Mr Cooper	Mr Leigh	Mr Plowman	
Dr Dean	Mr Lupton	Mr Richardson	
Mr Delahunty ( <i>Wimmera</i> )	Mr McArthur	Mr Rowe	
Mr Dixon	Ms McCall	Mr Ryan	<i>Tellers</i>
Mr Doyle	Mr McIntosh	Mrs Shardey	Mr Maughan
Mrs Elliott	Mr Maclellan	Mr Spry	Mr Smith
	Mr Mulder	Mr Steggall	

And so it was resolved in the affirmative.

Question — That this Bill be now read a second time, Government amendments Nos 1 to 35 inclusive be agreed to, the Bill be read a third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

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

Duties Bill  
Crimes (Amendment) Bill.

- 17 **HEALTH SERVICES (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Thwaites*).

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

Ordered — That the debate be adjourned until Thursday 30 November 2000.

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

- 19 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.  
And the House, at 4.52 pm, adjourned until Tuesday 21 November 2000.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS  
Nos 68, 69 and 70

No 68 — Tuesday 21 November 2000

- 1 The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 3 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:
  - Administrative Support for Preschools** — Seeking that immediate additional support be provided so that volunteer committees can receive targeted financial assistance for administrative support in managing their preschools, bearing 80 signatures (*by Mr Langdon*).Ordered to lie on the Table.
- 4 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:
  - Auditor-General — Performance Audit Report — Services for people with an intellectual disability — Ordered to be printed
  - EcoRecycle Victoria — Report for the year 1999–2000
  - Environment Protection Act 1970* — Order varying Industrial Waste Management Policy (Control of Ozone-Depleting Substances) (*Government Gazette G46, 16 November 2000*)
  - Members of Parliament (Register of Interests) Act 1978* — Cumulative Summary of Returns September 2000 — Ordered to be printed
  - Planning and Environment Act 1987*:
    - Notice of approval of the new Monash Planning Scheme
    - Notices of approval of amendments to the following Planning Schemes:
      - Campaspe Planning Scheme — No C8
      - Casey Planning Scheme — No C22
  - Statutory Rules under the following Acts:
    - Education Act 1958* — SR No 111
    - Health Act 1958* — SR No 113
    - Interactive Gaming (Player Protection) Act 1999* — SR No 112
    - Road Safety Act 1986* — SR No 114
  - Subordinate Legislation Act 1994*:
    - Ministers' exemption certificates in relation to Statutory Rules Nos 113, 114.
- 5 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Mineral Resources Development (Amendment) Bill without amendment.

- 6 **MESSAGE FROM HER EXCELLENCY THE LIEUTENANT-GOVERNOR AS DEPUTY FOR HIS EXCELLENCY THE GOVERNOR — ASSENT TO BILLS** — Informing the Assembly that she had, that day, given the royal assent to the following bills, presented to her by the Clerk of the Parliaments:
- Crimes (Amendment) Bill
  - Electricity Industry Bill
  - Electricity Industry Legislation (Miscellaneous Amendments) Bill
  - Heritage (Amendment) Bill
  - Petroleum Products (Terminal Gate Pricing) Bill
  - Project Development and Construction Management (Amendment) Bill
  - Public Lotteries Bill
  - Statute Law Revision Bill
  - Wrongs (Amendment) Bill.
- 7 **MESSAGES FROM HER EXCELLENCY THE LIEUTENANT-GOVERNOR AS DEPUTY FOR HIS EXCELLENCY THE GOVERNOR** — The Speaker announced the presentation of messages from Her Excellency the Lieutenant-Governor recommending appropriations for the purposes of the following bills:
- Health Services (Amendment) Bill
  - State Taxation Acts (Further Miscellaneous Amendments) Bill.
- 8 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, pursuant to Sessional Order 6(3), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 5.00 pm on Thursday 23 November 2000:
- Marine (Amendment) Bill
  - Courts and Tribunals Legislation (Miscellaneous Amendments) Bill
  - Building (Legionella) Bill
  - Gas Industry Acts (Amendment) Bill
  - Superannuation Acts (Beneficiary Choice) Bill
  - Victorian Qualifications Authority Bill
  - Victorian Curriculum and Assessment Authority Bill
  - University of Melbourne Land Bill
  - Magistrates' Court (Infringements) Bill
  - Information Privacy Bill — Amendment of the Legislative Council
  - Planning and Environment (Restrictive Covenants) Bill — Amendments of the Legislative Council
- (Mr Batchelor)* — put, after debate, and agreed to.
- 9 **STATEMENTS BY MEMBERS** — Statements by Members were made.
- 10 **POSTPONEMENT OF NOTICES OF MOTION** — Ordered — That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day.
- 11 **MARINE (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Bill read a second time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.
- By leave, Bill read a third time forthwith with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 12 **COURTS AND TRIBUNALS LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

Ordered — That a message be sent to the Legislative Council acquainting them that the Legislative Assembly has agreed to the Bill without amendment.

- 13 **BUILDING (LEGIONELLA) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm  
pursuant to Sessional Orders.*

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

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

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 14 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Transport Accident (Amendment) Bill with amendments.

Ordered — That the said amendments be printed and taken into consideration tomorrow.

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

- 16 **ADJOURNMENT** — Motion made and question proposed — That the House do now adjourn (*Mr Thwaites*) — and, after debate —

And the House having continued to sit after 12 midnight —

WEDNESDAY 22 NOVEMBER 2000

Question — put and agreed to.

And the House, at 12.30 am, adjourned until later this day.

## No 69 — Wednesday 22 November 2000

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:
  - Monash Pass** — Seeking that a Monash Pass be introduced on the Southern part of City Link, bearing 194 signatures (*by Mr Stensholt*)
 Ordered to lie on the Table.
- 3 **PETITION — MONASH PASS** — Motion made and question — That the petition presented by the Member for Burwood relating to the introduction of a Monash Pass on the Southern part of the City Link be taken into consideration tomorrow (*Mr Stensholt*) — put and agreed to.
- 4 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:
  - Auditor-General — Performance Audit Report — Grants to non-government organisations: Improving accountability — Ordered to be printed
  - Barwon Health — Report for the year 1999–2000
  - Casterton Memorial Hospital — Report for the year 1999–2000
  - Colac Community Health Service — Report for the year 1999–2000
  - Coleraine and District Hospital — Report for the year 1999–2000
  - Financial Management Act 1994* — Report from the Minister for Consumer Affairs that she had not received the Residential Tenancies Bond Authority 1999–2000 annual report, together with an explanation for the delay in tabling
  - Freedom of Information Act 1982* — Report of the Attorney-General on the operation of the Act for the year 1999–2000
  - Hesse Rural Health Service — Report for the year 1999–2000
  - Heywood and District Memorial Hospital — Report for the year 1999–2000
  - Infrastructure, Department of — Report for the year 1999–2000 (*in lieu of Report previously tabled on Wednesday 1 November 2000*)
  - Lorne Community Hospital — Report for the year 1999–2000
  - Moyne Health Services — Report for the year 1999–2000
  - Otway Health and Community Services — Report for the year 1999–2000
  - Portland and District Hospital — Report for the year 1999–2000
  - South West Healthcare — Report for the year 1999–2000
  - Timboon and District Healthcare Service — Report for the year 1999–2000
  - Vicfleet Pty Ltd — Report for the year 1999–2000
  - Western District Health Service — Report for the year 1999–2000.
- 5 **CONCURRENT DEBATE — VICTORIAN QUALIFICATIONS AUTHORITY BILL AND VICTORIAN CURRICULUM AND ASSESSMENT AUTHORITY BILL** — Motion made, by leave, and question — That this House authorises and requires the Speaker to permit the second reading and subsequent stages of the Victorian Qualifications Authority Bill and the



Victorian Curriculum and Assessment Authority Bill to be moved and debated concurrently (*Mr Batchelor*) – put and agreed to.

- 6 **STATEMENTS BY MEMBERS** – Statements by Members were made.
- 7 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE – FUNDING OF GOVERNMENT SCHOOLS** – The House was informed that Mr Honeywood had proposed that a definite matter of public importance be submitted to the House for discussion, namely –  
 'That this House notes with concern the actions of the Education Minister Mary Delahunty in relation to the funding of Government schools.'  
 Mr Honeywood addressed the House – Discussion ensued.
- 8 **POSTPONEMENT OF NOTICES OF MOTION** – Ordered – That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day.
- 9 **HEALTH RECORDS BILL** – Mr Thwaites, pursuant to a motion moved on his behalf by Ms Campbell, obtained leave with Mr Hulls, to bring in a Bill '*to establish a regime for the protection of health information held by health service providers and other organisations, to create an enforceable right of access to health information, to establish privacy standards for health information, to amend the Parliamentary Committees Act 1968, the Ombudsman Act 1973, the Freedom of Information Act 1982, the Health Services (Conciliation and Review) Act 1987, the Subordinate Legislation Act 1994 and certain other Acts and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 10 **STATUTE LAW AMENDMENT (RELATIONSHIPS) BILL** – Mr Hulls obtained leave, with Ms Campbell, to bring in a Bill '*to amend various Acts to recognise the rights and responsibilities of partners in domestic relationships irrespective of the gender of each partner and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 11 **CRIMES (QUESTIONING OF SUSPECTS) BILL** – Mr Hulls obtained leave, with Mr Cameron, to bring in a Bill '*to amend the Crimes Act 1958 so as to make further provision for the questioning or investigation of certain persons who are suspected of having committed an offence, to amend the Corrections Act 1986 and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 12 **POLICE REGULATION (MISCELLANEOUS AMENDMENTS) BILL** – Mr Haermeyer obtained leave, with Ms Campbell, to bring in a Bill '*to amend the Police Regulation Act 1958 in respect of the disciplinary provisions, the Police Appeals Board and other miscellaneous matters and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 13 **POSTPONEMENT OF ORDERS OF THE DAY** – Ordered – That the consideration of Government Business, Orders of the Day, Nos 1 to 8 inclusive, be postponed until later this day.
- 14 **TRANSPORT ACCIDENT (AMENDMENT) BILL** – Order read for the consideration of the amendments made by the Legislative Council.

The said amendments were read a second time and, after debate, agreed to by the House with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Ordered – That a message be sent to the Legislative Council acquainting them that the Legislative Assembly has agreed to the said amendments.

- 15 **GAS INDUSTRY ACTS (AMENDMENT) BILL** – Order read for resuming debate on question – That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm  
pursuant to Sessional Orders.*

- 16 **QUESTIONS** – (Pursuant to Standing Order No 124).

- 17 **GAS INDUSTRY ACTS (AMENDMENT) BILL** – Debate continued on question – That this Bill be now read a second time.

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

Ordered – That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 18 **SUPERANNUATION ACTS (BENEFICIARY CHOICE) BILL** – Order read for resuming debate on question – That this Bill be now read a second time; debate resumed.

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

Ordered – That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 19 **VICTORIAN QUALIFICATIONS AUTHORITY BILL AND VICTORIAN CURRICULUM AND ASSESSMENT AUTHORITY BILL** – Order read for resuming debate on question – That these Bills be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm  
pursuant to Sessional Orders.*

Motion made and question – That the sitting be continued (*Ms Kosky*) – put and agreed to.

Debate resumed on question – That these Bills be now read a second time.

Bills read a second time and, by leave, read a third time forthwith.

Ordered – That these Bills be transmitted to the Legislative Council and their concurrence desired therein.

- 20 **MESSAGE FROM THE LEGISLATIVE COUNCIL** – Agreeing to the Fisheries (Amendment) Bill without amendment.

- 21 **POSTPONEMENT OF REMAINING BUSINESS** – Motion made and question – That the consideration of remaining business be postponed (*Ms Kosky*) – put and agreed to.

- 22 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.  
And the House, at 11.07 pm, adjourned until tomorrow.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

## No 70 — Thursday 23 November 2000

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Passenger Train Service — Violet Town** — Seeking that the Albury/Wodonga passenger train currently servicing Violet Town twice a day increases its availability by stopping during the day as well as the morning and night to and from Melbourne, bearing 924 signatures (*by Ms Allen, Benalla*)

**Breakwater Road, Geelong — Upgrade** — Seeking that the upgrade of Breakwater Road with a bridge linking to Fellmongers Road, Geelong be an urgent priority, bearing 693 signatures (*by Mr Trezise*).

Severally ordered to lie on the Table.

3 **PAPERS** —

**PARLIAMENTARY DEPARTMENTS' REPORTS** — Motion made, by leave, and question — That there be presented to this House a copy of the Reports of the Department of the Legislative Assembly, Department of the Parliamentary Library, Department of Parliamentary Debates and Department of Parliamentary Services for the year 1999–2000 (*Mrs Maddigan*) — put and agreed to.

The said reports were presented by Mrs Maddigan 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:

Austin and Repatriation Medical Centre — Report for the year 1999–2000 (two papers)

Bethlehem Hospital Inc — Report for the year 1999–2000 (two papers)

Consumer and Business Affairs Victoria — Report for the year 1999–2000 — Ordered to be printed

Corangamite Catchment Management Authority — Report for the year 1999–2000

East Gippsland Catchment Management Authority — Report for the year 1999–2000

*Financial Management Act 1994:*

Report from the Minister for Agriculture that he had received the 1999–2000 annual report of the Murray Valley Wine Grape Industry Development Committee

Report from the Minister for Agriculture that he had not received the following 1999–2000 annual reports:

Australian Food Industry Science Centre  
Murray Valley Citrus Marketing Board  
Northern Victorian Fresh Tomato Industry Development Committee

Reports from the Minister for Environment and Conservation that she had received the 1999–2000 Annual Reports of the:

Alpine Resorts Coordinating Council  
Yarra Bend Park Trust

Report from the Minister for Environment and Conservation that she had not received the 1999–2000 annual report of the Melbourne Parks and Waterways

Glenelg Hopkins Catchment Management Authority — Report for the year 1999–2000

Goulburn Broken Catchment Management Authority — Report for the year 1999–2000

Housing Guarantee Fund Ltd — Report for the year 1999–2000

Inner and Eastern Health Care Network — Report for the year 1999–2000 (two papers)

*Intellectually Disabled Persons' Services Act 1986* — Report of the Community Visitors for the year 1999–2000

*Interpretation of Legislation Act 1984* — Notice under s 32(4)(a)(iii) in relation to Amendment No 7 of the Building Code of Australia 1996

Legal Ombudsman— Report of the Office for the year 1999–2000 — Ordered to be printed

Mallee Catchment Management Authority — Report for the year 1999–2000

*Members of Parliament (Register of Interests) Act 1978* — Summary of Variations notified between 1 October 2000 and 22 November 2000 — Ordered to be printed

North Central Catchment Management Authority — Report for the year 1999–2000

North East Catchment Management Authority — Report for the year 1999–2000

North Western Health Care Network — Report for the year 1999–2000

Peninsula Health Care Network — Report for the year 1999–2000

Port Phillip and Westernport Catchment and Land Protection Board — Report for the year 1999–2000

*Prevention of Cruelty to Animals Act 1986:*

Code of Practice for the Welfare of Rodeo and Rodeo School Livestock (Victoria)  
Revocation of Code of Accepted Farming Practice for the Welfare of Sheep  
Code of Accepted Farming Practice for the Welfare of Goats (Victoria)  
Code of Practice for the Welfare of Animals at Saleyards (Victoria)  
Code of Accepted Farming Practice for the Welfare of Sheep (Victoria)  
(Revision Number 1)

Southern Health Care Network — Report for the year 1999–2000

Victorian Catchment Management Council — Report for the year 1999–2000

Victorian Health Promotion Foundation — Report for the year 1999–2000

West Gippsland Catchment Management Authority — Report for the year 1999–2000

Wimmera Catchment Management Authority — Report for the year 1999–2000

Women's and Children's Health Care Network — Report for the year 1999–2000.

- 4 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourn until a day and hour to be fixed by the Speaker, which time of meeting shall be notified in writing to each member of the House (*Mr Batchelor*) — put and agreed to.
- 5 **STATEMENTS BY MEMBERS** — Statements by Members were made.
- 6 **POSTPONEMENT OF NOTICES OF MOTION** — Ordered — That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day.
- 7 **HEALTH RECORDS BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Thwaites*).  
*Mr Thwaites made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.*  
 Motion made and question — That the debate be now adjourned (*Mr Doyle*) — put and agreed to.  
 Ordered — That the debate be adjourned until Thursday 7 December 2000.
- 8 **STATUTE LAW AMENDMENT (RELATIONSHIPS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).  
 Motion made and question — That the debate be now adjourned (*Dr Dean*) — put and agreed to.  
 Ordered — That the debate be adjourned until Thursday 7 December 2000.
- 9 **CRIMES (QUESTIONING OF SUSPECTS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*) — and, after debate —  
*Dr Dean, by leave, announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.*  
 Debate resumed on question — That this Bill be now read a second time.  
 Bill read a second time and committed; considered in Committee.  
 Committee reported progress; to sit again later this day.
- 10 **POLICE REGULATION (MISCELLANEOUS AMENDMENTS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Haermeyer*).  
 Motion made and question — That the debate be now adjourned (*Mr Wells*) — put and agreed to.  
 Ordered — That the debate be adjourned until Thursday 7 December 2000.
- 11 **UNIVERSITY OF MELBOURNE LAND BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.  
*Business having been interrupted at 2.00 pm pursuant to Sessional Orders.*
- 12 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 13 **UNIVERSITY OF MELBOURNE LAND BILL** — Debate continued on question — That this Bill be now read a second time.  
 Bill read a second time and, by leave, read a third time forthwith.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

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

Agricultural Industry Development (Amendment) Bill  
Tertiary Education (Amendment) Bill.

- 15 **MESSAGE FROM HER EXCELLENCY THE LIEUTENANT-GOVERNOR AS DEPUTY FOR HIS EXCELLENCY THE GOVERNOR** — The Acting Speaker announced the presentation of a message from Her Excellency the Lieutenant-Governor recommending an appropriation for the purposes of the Crimes (Questioning of Suspects) Bill.

- 16 **MAGISTRATES' COURT (INFRINGEMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

- 17 **INFORMATION PRIVACY BILL** — Order read for the consideration of the amendment made by the Legislative Council.

The said amendment was read a second time.

Motion made and question — That the amendment be disagreed with (*Mr Brumby*) — after debate, put.

The House divided.

AYES, 46

Ms Allan ( <i>Bendigo East</i> )	Ms Delahunty ( <i>Northcote</i> )	Ms Kosky	Mr Robinson
Ms Allen ( <i>Benalla</i> )	Ms Duncan	Mr Languiller	Mr Savage
Ms Barker	Ms Garbutt	Mr Leighton	Mr Seitz
Mr Batchelor	Ms Gillett	Mr Lenders	Mr Stensholt
Ms Beattie	Mr Haermeyer	Mr Lim	Mr Thwaites
Mr Bracks	Mr Hamilton	Ms Lindell	Mr Trezise
Mr Brumby	Mr Hardman	Mr Loney	Mr Viney
Mr Cameron	Mr Helper	Mrs Maddigan	Mr Wynne
Ms Campbell	Mr Holding	Mr Mildenhall	
Mr Carli	Mr Howard	Mr Nardella	<i>Tellers</i>
Ms Davies	Mr Hulls	Ms Overington	Mr Langdon
	Mr Ingram	Mr Pandazopoulos	Mr Maxfield
		Ms Pike	

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Ms Asher	Mrs Elliott	Mr Maclellan	Mrs Shardey
Mr Ashley	Mrs Fyffe	Mr Mulder	Mr Spry
Mr Baillieu	Mr Honeywood	Dr Napthine	Mr Steggall
Ms Burke	Mr Jasper	Mr Paterson	Mr Thompson
Mr Clark	Mr Kilgour	Mr Perton	Mr Vogels
Mr Cooper	Mr Kotsiras	Mrs Peulich	Mr Wells
Dr Dean	Mr Leigh	Mr Phillips	Mr Wilson
Mr Delahunty ( <i>Wimmera</i> )	Mr Lupton	Mr Plowman	<i>Tellers</i>
Mr Dixon	Mr McArthur	Mr Richardson	Mr Maughan
Mr Doyle	Ms McCall	Mr Rowe	Mr Smith
	Mr McIntosh	Mr Ryan	

And so it was resolved in the affirmative.

Ordered – That the Bill be returned to the Legislative Council with a message acquainting them accordingly.

*Allocation of time – The Speaker advised that the time allocated for consideration of bills pursuant to resolution of the House on Tuesday 21 November 2000 had expired.*

- 18 **PLANNING AND ENVIRONMENT (RESTRICTIVE COVENANTS) BILL** – Order read for the consideration of the amendments made by the Legislative Council.

Question – That the amendments be now read a second time, amendments Nos 1 to 23 inclusive be agreed to, amendment No 24 be disagreed with and the Bill be returned to the Legislative Council with a message acquainting them accordingly – put and agreed to.

- 19 **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 Service Victoria – Metropolitan Region – Report for the year 1999-2000

*Financial Management Act 1994:*

Report from the Minister for Environment and Conservation that she had received the 1999-2000 annual report of the Water Training Centre

Reports from the Minister for Health that he had received the 1999-2000 annual reports of the:

Ambulance Officers Training Centre  
 Beaufort and Skipton Health Service  
 Far East Gippsland Health and Support Service  
 O'Connell Family Centre (Grey Sisters) Inc  
 The Queen Elizabeth Centre  
 Tweddle Child and Family Health Service  
 Yarram and District Health Service

Victoria Law Foundation – Report for the year 1999-2000.

- 20 **MESSAGE FROM THE LEGISLATIVE COUNCIL** – Agreeing to the Melbourne City Link (Miscellaneous Amendments) Bill without amendment.

- 21 **CRIMES (QUESTIONING OF SUSPECTS) BILL** – Further considered in Committee. Committee reported progress; to sit again later this day.

- 22 **MAGISTRATES' COURT (INFRINGEMENTS) BILL** – Order read for resuming debate on question – That this Bill be now read a second time.  
Question – That this Bill be now read a second and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein – put and agreed to.
- 23 **CRIMES (QUESTIONING OF SUSPECTS) BILL** – Further considered in Committee and reported without amendment; read a third time.  
Ordered – That the Bill be transmitted to the Legislative Council and their concurrence desired therein.
- 24 **MESSAGE FROM THE LEGISLATIVE COUNCIL** – Agreeing to the Country Fire Authority (Amendment) Bill without amendment.
- 25 **POSTPONEMENT OF REMAINING BUSINESS** – Motion made and question – That the consideration of remaining business be postponed (*Mr Batchelor*) – put and agreed to.
- 26 **ADJOURNMENT** – Resolved, after debate – That the House do now adjourn.  
And the House, at 7.42 pm, adjourned until a day and hour to be fixed by the Speaker, which time of meeting shall be notified in writing to each member of the House.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*



## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 71, 72, 73 and 74

#### No 71 — Tuesday 27 February 2001

- 1 The House met pursuant to the terms of the resolution of 23 November 2000, the Speaker having fixed this day at 2.00 pm as the time of meeting — The Speaker took the Chair and read the Prayer.
- 2 **DEATH OF THE HONOURABLE WILLIAM VASEY HOUGHTON** — Motion made and question — That this House expresses its sincere sorrow at the death on 11 January 2001 of the Honourable William Vasey Houghton, and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as Member of the Legislative Council for the Electoral Province of Templestowe from 1967 to 1985 (*Mr Bracks*) — put, after the Speaker and other honourable members had addressed the House in support of the motion and, honourable members rising in their places to signify their assent, agreed to unanimously.
- 3 **ADJOURNMENT** — Motion made and question — That, as a further mark of respect to the memory of the late Honourable William Vasey Houghton, the House do now adjourn until 8 pm this day (*Mr Bracks*) — put and agreed to.

And the House, at 2.43 pm adjourned until 8.00 pm this day.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

#### No 72 — Tuesday 27 February 2001 (8.00 PM)

- 1 The House met pursuant to adjournment — The Speaker took the Chair.
- 2 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 3 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Alterations to Sewerage — Wedderburn District** — Seeking that the property owners of Wedderburn and District will not be forced against their will to make costly and unnecessary sewerage alterations to their properties, bearing 215 signatures (*by Ms Allan*)

**Property Development, Moorabbin** — Seeking that — (a) the decision to locate a youth refuge at the corner of Wickham Road and Nepean Highway, Moorabbin be reversed and that the property be developed for accommodation of older persons; and (b) that the suburb of Moorabbin not be a target for public housing saturation but that the number of public housing properties be kept to numbers comparable to other suburbs, bearing 971 signatures (*by Mrs Peulich*)

**Redevelopment of Berwick Primary School Site** — Seeking that the Minister for Education supports a redevelopment of the old Berwick Primary School site in Lyall Road Berwick, to include the establishment of a substantial park for the benefit of the whole community, but not another school on the site, bearing 2,006 signatures (*by Dr Dean*)

**Berwick Railway Station** — Seeking that — (a) the Minister for Transport raises with V-Line the need and desirability for V-Line trains to continue to stop for both the picking up and dropping off of passengers at Berwick Railway Station in order to maintain the current service to the Berwick community and surrounding region; and (b) that the Minister makes V-Line aware of the strong community support for the maintenance of the existing services, bearing 59 signatures (*by Dr Dean*)

**Preschool Education** — Seeking that the Government — (a) immediately invests more substantially in preschool education for the benefit of Victoria's young children and their future; and (b) increases funding to preschools to at least equivalent to the national average, bearing 37 signatures (*by Dr Dean*)

**Kilsyth South Spider Orchid** — Seeking that the House exercises its powers to acquire the two private allotments in Kilsyth South, whether by compulsory acquisition or negotiated settlement, and supply the monetary amount necessary for the preservation of the Kilsyth South Spider Orchid, bearing 1,267 signatures (*by Mrs Elliott*).

Severally ordered to lie on the Table.

- 4 **PETITION — PROPERTY DEVELOPMENT, MOORABBIN** — Motion made and question — That the petition presented by the Member for Bentleigh relating to property development, Moorabbin be taken into consideration tomorrow (*Mrs Peulich*) — put and agreed to.

5 **PAPERS —**

**COUNCIL OF AUSTRALIAN GOVERNMENTS COMMUNIQUE** — Motion made, by leave, and question — That there be presented to this House in accordance with the Government's Response to the former Federal-State Relations Committee's third report, *Federalism and the Role of the States: Comparisons and Recommendations* (1999) — The Council of Australian Governments Communique, 3 November 2000 (*Mr Bracks*) — put and agreed to.

The said report was presented by Mr Bracks and ordered to lie on the Table.

**LAW REFORM COMMITTEE** — Mr Thompson, Chair, brought up an interim report from the Law Reform Committee upon its Review of Legal Services in Rural and Regional Victoria, together with appendices

Ordered to lie on the Table and to be printed.

**LAW REFORM COMMITTEE** — Mr Thompson, Chair, brought up an interim report from the Law Reform Committee upon its review of the *Theatres Act 1958*, together with appendices.

Ordered to lie on the Table and to be printed.

**ENVIRONMENT AND NATURAL RESOURCES COMMITTEE** — Mr Seitz, Chair, brought up an interim report from the Environment and Natural Resources Committee upon the Inquiry into the Allocation of Water Resources.

Ordered to lie on the Table and to be printed.

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — Mr Loney, Chair, brought up a report from the Public Accounts and Estimates Committee on the 2000–2001 Budget Estimates, together with a minority report, extracts from the proceedings, appendices and minutes of evidence.

Ordered to lie on the Table and the report, minority report, extracts from the proceedings and appendices to be printed.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Ms Gillett, Chair, brought up a report from the Scrutiny of Acts and Regulations Committee being the Annual Review 2000, together with appendices.

Ordered to lie on the Table and to be printed.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Ms Gillett, Chair, brought up a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 1 of 2001 on the:

Building (Legionella) Bill  
Crimes (Questioning of Suspects) Act  
Electricity Industry Bill  
Fair Employment Bill  
Health Records Bill  
Health Services (Amendment) Bill  
Mineral Resources Development (Amendment) Bill  
Nurses (Amendment) Bill  
Police Regulation (Miscellaneous Amendments) Bill  
State Taxation Acts (Further Miscellaneous Amendments) Bill  
Statute Law Amendment (Relationships) Bill  
Statute Law Revision Bill  
Victorian Qualifications Authority Bill

together with appendices

Ordered to lie on the Table and to be printed.

**PAPERS PURSUANT TO STATUTE —**

The Speaker presented:

*BLF (De-recognition) Act 1985* — Forty-Ninth Report of the Custodian

Ordered to lie on the table and to be printed.

The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Australian Food Industry Science Centre — Report for the year 1999–2000

Bairnsdale Regional Health Service — Report for the year 1999–2000 (two papers)

Ballarat Health Services — Report for the year 1999–2000

Bendigo Health Care Group — Report for the year 1999–2000

Boort District Hospital — Report for the year 1999–2000

Central Gippsland Health Service — Report for the year 1999–2000 (two papers)

Cohuna District Hospital — Report for the year 1999–2000

Djerriwarrh Health Services — Report for the year 1999–2000

*Drugs, Poisons and Controlled Substances Act 1981* — Documents pursuant to section 12H — Poisons Code:

Standard for the Uniform Scheduling of Drugs and Poisons No 15 Amendment No 2  
Notice regarding the amendment, commencement and availability of the Poisons Code

East Grampians Health Service — Report for the year 1999–2000

Echuca Regional Health — Report for the year 1999–2000

Edenhope and District Memorial Hospital — Report for the year 1999–2000

*Environment Protection Act 1970* — Order declaring Industrial Waste Management Policy (Prescribed Industrial Waste) (*Government Gazette No S183, 5 December 2000*)

*Financial Management Act 1994*:

Report from the Minister for Environment and Conservation that she had received the 1998–1999 and 1999–2000 annual reports of the Casey's Weir and Major Creek Rural Water Authority

Report from the Minister for Environment and Conservation that she had received the 1999–2000 annual report of the Melbourne Parks and Waterways

Reports from the Minister for Health that he had received the 1999–2000 annual reports of the: Alexandra District Hospital

Beaufort and Skipton Health Service

Far East Gippsland Health and Support Service

O'Connell Family Centre (Grey Sisters) Inc

Osteopaths Registration Board of Victoria

Queen Elizabeth Centre

South Gippsland Hospital  
Tallangatta Health Service  
Tweddle Child and Family Health Service  
West Wimmera Health Service  
Yarram and District Health Service

*Financial Management Act 1994:*

Budget Sector — Quarterly Financial Report for the period ended 30 September 2000  
Budget Update for the year 2000–2001

Food Safety Council — Report for the year 1999–2000

Gippsland Regional Waste Management Group — Report for the year 1999–2000, together with an explanation for the delay in tabling

Gippsland Southern Health Service — Report for the year 1999–2000

Hepburn Health Services — Report for the year 1999–2000

Inglewood and District Health Service — Report for the year 1999–2000

Kerang and District Hospital — Report for the year 1999–2000 (two papers)

Kooweerup Regional Health Service — Report for the year 1999–2000 (two papers)

Kyabram and District Memorial Community Hospital — Report for the year 1999–2000

Kyneton District Health Service — Report for the year 1999–2000

Latrobe Regional Hospital — Financial Statement for the year 1999–2000

*Legal Practice Act 1996* — Practitioner Remuneration Order pursuant to s 113

McIvor Health and Community Services — Report for the year 1999–2000

Maldon Hospital — Report for the year 1999–2000

Mallee Track Health and Community Service — Report for the year 1999–2000

Manangatang and District Hospital — Report for the year 1999–2000

Maryborough District Health Service — Report for the year 1999–2000 (two papers)

*Melbourne City Link Act 1995:*

City Link and Extension Projects Integration and Facilitation Agreement Sixth Amending Deed  
Exhibition Street Extension Third Amending Deed  
Melbourne City Link Thirteenth Amending Deed  
Melbourne City Link Fourteenth Amending Deed  
Statement of Variation No 7/2000: Detailed Tolling Strategy  
Statement of Variation No 8/2000: Agreement under Clause 8.12 of the Concession Deed

Mt Alexander Hospital — Report for the year 1999–2000

*Murray-Darling Basin Act 1994* — Schedule F to the Murray-Darling Basin Agreement pursuant to s 28(b)

Murray Valley Citrus Marketing Board — Report for the year 1999–2000

Numurkah District Health Care — Report for the year 1999–2000

Ombudsman and Deputy Ombudsman (Police Complaints) — Report for the year 1999–2000 — Ordered to be printed

Omoo District Hospital — Report for the year 1999–2000 (two papers)

*Parliamentary Committees Act 1968:*

Response of the Attorney-General on the action taken with respect to the recommendations made by the Law Reform Committee's Report on the Review of the *Fences Act 1968*

Response of the Minister for Environment and Conservation on the action taken with respect of the recommendations made by the Environment and Natural Resources Committee's Report on the Utilisation of Victorian Native Flora and Fauna

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

Alpine Planning Scheme — Nos C1, C2

Alpine Resorts Planning Scheme — No C7

Ballarat Planning Scheme — Nos C13, C20, C36

Banyule Planning Scheme — Nos C3, C7

Bayside Planning Scheme — Nos C10, C13, C14, C15

Boroondara Planning Scheme — Nos C8, C12

Brimbank Planning Scheme — Nos C12, C16

Cardinia Planning Scheme — Nos C12, C18

Casey Planning Scheme — Nos C9, C27

Darebin Planning Scheme — Nos C4, C9, C25, C26

Glen Eira Planning Scheme — No C9

Golden Plains Planning Scheme — No C3

Greater Dandenong Planning Scheme — No C16 Part 1

Greater Geelong Planning Scheme — Nos C3, C4, C10

Greater Shepparton Planning Scheme — No C8

Hobsons Bay Planning Scheme — No C2

Hume Planning Scheme — Nos C5, C9, C10

Kingston Planning Scheme — Nos C7, C9, C11

Knox Planning Scheme — Nos C13, C14

Loddon Planning Scheme — Nos C1, C3

Manningham Planning Scheme — Nos C5, C8, C9

Maribyrnong Planning Scheme — No C12

Maroondah Planning Scheme — Nos C12, C17

Melbourne Planning Scheme — Nos C16, C30, C32, C33, C34, C36, C37

Melton Planning Scheme — Nos C4, C14

Mildura Planning Scheme — No C3 Part 2

Mitchell Planning Scheme — No C11

Moonee Valley Planning Scheme — Nos C9, C16 Part 1

Moorabool Planning Scheme — No C5

Moreland Planning Scheme — No C1 Part 3

Mornington Peninsula Planning Scheme — Nos C11, C17, C27, C31, C33

Nillumbik Planning Scheme — No C2  
 Port Phillip Planning Scheme — No C5  
 Pyrenees Planning Scheme — No C4  
 Stonnington Planning Scheme — Nos C4, C6 Part 1, C8, C9, C10, C11 Part 1  
 Strathbogie Planning Scheme — No C7  
 Surf Coast Planning Scheme — Nos C1, C2  
 Victoria Planning Provisions — No VC10  
 Whitehorse Planning Scheme — Nos C15, C25  
 Whittlesea Planning Scheme — Nos C10, C13  
 Wyndham Planning Scheme — Nos C18, C26  
 Yarra Planning Scheme — Nos C6, C19, C21  
 Yarra Ranges Planning Scheme — Nos C2, C4, C5  
 Yarriambiack Planning Scheme — No C1

*Public Lotteries Act 2000* — Licence to operate the AFL Footy Tipping Competition

Robinvale District Health Services — Report for the year 1999–2000

Rochester and Elmore District Health Service — Report for the year 1999–2000

*Rural Finance Act 1988* — Direction by the Treasurer to the Rural Finance Corporation to establish, operate and administer, a scheme of assistance for persons affected by bushfire in the Stawell area in December 2000

Rural Northwest Health — Report for the year 1999–2000

State Superannuation Fund — Report on the Actuarial Investigation as at 30 June 2000 (two papers)

Stawell District Hospital — Report for the year 1999–2000

Statutory Rules under the following Acts:

*Business Names Act 1962* — SR No 122  
*Cemeteries Act 1958* — SR No 10/2001  
*Club Keno Act 1993* — SR No 118  
*Control of Weapons Act 1990* — SR No 130  
*Corporations (Victoria) Act 1990* — SR No 121  
*Country Fire Authority Act 1958* — SR No 2/2001  
*County Court Act 1958* — SR No 119  
*Dangerous Goods Act 1985* — SR No 127  
*Electricity Industry Act 2000* — SR No 137  
*Electricity Safety Act 1998* — SR Nos 136, 3, 8/2001  
*Fisheries Act 1995* — SR Nos 138, 9/2001  
*Forests Act 1958* — SR No 117  
*Land Tax Act 1958* — SR No 140  
*Libraries Act 1988* — SR No 129  
*Magistrates' Court Act 1989* — SR Nos 133, 134, 7/2001  
*Melbourne City Link Act 1995* — SR Nos 131, 132  
*Motor Car Traders Act 1986* — SR No 115  
*National Taxation Reform (Consequential Provisions) Act 2000* — SR No 141  
*Road Safety Act 1986* — SR Nos 126, 5/2001  
*Subordinate Legislation Act 1994* — SR Nos 123, 124, 125, 128, 139, 6/2001  
*Supreme Court Act 1986* — SR Nos 120, 121

*Tattersall Consultations Act 1958* — SR No 118  
*Tobacco Act 1987* — SR No 116  
*Victims of Crime Assistance Act 1996* — SR No 135  
*Wildlife Act 1975* — SR Nos 1, 4/2001

*Subordinate Legislation Act 1994:*

Ministers' exception certificates in relation to Statutory Rule Nos 115, 119, 120, 121, 123, 124, 125, 128, 133, 135, 139, 140, and 6/2001  
 Ministers' exemption certificates in relation to Statutory Rule Nos 116, 117, 118, 122, 129, 131, 132, 136, 137, 138, and 1, 5, 7, 8, 10/2001

Swan Hill District Hospital — Report for the year 1999–2000

West Gippsland Healthcare Group — Report for the year 1999–2000

*Wildlife Act 1975* — Wildlife (Control of Hunting) Notice No 1/2001

Wimmera Health Care Group — Report for the year 1999–2000

Wonthaggi and District Hospital — Report for the year 1999–2000

The following proclamations fixing operative dates were laid upon the Table by the Clerk pursuant to an Order of the House dated 3 November 1999:

*Accident Compensation (Amendment) Act 1998* — Section 29(2) on 30 December 2000 (*Gazette G51, 21 December 2000*)

*Adoption (Amendment) Act 2000* — Section 19 on 15 December 2000 (*Gazette G50, 14 December 2000*)

*Business Registration Acts (Amendment) Act 2000* — Sections 18, 20(1), 21, 23 and 27 on 11 December 2000 (*Gazette G49, 7 December 2000*)

*Commonwealth Places (Mirror Taxes Administration) Act 1999* — Remaining provisions on 30 January 2001 (*Gazette S8, 30 January 2001*)

*Control of Weapons (Amendment) Act 2000* — Whole Act on 17 December 2000 (*Gazette G50, 14 December 2000*)

*Country Fire Authority (Amendment) Act 2000* — Whole Act on 29 January 2001 (*Gazette G4, 25 January 2001*)

*Electricity Industry Act 2000* — Section 83 on 1 January 2001 (*Gazette G51, 21 December 2000*)

*Fisheries (Amendment) Act 2000* — Section 9 on 1 March 2001 (*Gazette G6, 8 February 2001*)

*Gambling Legislation (Miscellaneous Amendments) Act 2000* — Sections 3, 13, 14, 23, 24, 26, 28, 31, 32, 34, 39, 40, 43, 46, 47, 48, 51, 52, 54, 57, 61, 62 and 63 on 1 February 2001 (*Gazette G5, 1 February 2001*)

*Gaming No. 2 (Community Benefit) Act 2000* — Part 1, Part 3, Part 4 (except s 21) and ss 24, 25, 27(1) and 30 on 1 February 2001 (*Gazette G5, 1 February 2001*)

*Gas Industry Acts (Amendment) Act 2000* — Section 5 on 20 December 2000 (*Gazette S198, 20 December 2000*)

*National Parks (Amendment) Act 2000* — Remaining provisions on 25 January 2001 (*Gazette G4, 25 January 2001*)

*Public Lotteries Act 2000* — Whole Act, other than ss 57(1), 57(2), 57(3), 58, 89, 90, 91, 92(2), 93, 94, 95, 96, 97, 98, 99(1), 100, 101(2) and 103(1) on 28 November 2000 (*Gazette G47, 23 November 2000*)

*Transport Accident (Amendment) Act 2000* — Sections 3(1), 3(2), 3(5), 4 and 41 on 7 December 2000. Sections 3(3) (with the exception of s 3(3)(c)), 3(4), 5, 7, 8, 15(1), 15(2), 15(5), 19, 20, 23(2), 28 and 38 on 1 January 2001 (*Gazette G49, 7 December 2000*)



*Training and Further Education Acts (Amendment) Act 2000* — Remaining provisions on 1 March 2001 (*Gazette G7, 15 February 2001*).

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

Building (Legionella) Bill  
 Crimes (Questioning of Suspects) Bill  
 Domestic (Feral and Nuisance) Animals (Amendment) Bill  
 Gambling Legislation (Miscellaneous Amendments) Bill  
 Gaming Acts (Gaming Machine Levy) Bill  
 Gaming No. 2 (Community Benefit) Bill  
 Gas Industry (Amendment) Bill  
 Magistrates' Court (Committal Proceedings) Bill  
 Magistrates' Court (Infringements) Bill  
 Marine (Amendment) Bill  
 Nurses (Amendment) Bill  
 Superannuation Acts (Beneficiary Choice) Bill  
 University of Melbourne Land Bill  
 Victorian Curriculum and Assessment Authority Bill  
 Victorian Qualifications Authority Bill.

**7 MESSAGE FROM THE LEGISLATIVE COUNCIL** — Acquainting the Assembly that they do not insist on their amendment with which the Assembly has disagreed in the Information Privacy Bill.

**8 MESSAGE FROM THE LEGISLATIVE COUNCIL** — Acquainting the Assembly that they do not insist on their amendment with which the Assembly has disagreed in the Planning and Environment (Restrictive Covenants) Bill.

**9 MESSAGE FROM HER EXCELLENCY THE LIEUTENANT-GOVERNOR AS DEPUTY FOR HIS EXCELLENCY THE GOVERNOR — ASSENT TO BILLS** — Informing the Assembly that she had, on 28 November 2000, given the royal assent to the following bills, presented to her by the Clerk of the Parliaments:

Agricultural Industry Development (Amendment) Bill  
 Country Fire Authority (Amendment) Bill  
 Courts and Tribunals Legislation (Miscellaneous Amendments) Bill  
 Duties Bill  
 Fisheries (Amendment) Bill  
 Melbourne City Link (Miscellaneous Amendments) Bill  
 Mineral Resources Development (Amendment) Bill  
 Tertiary Education (Amendment) Bill  
 Transport Accident (Amendment) Bill

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

On 5 December 2000:  
 Building (Legionella) Bill  
 Crimes (Questioning of Suspects) Bill  
 Domestic (Feral and Nuisance) Animals (Amendment) Bill

Gambling Legislation (Miscellaneous Amendments) Bill  
 Gaming Acts (Gaming Machine Levy) Bill  
 Gaming No. 2 (Community Benefit) Bill  
 Gas Industry Acts (Amendment) Bill  
 Magistrates' Court (Committal Proceedings) Bill  
 Marine (Amendment) Bill  
 Nurses (Amendment) Bill  
 Superannuation Acts (Beneficiary Choice) Bill  
 Victorian Curriculum and Assessment Authority Bill  
 Victorian Qualifications Authority Bill

On 12 December 2000:

Information Privacy Bill  
 Magistrates' Court (Infringements) Bill  
 Planning and Environment (Restrictive Covenants) Bill  
 University of Melbourne Land Bill.

- 11 **MESSAGES FROM HIS EXCELLENCY THE GOVERNOR** — The Speaker announced the presentation of messages from His Excellency the Governor recommending appropriations for the purposes of the following bills:

Health Records Bill  
 Police Regulation (Miscellaneous Amendments) Bill  
 Statute Law Amendment (Relationships) Bill.

- 12 **SUSPENSION OF SESSIONAL ORDERS** — Motion made, by leave, and question — That so much of Sessional Orders be suspended on Wednesday 28 February 2001 to allow:

- 1 Precedence to be given after Statements by Members to a Government Business motion of condolence in relation to the late Sir Donald Bradman, such debate being limited to a maximum of thirty minutes.
- 2 The debate on the question 'That grievances be noted' to commence immediately following the conclusion of the debate referred to in paragraph (1) and shall last a maximum of two-and-a-half hours.
- 3 At the conclusion of the Grievance Debate, the House to proceed with Government Business in accordance with the Notice Paper subject to the interruption of business for Question Time in accordance with Sessional Order 3.

*(Mr Batchelor)* — put and agreed to.

- 13 **CONSEQUENTIAL RENUMBERING OF BILLS** — Motion made, by leave, and question — That —

- 1 Where a bill has been amended, the Clerk of the House and the Clerk of the Parliaments be empowered to carry out any consequential renumbering required in the bill save in relation to text being inserted or substituted in Principal Acts.
- 2 This resolution shall continue in force unless and until amended or rescinded by the House in this or a subsequent Parliament.

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

- 14 **CORRECTION OF BILL TITLES** — Motion made, by leave, and question — That where a bill has passed through both Houses and the citation of the bill includes a reference to a calendar year earlier than that in which the passage of the bill was completed, the Clerk of the Parliaments be empowered to alter the calendar year reference in the citation of the bill and any corresponding reference within the bill itself to the year in which the passage of the bill was so completed (*Mr Batchelor*) — put, after debate, and agreed to.
- 15 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, pursuant to Sessional Order 6(3), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 1 March 2001:
- Victorian Environmental Assessment Council Bill  
 State Taxation Acts (Further Miscellaneous Amendments) Bill  
 Racing and Betting Acts (Amendment) Bill  
 Police Regulation (Miscellaneous Amendments) Bill  
 Health Services (Amendment) Bill
- (*Mr Batchelor*) — put, after debate, and agreed to.
- 16 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 17 **POSTPONEMENT OF NOTICES OF MOTION** — Ordered — That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day.
- 18 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 1, be postponed until later this day.
- 19 **VICTORIAN ENVIRONMENTAL ASSESSMENT COUNCIL BILL** — Order read for resuming debate on question — That this Bill be now read a second time.
- Pursuant to Sessional Orders, Ms Pike announced that it was proposed to move an amendment in Committee and requested that it be circulated. Amendment circulated.
- Pursuant to Sessional Orders, Mr Steggall announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.
- Debate resumed on question — That this Bill be now read a second time.
- Business having been interrupted at 10.00 pm pursuant to Sessional Orders.*
- 20 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 11.00 pm.

## No 73 — Wednesday 28 February 2001

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:  
  
**Village Glen, Rosebud** — Seeking that the Minister for Transport supports the residents of the Village Glen and provides appropriate funding to install traffic lights at the entry to the Village Glen in Eastbourne Road, Rosebud, bearing 496 signatures (*by Mr Dixon*)  
  
 Ordered to lie on the Table.
- 3 **PAPER PURSUANT TO STATUTE** —  
  
 The Speaker presented:  
  
*BLF (De-recognition) Act 1985* — Fiftieth Report of the Custodian  
  
 Ordered to lie on the Table and to be printed.
- 4 **MESSAGE FROM HIS EXCELLENCY THE GOVERNOR** — The Speaker announced the presentation of a message from His Excellency the Governor recommending a further appropriation for the purposes of the Health Services (Amendment) Bill.
- 5 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 6 **DEATH OF SIR DONALD BRADMAN** — Motion made and question — That this House expresses its sincere sorrow at the death of Sir Donald Bradman, and places on record its acknowledgement of the inspiring contribution made by him to Australian and International Cricket, as an Australian sporting legend and extends its condolences to the Bradman family (*Mr Bracks*) — put, after honourable members had addressed the House in support of the motion and, honourable members rising in their places to signify their assent, agreed to unanimously.
- 7 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.  
  
*Business having been interrupted at 2.00 pm pursuant to Sessional Orders.*
- 8 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 9 **POSTPONEMENT OF NOTICES OF MOTION** — Ordered — That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day.
- 10 **LIQUOR CONTROL REFORM (AMENDMENT) BILL** — Mr Haermeyer, after debate, obtained leave with Mr Bracks, to bring in a Bill 'to amend the *Liquor Control Reform Act 1998* with respect to packaged liquor licences, certain general licences and the licensing of petrol stations and for other purposes'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.

- 11 **PROSTITUTION CONTROL (PROSCRIBED BROTHELS) BILL** — Mr Haermeyer, after debate, obtained leave with Mr Bracks, to bring in a Bill 'to amend the *Prostitution Control Act 1994* in respect of the procedure for declaring premises to be a proscribed brothel and for other purposes'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 12 **CONSTITUTION (SUPREME COURT) BILL** — Mr Hulls, after debate, obtained leave with Mr Bracks, to bring in a Bill 'to amend the *Constitution Act 1975*, the *Supreme Court Act 1986*, the *Magistrates' Court Act 1989* and the *Magistrates' Court (Infringements) Act 2000* and for other purposes'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 13 **WATER (AMENDMENT) BILL** — Ms Garbutt, after debate, obtained leave, with Mr Bracks, to bring in a Bill 'to amend the *Water Act 1989* and for other purposes'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 14 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 1, be postponed until later this day.
- 15 **POLICE REGULATION (MISCELLANEOUS AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Mr Batchelor announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

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

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

- 16 **HEALTH SERVICES (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Mr Thwaites announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

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

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

- 17 **RACING AND BETTING ACTS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 18 **POLICE REGULATION (MISCELLANEOUS AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and committed; considered in Committee and reported with amendments; as amended, considered, and amendments agreed to; read a third time.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

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

*Business having been interrupted at 10.00 pm pursuant to Sessional Orders.*

- 20 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 11.20 pm.

R W PURDEY  
Clerk of the Legislative Assembly

A ANDRIANOPOULOS  
Speaker

## No 74 — Thursday 1 March 2001

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Traditional Water Rights** — Seeking that the House supports the Victorian Farmers Federation in its wish for an equitable and just outcome which will not further erode statutory and traditional rights to water by rejecting the recommendations contained in the Draft Farm Dams (Irrigation) Review Committee report, bearing 994 signatures (*by Mr Plowman*)

**Northern Oval, Bennettswood Reserve** — Seeking that the Government immediately calls on the Council of Deakin University to abandon plans to construct any building upon the land known as the Northern Oval, Bennettswood Reserve, bearing 487 signatures (*by Mr Stensholt*)

**Dromana Parade and Marine Drive, Safety Beach** — Seeking that — (a) speed limits be reduced where possible and the limits enforced on Dromana Parade and Marine Drive, Safety Beach; and (b) a walking track be provided on one side of each road, bearing 296 signatures (*by Mr Dixon*).

Severally ordered to lie on the Table.

- 3 **PETITION — TRADITIONAL WATER RIGHTS** — Motion made and question — That the petition presented by the Member for Benambra relating to traditional water rights be taken into consideration tomorrow (*Mr Plowman*) — put and agreed to.
- 4 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the direction of an Act of Parliament, were laid upon the Table by the Clerk:

Calder Regional Waste Management Group — Financial Statement for the year 1999–2000, together with an explanation for the delay in tabling

Desert Fringe Regional Waste Management Group — Report for the year 1999-2000, together with an explanation for the delay in tabling

Grampians Regional Waste Management Group — Report for the year 1999-2000, together with an explanation for the delay in tabling

Mildura Regional Waste Management Group — Report for the year 1999-2000, together with an explanation for the delay in tabling

South Western Regional Waste Management Group — Report for the year 1999-2000, together with an explanation for the delay in tabling

Western Regional Waste Management Group — Report for the year 1999-2000, together with an explanation for the delay in tabling.

5 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourn until Tuesday 20 March 2001 (*Mr Batchelor*) — put and agreed to.

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

7 **POSTPONEMENT OF NOTICES OF MOTION** — Ordered — That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day.

8 **STATE TAXATION ACTS (FURTHER MISCELLANEOUS AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

9 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 2, be postponed until later this day.

10 **VICTORIAN ENVIRONMENTAL ASSESSMENT COUNCIL BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm pursuant to Sessional Orders.*

11 **QUESTIONS** — (Pursuant to Standing Order No 124).

12 **VICTORIAN ENVIRONMENTAL ASSESSMENT COUNCIL BILL** — Debate continued on question — That this Bill be now read a second time.

*Allocation of time — The Speaker advised that the time allocated for consideration of bills pursuant to resolution of the House on Tuesday 27 February 2000 expired.*

Question — put.

The House divided.

AYES 67

Ms Allan (*Bendigo East*); Ms Allen (*Benalla*); Ms Asher; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Ms Burke; Mr Cameron; Ms Campbell; Mr Carli; Mr Clark; Ms Davies; Dr Dean; Ms Delahunty (*Northcote*); Mr Dixon; Ms Duncan; Mrs Elliott; Ms Fyffe; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Hardman; Mr Helper; Mr Holding; Mr Honeywood; Mr Howard; Mr Hulls; Ms Kosky; Mr Kotsiras; Mr Languiller; Mr Leigh; Mr Leighton; Mr Lenders; Mr Lim; Ms Lindell; Mr Loney; Mr McArthur; Ms McCall; Mrs Maddigan; Mr Maxfield; Mr Mildenhall; Dr Napthine; Mr Nardella; Ms Overington; Mr Pandazopoulos; Mr Paterson; Mr Perton; Mrs Peulich; Mr Phillips; Ms Pike; Mr Richardson; Mr Robinson; Mr Seitz; Mrs Shardey; Mr Stensholt; Mr Thompson; Mr Thwaites; Mr Trezise; Mr Viney; Mr Wells; Mr Wynne. Tellers: Mr Langdon; Mr Smith.

NOES 7

Mr Delahunty (*Wimmera*); Mr Ingram; Mr Jasper; Mr Kilgour; Mr Steggall; Tellers: Mr Maughan; Mr Savage.

And so it was resolved in the affirmative.

Bill read a second time.

Question — That the Government amendment be agreed to, the Bill be read a third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 13 **HEALTH SERVICES (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time, Government amendments Nos 1 to 4 inclusive be agreed to, the Bill be read a third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 14 **LIQUOR CONTROL REFORM (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Haermeyer*).

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

Ordered — That the debate be adjourned until Thursday 15 March 2001.

- 15 **PROSTITUTION CONTROL (PROSCRIBED BROTHELS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Haermeyer*).

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

Ordered — That the debate be adjourned until Thursday 15 March 2001.

- 16 **CONSTITUTION (SUPREME COURT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).



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

Ordered — That the debate be adjourned until Thursday 15 March 2001.

- 17 **WATER (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Garbutt*).

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

Ordered — That the debate be adjourned until Thursday 15 March 2001.

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

- 19 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

And the House, at 5.47 pm, adjourned until Tuesday, 20 March 2001.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

# LEGISLATIVE ASSEMBLY OF VICTORIA

## VOTES AND PROCEEDINGS Nos 75, 76 and 77

### No 75 — Tuesday 20 March 2001

- 1 The House met pursuant to adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 3 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Traffic and Pedestrian Lights at Woori Yallock** — Seeking that funding be provided for traffic lights at the intersection of Warburton Highway and the Kooweerup Healesville Road, Woori Yallock and that pedestrian lights be installed on Healesville Kooweerup Road at the Woori Yallock shopping centre, bearing 398 signatures (*by Mrs Fyffe*)

**Autism Services Irabina Early Intervention Program** — Seeking that the Government provides — (a) immediate emergency funding to address the waiting list problem at Autism Services Irabina Early Intervention Program; and (b) increased recurrent funding for servicing children within the program, bearing 2,057 signatures (*by Mrs Elliott*)

**Midsumma Festival** — Seeking that all public funding be removed from the Midsumma Festival of which 'Corpus Christi' is a part, bearing 5,685 signatures (*by Mr Leigh*).

Severally ordered to lie on the Table.

- 4 **PETITION — TRAFFIC AND PEDESTRIAN LIGHTS AT WOORI YALLOCK** — Motion made and question — That the petition presented by the Member for Evelyn relating to the funding for traffic lights at Woori Yallock be taken into consideration tomorrow (*Mrs Fyffe*) — put and agreed to.
- 5 **PETITION — AUTISM SERVICES IRABINA EARLY INTERVENTION PROGRAM** — Motion made and question — That the petition presented by the Member for Mooroolbark relating to funding for Autism Services Irabina Early Intervention Program be taken into consideration tomorrow (*Mrs Elliott*) — put and agreed to.
- 6 **PAPERS** —

**ROAD SAFETY COMMITTEE** — Mr Langdon, brought up a report from the Road Safety Committee on the Inquiry into Victoria's Vehicle Roadworthiness System, 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** — Ms Gillett, Chair, brought up a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 2 of 2001 on the:

Constitution (Supreme Court) Bill  
 Health Records Bill  
 Liquor Control Reform (Amendment) Bill  
 National Parks (Amendment) Bill  
 Prostitution Control (Proscribed Brothels) Bill  
 Transport Accident (Amendment) Bill  
 Water (Amendment) Bill

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:

*Crown Land (Reserves) Act 1978* — Section 17DA Order granting under s 17D a lease by the Yarra Bend Park Trust

*Drugs, Poisons and Controlled Substances Act 1981* — Documents pursuant to s 12H — Poisons Code:

Standard for the Uniform Scheduling of Drugs and Poisons No 15 Amendment No 3  
 Notice regarding the amendment, commencement and availability of the Poisons Code

*Financial Management Act 1994* — Budget Sector — Mid-Year Financial Report incorporating the Quarterly Financial Report for the period ended 31 December 2000

*Financial Management Act 1994* — Reports from the Minister for Health that he had received the 1999–2000 annual reports of the:

Chiropractors Registration Board of Victoria  
 Dental Board of Victoria

*Interpretation of Legislation Act 1984*:

Notice under s 32(4)(a)(iii) in relation to Amendment No 8 of the Building Code of Australia 1996

Murray-Darling Basin Commission — Report for the year 1999–2000

National Environment Protection Council — Report for the year 1999–2000

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

Alpine Resorts Planning Scheme — No C4  
 Ararat Planning Scheme — No C1  
 Ballarat Planning Scheme — Nos C7, C38  
 Banyule Planning Scheme — No C17

Bayside Planning Scheme — No C12  
 Casey Planning Scheme — No C31  
 Darebin Planning Scheme — No C23  
 Frankston Planning Scheme — Nos C6, C10  
 Glen Eira Planning Scheme — No C6  
 Golden Plains Planning Scheme — No C6  
 Greater Geelong Planning Scheme — Nos C2, C6, C24  
 Indigo Planning Scheme — Nos C5 Part 2, C9  
 Manningham Planning Scheme — No C2  
 Maroondah Planning Scheme — No C10  
 Monash Planning Scheme — No C8  
 Moreland Planning Scheme — No C9  
 Mornington Peninsula Planning Scheme — No C50  
 Northern Grampians Planning Scheme — No C1  
 Whitehorse Planning Scheme No C11  
 Wodonga Planning Scheme — Nos C3, C4  
 Wyndham Planning Scheme — No C27

Statutory Rules under the following Acts:

*Building Act 1993* — SR Nos 14, 15, 16  
*County Court Act 1958* — SR No 17  
*Health Act 1958* — SR No 13  
*Pathology Services Accreditation Act 1984* — SR Nos 11, 12  
*Tobacco Act 1987* — SR No 19  
*Subordinate Legislation Act 1994* — SR No 18

*Subordinate Legislation Act 1994:*

Ministers' exception certificates in relation to Statutory Rule Nos 17, 18  
 Minister's exemption certificates in relation to Statutory Rule Nos 14, 19

Tattersall's — Financial Statements for the year 1999–2000, together with an explanation for the delay in tabling

The following proclamations fixing operative dates were laid upon the Table by the Clerk pursuant to an Order of the House dated 3 November 1999:

*Building (Legionella) Act 2000* — Section 9 and remaining provisions on 1 March 2001 (*Gazette G9, 1 March 2001*)  
*Children and Young Persons Act 1989* — Section 21(1) on 2 March 2001 (*Gazette G9, 1 March 2001*)  
*Children and Young Persons (Reciprocal Arrangements) Act 2000* — Remaining provisions except for s 7(4) on 2 March 2001 (*Gazette G9, 1 March 2001*)  
*Gambling Legislation (Miscellaneous Amendments) Act 2000* — Sections 4, 6, 7, 8, 44 and 45 on 1 March 2001 (*Gazette G9, 1 March 2001*)  
*Gaming No. 2 (Community Benefit) Act 2000* — Sections 21, 26, 28 and 29 on 1 March 2001 (*Gazette G9, 1 March 2001*)  
*Transport Accident (Amendment) Act 2000* — Section 12, ss 14(1), (2) and (4), and ss 16 and 30 on 1 March 2001 (*Gazette G9, 1 March 2001*)  
*University of Melbourne Land Act 2000* — Whole Act on 14 March 2001 (*Gazette G10, 8 March 2001*)  
*Victorian Curriculum and Assessment Authority Act 2000* — Provisions on 1 March 2001 (*Gazette G9, 1 March 2001*)

*Victorian Qualifications Authority Act 2000* — Provisions (including the items in the schedules) on 1 March 2001 (*Gazette G9, 1 March 2001*).

- 7 **MESSAGES FROM HIS EXCELLENCY THE GOVERNOR** — The Speaker announced the presentation of messages from His Excellency the Governor recommending appropriations for the purposes of the following bills:

Constitution (Supreme Court) Bill  
Water (Amendment) Bill.

- 8 **CORPORATIONS (COMMONWEALTH POWERS) BILL** — Mr Bracks, by leave, obtained leave with Mr Thwaites, to bring in a Bill '*to refer certain matters relating to corporations and financial products and services to the Parliament of the Commonwealth for the purposes of section 51(xxxviii) of the Constitution of the Commonwealth, to amend section 85 of the **Constitution Act 1975** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and, by leave, read a second time later this day.
- 9 **DRUG EDUCATION AND PREVENTION DEBATE** — Motion made, by leave, and question — That so much of Standing Orders and Sessional Orders be suspended on Wednesday 21 March 2001 so as to allow —

1 This House to invite Mr Neil Comrie, Dr David Penington, Dr Rob Moodie, Mr David Brunt, Archbishop Pell, Professor Margaret Hamilton, Mr Andy Hamilton and Mr Peter Wearne, to attend on the floor of the House on Wednesday 21 March 2001 at 3.00 pm and address the House on drug education and prevention and to remain on the floor, save in the event of a division, until the conclusion of the period allowed for questions.

2 Mr Neil Comrie and Dr David Penington to attend on the floor of the House and address the House on drug education and prevention for a maximum of 20 minutes each.

3 Dr Rob Moodie, Mr David Brunt, Archbishop Pell, Professor Margaret Hamilton, Mr Andy Hamilton and Mr Peter Wearne to attend on the floor of the House and address the House on drug education and prevention for a maximum of 5 minutes each.

4 At the conclusion of all such addresses, members of the Legislative Assembly and members of the Legislative Council be permitted to address questions to Mr Comrie, Dr Penington and the other expert advisers for a maximum period of 30 minutes.

5 Following the conclusion of any such questions:

- a the members of the Legislative Council shall retire to their Chamber; and
- b there shall be debate on the motion 'That this House takes note of the addresses of Mr Neil Comrie, Dr David Penington and the other expert advisers'.

6 The Speaker to put the question at 10.00 pm (or sooner if there be no further debate) and the time limits for each member's speech, with the exception of the lead speakers from the Government, Opposition and Third Party, shall be 10 minutes. No amendment to the motion to be accepted by the Speaker.

7 After such question has been resolved:

- a if the question was put at 10.00 pm the Speaker shall forthwith propose the question 'That the House do now adjourn' in accordance with Sessional Order 5(2)(b);
- b if the question was put prior to 10.00 pm, the House shall proceed, in accordance with Sessional Orders, with Government Business as set down on the Notice Paper.

8 The lower public gallery on the Opposition side of the House be deemed to be part of the Legislative Assembly Chamber for the duration of the addresses and questions to provide additional accommodation for members of the Legislative Council.

9 The Speaker of the Legislative Assembly shall chair the addresses, questions and debate, and the conduct of the proceedings shall be in accordance with the Standing Orders of the Legislative Assembly.

(*Mr Bracks*) — put and agreed to.

10 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, pursuant to Sessional Order 6(3), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 22 March 2001:

Health Records Bill  
 Land (Further Revocation of Reservations) Bill  
 Environment Protection (Liveable Neighbourhoods) Bill  
 Forestry Rights (Amendment) Bill

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

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

12 **POSTPONEMENT OF NOTICES OF MOTION** — Ordered — That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day.

13 **DRUG EDUCATION AND PREVENTION DEBATE** — Motion made and question — That this House invites members of the Legislative Council to join members of the Legislative Assembly in session following question time on the next day of sitting to hear an address by Mr Neil Comrie and other experts in the drug field outlining their proposals for a drug education and prevention program to protect Victoria's future generations from the drug scourge and to discuss proposals for a bipartisan program to deliver a better, safer drug education, prevention and diversion strategy (*Mr Bracks*) — put, after debate, and agreed to.

Ordered — That a message be sent to the Legislative Council acquainting them of the said resolution and inviting members of the Legislative Council to attend in the Legislative Assembly Chamber on Wednesday 21 March 2001 after question time at 3.00 pm.

14 **HEALTH RECORDS BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

- 15 **CORPORATIONS (COMMONWEALTH POWERS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Bracks*).

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

Ordered — That the debate be adjourned until tomorrow.

- 16 **LAND (FURTHER REVOCATION OF RESERVATIONS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

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

Bill read a second time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly and committed; considered in Committee.

Committee reported progress; to sit again later this day.

*Business having been interrupted at 10.00 pm pursuant to Sessional Orders.*

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

Further considered in Committee and reported without amendment.

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

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

- 19 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

And the House, at 11.14 pm, adjourned until tomorrow.

## No 76 — Wednesday 21 March 2001

- 1 The Deputy Speaker took the Chair and read the Prayer.
- 2 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:

**Airport Rail Link — Broadmeadows Corridor** — Seeking that the Broadmeadows Corridor option be excluded from further considerations to develop a high speed airport rail link, bearing 27 signatures (*by Mrs Maddigan*).

Ordered to lie on the Table.

- 3 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 4 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — INCREASE IN LAND TAX** — The House was informed that Ms Asher had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House condemns the State Government for refusing to rule out the State Business Taxation Review Committee recommendation of a \$1 billion increase in land tax which will destroy small business and small investors in Victoria.'

Ms Asher addressed the House — Discussion ensued.

- 5 **POSTPONEMENT OF NOTICES OF MOTION** — Ordered — That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day.
- 6 **PARLIAMENTARY PRECINCTS BILL** — Mr Bracks, after debate, obtained leave with Mr Pandazopoulos, to bring in a Bill '*to provide for the control, management and security of the Parliamentary precincts, to repeal certain provisions in the **Unlawful Assemblies and Processions Act 1958**, to amend the **Parliamentary Committees Act 1968** and the **Road Safety Act 1986** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 7 **STATE OWNED ENTERPRISES (AMENDMENT) BILL** — Mr Brumby, after debate, obtained leave with Mr Bracks, to bring in a Bill '*to amend the **State Owned Enterprises Act 1992** as a consequence of the introduction of a national tax equivalent regime and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 8 **CITY OF MELBOURNE BILL** — Mr Cameron, after debate, obtained leave with Mr Pandazopoulos, to bring in a Bill '*to alter the electoral structure of the City of Melbourne, to provide for the direct election of a Lord Mayor and a Deputy Lord Mayor, to facilitate an early election of the members of the Melbourne City Council and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 9 **ENVIRONMENT PROTECTION (LIVEABLE NEIGHBOURHOODS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Mr Pandazopoulos announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.



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

*Business having been interrupted at 2.00 pm pursuant to Sessional Orders.*

10 **QUESTIONS** — (Pursuant to Standing Order No 124).

11 **DRUG EDUCATION AND PREVENTION DEBATE — ADDRESSES BY DR PENINGTON, MR COMRIE, AND OTHER EXPERT ADVISERS** — Pursuant to the resolutions of the House on 20 March 2001 members of the Legislative Council entered the Legislative Assembly Chamber to hear the addresses by Dr David Penington, Mr Neil Comrie, Dr Rob Moodie, Mr David Brunt, His Grace Archbishop George Pell, Professor Margaret Hamilton, Mr Andy Hamilton and Mr Peter Wearne on drug education and prevention.

Dr Penington, Mr Comrie, and other expert advisers addressed the House and answered questions from members.

Dr Penington, Mr Comrie, and other expert advisers were escorted from the Chamber by the Serjeant-at-Arms.

Members of the Legislative Council withdrew from the Chamber.

12 **DRUG EDUCATION AND PREVENTION DEBATE** — Motion made and question — That this House takes note of the addresses of Mr Neil Comrie, Dr David Penington and other expert advisers (*Mr Bracks*) — put, after debate, and agreed to.

*Business having been interrupted at 10.00 pm pursuant to resolution of the House on 20 March 2001*

13 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 11.03 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

## **No 77 — Thursday 22 March 2001**

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

2 **PAPERS** —

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — Mr Loney, Chair, brought up a report from the Public Accounts and Estimates Committee on Unfunded Superannuation Liabilities in the Financial Reports of Victorian Universities, 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:

*Financial Management Act 1994* — Report from the Treasurer that he had received the annual reports for the years ended 30 September 1999 and 30 September 2000 of the:

Faraday Arch Pty Ltd  
Florida Banner Pty Ltd

Statutory Rules under the following Acts:

*Accident Compensation Act 1985* — SR No 21  
*Accident Compensation (WorkCover Insurance) Act 1993* — SR No 21  
*Fisheries Act 1995* — SR No 20

*Subordinate Legislation Act 1994* — Minister's exception certificate in relation to Statutory Rule No 20.

3 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourn until Tuesday 3 April 2001 (*Mr Batchelor*) — put and agreed to.

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

5 **POSTPONEMENT OF NOTICES OF MOTION** — Ordered — That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day.

6 **PARLIAMENTARY PRECINCTS BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Bracks*).

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

Ordered — That the debate be adjourned until Thursday 5 April 2001.

7 **STATE OWNED ENTERPRISES (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).

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

Ordered — That the debate be adjourned until Thursday 5 April 2001.

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

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

Ordered — That the debate be adjourned until Thursday 5 April 2001.

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

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

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 10 **FORESTRY RIGHTS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Ms Garbutt announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

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

Bill read a second time.

*Business having been interrupted at 2.00 pm pursuant to Sessional Orders.*

- 11 **QUESTIONS** — (Pursuant to Standing Order No 124).

- 12 **FORESTRY RIGHTS (AMENDMENT) BILL** — Bill committed; considered in Committee and reported with amendments; and with an amended long title, which title is as follows:

*'A Bill to amend the **Forestry Rights Act 1996** to provide for rights to exploit carbon sequestered by trees, to require notification to be given for certain agreements under that Act and for other purposes.'*

Bill as amended, considered and amendments agreed to; read a third time.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 13 **ENVIRONMENT PROTECTION (LIVEABLE NEIGHBOURHOODS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Allocation of time — The Acting Speaker advised that the time allocated for consideration of bills pursuant to resolution of the House on Tuesday 20 March 2001 had expired.*

Question — That this Bill be now read a second time, Government amendments Nos 1 to 4 inclusive be agreed to, the Bill be read a third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 14 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Health Services (Amendment) Bill without amendment.

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

16 ADJOURNMENT — Resolved, after debate — That the House do now adjourn.

And the House, at 5.10 pm, adjourned until Tuesday 3 April 2001.

R W PURDEY  
*Clerk of the Legislative Assembly*

J M MADDIGAN  
*Deputy Speaker*

## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 78, 79 and 80

#### No 78 — Tuesday 3 April 2001

- 1 The House met pursuant to adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 3 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Railway Level Crossing, Hodgins Road, Hastings** — Seeking that the Government installs boom gates immediately at the railway level crossing at Hodgins Road, Hastings before an accident claims lives, bearing 270 signatures (*by Mr Cooper*)

**Intersection of Frankston-Flinders, Dandenong-Hastings and Denham Roads, Tyabb** — Seeking that urgent action is taken to make the intersection of Frankston-Flinders Road with Dandenong-Hastings Road and Denham Roads in Tyabb safer before more lives are lost at the location, bearing 269 signatures (*by Mr Cooper*).

Severally ordered to lie on the Table.

- 4 **PETITION — RAILWAY LEVEL CROSSING, HODGINS ROAD, HASTINGS** — Motion made and question — That the petition presented by the Member for Mornington relating to the railway level crossing at Hodgins Road, Hastings be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.
- 5 **PETITION — INTERSECTION OF FRANKSTON-FLINDERS, DANDENONG-HASTINGS AND DENHAM ROADS, TYABB** — Motion made and question — That the petition presented by the Member for Mornington relating to the intersection of Frankston-Flinders Road with Dandenong-Hastings Road and Denham Roads in Tyabb be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.
- 6 **PAPERS** —  
**NATIONAL CRIME AUTHORITY** — Motion made, by leave, and question — That there be presented to this House the Report of the National Crime Authority for the year 1999–2000 (*Mr Haermeyer*) — put and agreed to.

The said report was presented by Mr Haermeyer and ordered to lie on the Table.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Ms Gillett, Chair, brought up a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 3 of 2001 on the:

Barley Marketing (Amendment) Bill  
 City of Melbourne Bill  
 Corporations (Commonwealth Powers) Bill  
 Parliamentary Precincts Bill  
 State Owned Enterprises (Amendment) Bill

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:

*Crown Land (Reserves) Act 1978* — Section 17DA Orders granting under s 17D leases by:

Hindmarsh Shire Council (two orders)  
 Parks Victoria

*Interpretation of Legislation Act 1984* — Notices under s 32(3)(a)(iii) in relation to Statutory Rule Nos 11, 15.

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

Baw Baw Planning Scheme — No C2  
 Colac Otway Planning Scheme — No C7  
 Macedon Ranges Planning Scheme — No C1  
 Swan Hill Planning Scheme — No C1  
 Victoria Planning Provisions — No VC11

Statutory Rules under the following Acts:

*Heritage Act 1995* — SR No 23  
*Victorian Civil and Administrative Tribunal Act 1998* — SR No 24  
*Water Act 1989* — SR No 22

*Subordinate Legislation Act 1994* — Minister's exception certificate in relation to Statutory Rule No 24

*Wildlife Act 1975* — Wildlife (Control of Hunting) Notices Nos 2, 3 and 5/2001

The following proclamations fixing operative dates were laid upon the Table by the Clerk pursuant to an Order of the House dated 3 November 1999:

*Crimes at Sea Act 1999* — Whole Act on 31 March 2001 (*Gazette G13, 29 March 2001*)  
*Essential Services Legislation (Dispute Resolution) Act 2000* — Whole Act on 13 April 2001 (*Gazette G13, 29 March 2001*)  
*Gambling Legislation (Miscellaneous Amendments) Act 2000* — Section 30 on 22 March 2001 (*Gazette G12, 22 March 2001*)  
*Gaming No. 2 (Community Benefit) Act 2000* — Section 8 on 29 March 2001 (*Gazette G13, 29 March 2001*)  
*Heritage (Amendment) Act 2000* — Whole Act on 1 April 2001 (*Gazette G12, 22 March 2001*)  
*Victorian Law Reform Commission Act 2000* — Whole Act on 6 April 2001 (*Gazette G13, 29 March 2001*).

- 7 **MESSAGE FROM THE LIEUTENANT-GOVERNOR AS DEPUTY FOR HIS EXCELLENCY THE GOVERNOR — ASSENT TO BILL** — Informing the Assembly that she had, on 27 March 2001, given the royal assent to the Health Services (Amendment) Bill, presented to her by the Clerk of the Parliaments.
- 8 **MESSAGES FROM HIS EXCELLENCY THE GOVERNOR** — The Speaker announced the presentation of messages from His Excellency the Governor recommending appropriations for the purposes of the following bills:
- Parliamentary Precincts Bill  
State Owned Enterprises (Amendment) Bill.
- 9 **ORDER OF THE HOUSE RESCINDED** — Motion made, by leave, and question — That the Order of the House making the resumption of debate on the second reading of the Parliamentary Precincts Bill an Order of the Day for Thursday 5 April 2001 be read and rescinded and that it be made an Order of the Day for this day (*Mr Batchelor*) — put, after debate, and agreed to.
- 10 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, pursuant to Sessional Order 6(3), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 5 April 2001:
- Statute Law Amendment (Authorised Deposit-Taking Institutions) Bill  
Professional Boxing and Martial Arts (Amendment) Bill  
Water (Amendment) Bill  
Constitution (Supreme Court) Bill  
Prostitution Control (Proscribed Brothels) Bill  
Whistleblowers Protection Bill  
Parliamentary Precincts Bill  
City of Melbourne Bill.
- (*Mr Batchelor*) — put, after debate, and agreed to.
- 11 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 12 **POSTPONEMENT OF NOTICES OF MOTION** — Motion made and question proposed — That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day (*Mr Haermeyer*) — and, after debate —
- Motion made and question — That the question be now put (*Mr Langdon*) — put.
- The House divided.

AYES 45

Ms Allan (*Bendigo East*); Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Ms Davies; Ms Delahunty (*Northcote*); Ms Duncan; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Hardman; Mr Helper; Mr Holding; Mr Howard; Mr Ingram; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lenders; Mr Lim; Ms Lindell; Mr Loney; Mrs Maddigan; Mr Maxfield; Mr Mildenhall; Mr Nardella; Ms Overington; Mr Pandazopoulos; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Viney; Mr Wynne. Tellers: Ms Allen (*Benalla*); Mr Langdon.

## NOES 40

Ms Asher; Mr Ashley; Mr Baillieu; Ms Burke; Mr Clark; Mr Cooper; Dr Dean; Mr Dixon; Mr Doyle; Mrs Elliott; Mrs Fyffe; Mr Honeywood; Mr Jasper; Mr Kilgour; Mr Kotsiras; Mr Leigh; Mr Lupton; Mr McArthur; Ms McCall; Mr McIntosh; Mr Maclellan; Mr Mulder; Dr Naphthine; Mr Paterson; Mr Perton; Mrs Peulich; Mr Phillips; Mr Plowman; Mr Richardson; Mr Rowe; Mr Ryan; Mrs Shardey; Mr Spry; Mr Steggall; Mr Thompson; Mr Vogels; Mr Wells; Mr Wilson. Tellers: Mr Delahunty (*Wimmera*); Mr Smith.

And so it was resolved in the affirmative.

Question — That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day — accordingly put.

The House divided.

## AYES 45

Ms Allan (*Bendigo East*); Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Ms Davies; Ms Delahunty (*Northcote*); Ms Duncan; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Hardman; Mr Helper; Mr Holding; Mr Howard; Mr Ingram; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lenders; Mr Lim; Ms Lindell; Mr Loney; Mrs Maddigan; Mr Maxfield; Mr Mildenhall; Mr Nardella; Ms Overington; Mr Pandazopoulos; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Viney; Mr Wynne. Tellers: Ms Allen (*Benalla*); Mr Langdon.

## NOES 39

Ms Asher; Mr Ashley; Mr Baillieu; Ms Burke; Mr Clark; Mr Cooper; Dr Dean; Mr Dixon; Mr Doyle; Mrs Elliott; Mrs Fyffe; Mr Honeywood; Mr Jasper; Mr Kilgour; Mr Kotsiras; Mr Leigh; Mr Lupton; Mr McArthur; Ms McCall; Mr McIntosh; Mr Maclellan; Mr Mulder; Dr Naphthine; Mr Paterson; Mr Perton; Mrs Peulich; Mr Phillips; Mr Plowman; Mr Richardson; Mr Ryan; Mrs Shardey; Mr Spry; Mr Steggall; Mr Thompson; Mr Vogels; Mr Wells; Mr Wilson. Tellers: Mr Delahunty (*Wimmera*); Mr Smith.

And so it was resolved in the affirmative.

- 13 **PARLIAMENTARY PRECINCTS BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

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

Land (Further Revocation of Reservations) Bill  
Health Records Bill.

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



- 16 **STATUTE LAW AMENDMENT (AUTHORISED DEPOSIT-TAKING INSTITUTIONS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm pursuant to Sessional Orders.*

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

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

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 17 **PROFESSIONAL BOXING AND MARTIAL ARTS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Mr Pandazopoulos announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

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

Bill read a second time and committed; considered in Committee and reported with amendments; as amended, considered, and amendments agreed to; read a third time.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

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

- 19 **ADJOURNMENT** — Motion made and question proposed — That the House do now adjourn (*Mr Batchelor*) — and, after debate —

And the House having continued to sit after 12 midnight —

WEDNESDAY 4 APRIL 2001

Question — put and agreed to.

And the House, at 12.42 am, adjourned until later this day.

## No 79 — Wednesday 4 April 2001

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:

**Telebus Service at Lilydale** — Seeking that the Parliament and the Minister for Transport reviews urgently the telebus service and associated facilities to the Lilydale area, bearing 81 signatures (*by Mrs Fyffe*).

Ordered to lie on the Table.

- 3 **HOUSE COMMITTEE — MEMBERSHIP** — Motion made, by leave, and question — That Mr Leighton be discharged from attendance on the House Committee and that Mr Stensholt be appointed in his stead (*Mr Batchelor*) — put and agreed to.
- 4 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 5 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — DEMANDS FOR SERVICES AND IMPROVED INFRASTRUCTURE** — The House was informed that Mr Brumby had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House notes the difficulties facing the State Government in meeting the demands of Victorians for services and improved infrastructure in the absence of a fair share of Commonwealth revenues, and calls on the Howard Liberal/National Government to end policies that discriminate against Victoria.'

Mr Brumby addressed the House — Discussion ensued.

- 6 **POSTPONEMENT OF NOTICES OF MOTION** — Motion made and question proposed — That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day (*Ms Kosky*) — and, after debate —

*Business having been interrupted at 2.00 pm pursuant to Sessional Orders.*

- 7 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 8 **POSTPONEMENT OF NOTICES OF MOTION** — Debate continued on question — That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day.

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

The House divided.

AYES 45

Ms Allan (*Bendigo East*); Ms Allen (*Benalla*); Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Ms Davies; Ms Delahunty (*Northcote*); Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Hardman; Mr Helper; Mr Holding; Mr Howard; Mr Ingram;

Ms Kosky; Mr Languiller; Mr Leighton; Mr Lenders; Mr Lim; Ms Lindell; Mr Loney; Mrs Maddigan; Mr Maxfield; Mr Mildenhall; Mr Nardella; Ms Overington; Mr Pandazopoulos; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Viney; Mr Wynne. Tellers: Ms Duncan; Mr Langdon.

NOES 40

Ms Asher; Mr Ashley; Mr Baillieu; Ms Burke; Mr Clark; Mr Cooper; Dr Dean; Mr Dixon; Mr Doyle; Mrs Elliott; Mrs Fyffe; Mr Honeywood; Mr Jasper; Mr Kilgour; Mr Kotsiras; Mr Leigh; Mr Lupton; Mr McArthur; Ms McCall; Mr McIntosh; Mr Maclellan; Mr Mulder; Dr Napthine; Mr Paterson; Mr Perton; Mrs Peulich; Mr Phillips; Mr Plowman; Mr Richardson; Mr Rowe; Mr Ryan; Mrs Shardey; Mr Spry; Mr Steggall; Mr Thompson; Mr Vogels; Mr Wells; Mr Wilson. Tellers: Mr Delahunty (*Wimmera*); Mr Smith.

And so it was resolved in the affirmative.

Question – That the consideration of Government Business, Notices of Motion, Nos 1 to 5 inclusive, be postponed until later this day – accordingly put.

The House divided.

AYES 45

Ms Allan (*Bendigo East*); Ms Allen (*Benalla*); Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Ms Davies; Ms Delahunty (*Northcote*); Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Hardman; Mr Helper; Mr Holding; Mr Howard; Mr Ingram; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lenders; Mr Lim; Ms Lindell; Mr Loney; Mrs Maddigan; Mr Maxfield; Mr Mildenhall; Mr Nardella; Ms Overington; Mr Pandazopoulos; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Viney; Mr Wynne. Tellers: Ms Duncan; Mr Langdon.

NOES 40

Ms Asher; Mr Ashley; Mr Baillieu; Ms Burke; Mr Clark; Mr Cooper; Dr Dean; Mr Dixon; Mr Doyle; Mrs Elliott; Mrs Fyffe; Mr Honeywood; Mr Jasper; Mr Kilgour; Mr Kotsiras; Mr Leigh; Mr Lupton; Mr McArthur; Ms McCall; Mr McIntosh; Mr Maclellan; Mr Mulder; Dr Napthine; Mr Paterson; Mr Perton; Mrs Peulich; Mr Phillips; Mr Plowman; Mr Richardson; Mr Rowe; Mr Ryan; Mrs Shardey; Mr Spry; Mr Steggall; Mr Thompson; Mr Vogels; Mr Wells; Mr Wilson. Tellers: Mr Delahunty (*Wimmera*); Mr Smith.

And so it was resolved in the affirmative.

- 9 **FOOD (AMENDMENT) BILL** – Mr Thwaites, after debate, obtained leave with Mr Batchelor, to bring in a Bill '*to amend the Food Act 1984 and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 10 **TOBACCO (FURTHER AMENDMENT) BILL** – Mr Thwaites obtained leave with Mr Batchelor, to bring in a Bill '*to make various amendments to the Tobacco Act 1987 and the Tobacco (Amendment) Act 2000 and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 11 **HEALTH SERVICES (HEALTH PURCHASING VICTORIA) BILL** – Mr Thwaites, after debate, obtained leave with Mr Batchelor, to bring in a Bill '*to amend the Health Services Act 1988 in relation to the supply of goods and services to health or related services, including public*

*hospitals, to establish Health Purchasing Victoria and for other purposes'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.*

- 12 **ROAD SAFETY (ALCOHOL AND DRUGS ENFORCEMENT MEASURES) BILL** – Mr Batchelor obtained leave, with Mr Thwaites, to bring in a Bill '*to make miscellaneous amendments to the Road Safety Act 1986, the Marine Act 1988 and other Acts related to alcohol and drugs enforcement and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 13 **BENEFIT ASSOCIATIONS (REPEAL) BILL** – Mr Cameron obtained leave, with Mr Batchelor, to bring in a Bill '*to repeal the Benefit Associations Act 1958 and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 14 **AUCTION SALES (REPEAL) BILL** – Mr Haermeyer obtained leave, with Mr Cameron, to bring in a Bill '*to repeal the Auction Sales Act 1958 and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 15 **CONSTITUTION (SUPREME COURT) BILL** – Order read for resuming debate on question – That this Bill be now read a second time.

Pursuant to Sessional Orders, Dr Dean announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

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

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

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

- 16 **PROSTITUTION CONTROL (PROSCRIBED BROTHELS) BILL** – Order read for resuming debate on question – That this Bill be now read a second time; debate resumed.

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

Ordered – That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 17 **CONSTITUTION (SUPREME COURT) BILL** – Order read for resuming debate on question – That this Bill be now read a second time; debate resumed.

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

Bill considered in Committee and reported without amendment.

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

Ordered – That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 18 **WATER (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm pursuant to Sessional Orders.*

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

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

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 19 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to Parliamentary Precincts Bill without amendment.

- 20 **WHISTLEBLOWERS PROTECTION BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Mr Cameron announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

Pursuant to Sessional Orders, Dr Dean announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

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

And the House having continued to sit after 12 midnight —

THURSDAY 5 APRIL 2001

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

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

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

- 22 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

And the House, at 2.02 am, adjourned until later this day.

## No 80 — Thursday 5 April 2001

- 1 The Speaker 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:
 

Statutory Rules under the following Acts:

*Corporations (Victoria) Act 1990* — SR No 27  
*Supreme Court Act 1986* — SR Nos 26, 27  
*Wildlife Act 1975* — SR No 25

*Subordinate Legislation Act 1994:*

Minister's exception certificates in relation to Statutory Rule Nos 26, 27  
 Minister's exemption certificate in relation to Statutory Rule No 23.
- 3 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourn until Tuesday 1 May 2001 (*Mr Batchelor*) — put and agreed to.
- 4 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 5 **WHISTLEBLOWERS PROTECTION BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
 

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

Ordered — That the debate be adjourned until later this day.
- 6 **CITY OF MELBOURNE BILL** — Order read for resuming debate on question — That this Bill be now read a second time.
 

Pursuant to Sessional Orders, Mr Cameron announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

Pursuant to Sessional Orders, Mr Ingram announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

Pursuant to Sessional Orders, Ms Davies announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

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

*Business having been interrupted at 2.00 pm pursuant to Sessional Orders.*
- 7 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 8 **CITY OF MELBOURNE BILL** — Debate resumed on question — That this Bill be now read a second time.

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

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

- 9 **WHISTLEBLOWERS PROTECTION BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

*Allocation of time* — *The Deputy Speaker advised that the time allocated for consideration of bills pursuant to resolution of the House on Tuesday 3 April 2001 had expired.*

Bill reported with amendments.

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 10 **CITY OF MELBOURNE BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — put.

The House divided.

AYES 76

Ms Allan (*Bendigo East*); Ms Allen (*Benalla*); Ms Asher; Mr Ashley; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Ms Burke; Mr Cameron; Ms Campbell; Mr Carli; Mr Clark; Dr Dean; Ms Delahunty (*Northcote*); Mr Dixon; Mr Doyle; Ms Duncan; Mrs Elliott; Ms Fyffe; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Hardman; Mr Helper; Mr Holding; Mr Honeywood; Mr Howard; Ms Kosky; Mr Kotsiras; Mr Languiller; Mr Leigh; Mr Leighton; Mr Lenders; Mr Lim; Ms Lindell; Mr Loney; Mr Lupton; Mr McArthur; Ms McCall; Mr McIntosh; Mr Maclellan; Mrs Maddigan; Mr Maxfield; Mr Mildenhall; Mr Mulder; Dr Napthine; Mr Nardella; Ms Overington; Mr Pandazopoulos; Mr Paterson; Mr Perton; Mrs Peulich; Mr Phillips; Ms Pike; Mr Plowman; Mr Richardson; Mr Robinson; Mr Rowe; Mr Seitz; Mrs Shardey; Mr Spry; Mr Stensholt; Mr Thompson; Mr Thwaites; Mr Trezise; Mr Viney; Mr Vogels; Mr Wells; Mr Wilson; Mr Wynne. Tellers: Mr Langdon; Mr Smith.

NOES 9

Ms Davies; Mr Delahunty (*Wimmera*); Mr Jasper; Mr Kilgour; Mr Ryan; Mr Savage; Mr Steggall; Tellers: Mr Ingram; Mr Maughan.

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 Assembly.

Government amendments Nos 1 to 6 inclusive agreed to.

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

11 **PAPERS —**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Ms Gillett, Chair, brought up a report from the Scrutiny of Acts and Regulations Committee on the Annual Review 2000, Regulations 1999 and 2000, together with appendices.

Ordered to lie on the Table and to be printed.

12 **ROAD SAFETY (ALCOHOL AND DRUGS ENFORCEMENT MEASURES) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).

*Mr Batchelor made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.*

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

Ordered — That the debate be adjourned until Thursday 19 April 2001.

13 **FOOD (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Thwaites*).

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

Ordered — That the debate be adjourned until Thursday 19 April 2001.

14 **TOBACCO (FURTHER AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Thwaites*).

*Mr Thwaites made the statement of intention required by s 85(5)(c) of the Constitution Act 1975*

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

Ordered — That the debate be adjourned until Thursday 19 April 2001.

15 **HEALTH SERVICES (HEALTH PURCHASING VICTORIA) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Thwaites*).

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

Ordered — That the debate be adjourned until Thursday 19 April 2001.

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



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

Ordered — That the debate be adjourned until Thursday 19 April 2001.

- 17 **AUCTION SALES (REPEAL) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Haermeyer*).

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

Ordered — That the debate be adjourned until Thursday 19 April 2001.

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

- 19 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

And the House, at 6.33 pm, adjourned until Tuesday 1 May 2001.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

# LEGISLATIVE ASSEMBLY OF VICTORIA

## VOTES AND PROCEEDINGS Nos 81, 82 and 83

### No 81 — Tuesday 1 May 2001

- 1 The House met pursuant to adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 3 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:

**Improved roads in the municipality of Wyndham** — Seeking that — (a) the Government and VicRoads classify Dohertys, Sayers, Palmers, Old Geelong and Aviation Roads as Declared Main Roads consistent with the role and function performed by these roads as principal regional links between Werribee and the surrounding urban fringe areas of metropolitan Melbourne; and (b) the Government allocates funds within the next two financial years to upgrade or commence upgrading Dohertys, Sayers, Palmers, Leakes, Edgars, Bulbar, Old Geelong and Aviation Roads, bearing 2,486 signatures (*by Ms Gillett*).

Ordered to lie on the Table.

- 4 **PETITION — IMPROVED ROADS IN THE MUNICIPALITY OF WYNDHAM** — Motion made and question — That the petition presented by the Member for Werribee relating to improved roads in the municipality of Wyndham be taken into consideration tomorrow (*Ms Gillett*) — put and agreed to.
- 5 **PAPERS** —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Ms Gillett, Chair, brought up a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 4 of 2001 on the:

Auction Sales (Repeal) Bill  
Benefit Associations (Repeal) Bill  
Electricity Industry Acts (Further Amendment) Bill  
Food (Amendment) Bill  
Health Records Bill  
Health Services (Health Purchasing Victoria) Bill  
Road Safety (Alcohol and Drugs Enforcement Measures) Bill  
Tobacco (Further Amendment) Bill

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:

Ballarat University — Report for the year 2000 (two papers)

Bendigo Regional Institute of TAFE — Report for the year 2000

Box Hill Institute of TAFE — Report for the year 2000

Caritas Christi Hospice Limited — Report for the year 1999–2000

Central Gippsland Institute of TAFE — Report for the year 2000

Chisholm Institute of TAFE — Report for the year 2000 (two papers)

Council of Adult Education — Report for the year 2000

Deakin University — Report for the year 2000

Driver Education Centre of Australia Limited — Report for the year 2000

East Gippsland Institute of TAFE — Report for the year 2000 (two papers)

Gordon Institute of TAFE — Report for the year 2000

Goulburn Ovens Institute of TAFE — Report for the year 2000

Holmesglen Institute of TAFE — Report for the year 2000

*Interpretation of Legislation Act 1984* — Notice under s 32(3)(a)(iii) in relation to Statutory Rule No 127

*Judicial Remuneration Tribunal Act 1995:*

Report on Judicial Salary and Allowances, 17 January 2001, and statement of reasons from the Attorney-General for accepting the recommendations contained in the report

Report on the Victorian Civil and Administrative Tribunal's Salary and Allowances, 17 January 2001, and statement on the action taken on the recommendations contained in the report

Kangan Batman Institute of TAFE — Report for the year 2000

La Trobe University — Report for the year 2000

Melbourne University — Report for the year 2000

Mercy Hospital for Women — Report for the year 1999–2000

Northern Melbourne Institute of TAFE — Report for the year 2000

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

Ballarat Planning Scheme — No C40

Bass Coast Planning Scheme — No C2 Part 1

Boroondara Planning Scheme — No C13  
 Campaspe Planning Scheme — No C13  
 Casey Planning Scheme — Nos C20, C28, C29  
 Darebin Planning Scheme — No C17  
 Glen Eira Planning Scheme — No C10  
 Horsham Planning Scheme — No C5  
 Hume Planning Scheme — Nos C6, C20  
 Knox Planning Scheme — Nos C6, C15  
 La Trobe Planning Scheme — No C8  
 Maroondah Planning Scheme — No C13  
 Melbourne Planning Scheme — No C43  
 Moonee Valley Planning Scheme — No C23  
 Moreland Planning Scheme — No C3  
 Mornington Peninsula Planning Scheme — No C26 Part 1  
 Pyrenees Planning Scheme — No C3  
 Stonnington Planning Scheme — No C7  
 Whittlesea Planning Scheme — No C17  
 Yarra Ranges Planning Scheme — Nos C6, C7

RMIT — Report for the year 2000

St Vincent's Hospital (Melbourne) Limited — Report for the year 1999–2000

South West Institute of TAFE — Report for the year 2000 (two papers)

Statutory Rules under the following Acts:

*Gaming Machine Control Act 1991* — SR No 31  
*Local Government Act 1989* — SR No 30  
*Road Safety Act 1986* — SR No 29  
*Subdivision Act 1988* — SR No 28

*Subordinate Legislation Act 1994* — Minister's exemption certificate in relation to Statutory Rule No 29

Sunraysia Institute of TAFE — Report for the year 2000

Swinburne University of Technology — Report for the year 2000

Victoria University of Technology — Report for the year 2000

William Angliss Institute of TAFE — Report for the year 2000

Wodonga Institute of TAFE — Report for the year 2000

The following proclamations fixing operative dates were laid upon the Table by the Clerk pursuant to an Order of the House dated 3 November 1999:

*Gambling Legislation (Miscellaneous Amendments) Act 2000* — Sections 5, 9, 10(3), 11, 12, 22(2), 37, 41, 42 and 53 on 26 April 2001 (*Gazette G17, 26 April 2001*)

*Gaming No. 2 (Community Benefit) Act 2000* — Remaining provisions of Part 5 and Part 6 on 26 April 2001 (*Gazette G17, 26 April 2001*)

*Gas Industry Acts (Amendment) Act 2000* — Sections 3, 6, 7, 8, 9, 10, 12, 13, 16, 17, 18, 19, 20, 21, 22, 25, 26, 27, 28, 30, 31, 32, 33, 34, 35, 36, 37 and Part 4 on 12 April 2001 (*Gazette G15, 12 April 2001*).

- 6 **MESSAGE FROM THE ADMINISTRATOR AS DEPUTY FOR HIS EXCELLENCY THE GOVERNOR — ASSENT TO BILLS** — Informing the Assembly that he had, on 10 April 2001, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Health Records Bill  
Land (Further Revocation of Reservations) Bill  
Parliamentary Precincts Bill.

- 7 **MESSAGES FROM HIS EXCELLENCY THE GOVERNOR** — The Speaker announced the presentation of messages from His Excellency the Governor recommending appropriations for the purposes of the following bills:

Food (Amendment) Bill  
Health Services (Health Purchasing Victoria) Bill  
Tobacco (Further Amendment) Bill.

- 8 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, pursuant to Sessional Order 6(3), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 3 May 2001:

Road Safety (Alcohol and Drugs Enforcement Measures) Bill  
Food (Amendment) Bill  
Health Services (Health Purchasing Victoria) Bill  
Statute Law Amendment (Relationships) Bill  
State Owned Enterprises (Amendment) Bill.

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

- 9 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 10 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 1 to 6 inclusive, be postponed until later this day.
- 11 **STATUTE LAW AMENDMENT (RELATIONSHIPS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Mr Hulls announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

Pursuant to Sessional Orders, Ms Davies announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

Pursuant to Sessional Orders, Dr Dean announced that it was proposed to move an amendment in Committee and requested that it be circulated. Amendment circulated.

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

Pursuant to Sessional Orders, Dr Dean announced that it was proposed to move a further amendment in Committee and requested that it be circulated. Further amendment circulated.

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

*Business having been interrupted at 10.00 pm pursuant to Sessional Orders.*

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

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

Question — put.

The House divided.

\*AYES 75

Ms Allan (*Bendigo East*); Ms Allen (*Benalla*); Ms Asher; Mr Ashley; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Ms Burke; Mr Cameron; Ms Campbell; Mr Carli; Mr Cooper; Ms Davies; Dr Dean; Mr Dixon; Mr Doyle; Ms Duncan; Mrs Elliott; Ms Fyffe; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Hardman; Mr Helper; Mr Holding; Mr Honeywood; Mr Howard; Mr Hulls; Ms Kosky; Mr Kotsiras; Mr Languiller; Mr Leigh; Mr Leighton; Mr Lenders; Mr Lim; Ms Lindell; Mr Loney; Mr Lupton; Mr McArthur; Ms McCall; Mr McIntosh; Mr Maclellan; Mrs Maddigan; Mr Maxfield; Mr Mildenhall; Mr Mulder; Dr Napthine; Mr Nardella; Ms Overington; Mr Pandazopoulos; Mr Paterson; Mr Perton; Mr Phillips; Ms Pike; Mr Plowman; Mr Richardson; Mr Robinson; Mr Rowe; Mr Seitz; Mrs Shardey; Mr Spry; Mr Stensholt; Mr Thompson; Mr Thwaites; Mr Trezise; Mr Viney; Mr Wells; Mr Wilson; Mr Wynne. Tellers: Mr Langdon; Mr Smith.

NOES 9

Mr Clark; Mr Delahunty (*Wimmera*); Mr Jasper; Mr Kilgour; Mr Ryan; Mr Savage; Mr Steggall; Tellers: Mr Ingram; Mr Maughan.

And so it was resolved in the affirmative.

Bill read a second time and committed.

And the House having continued to sit after 12 midnight —

WEDNESDAY 2 MAY 2001

Bill considered in Committee and reported with amendments; as amended, considered, and amendments agreed to.

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

The House divided.

AYES 74

Ms Allan (*Bendigo East*); Ms Allen (*Benalla*); Ms Asher; Mr Ashley; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Ms Burke; Mr Cameron; Ms Campbell; Mr Carli; Mr Cooper; Ms Davies; Dr Dean; Mr Dixon; Mr Doyle; Ms Duncan; Mrs Elliott; Ms Fyffe; Ms Garbutt; Ms Gillett;

Mr Hamilton; Mr Hardman; Mr Helper; Mr Holding; Mr Honeywood; Mr Howard; Mr Hulls; Ms Kosky; Mr Kotsiras; Mr Languiller; Mr Leigh; Mr Leighton; Mr Lenders; Mr Lim; Ms Lindell; Mr Loney; Mr Lupton; Mr McArthur; Ms McCall; Mr McIntosh; Mr Maclellan; Mrs Maddigan; Mr Maxfield; Mr Mildenhall; Mr Mulder; Dr Naphthine; Mr Nardella; Ms Overington; Mr Pandazopoulos; Mr Paterson; Mr Perton; Mr Phillips; Ms Pike; Mr Richardson; Mr Robinson; Mr Rowe; Mr Seitz; Mrs Shardey; Mr Spry; Mr Stensholt; Mr Thompson; Mr Thwaites; Mr Trezise; Mr Viney; Mr Vogels; Mr Wells; Mr Wilson; Mr Wynne. Tellers: Mr Langdon; Mr Smith.

## NOES 9

Mr Clark; Mr Delahunty (*Wimmera*); Mr Jasper; Mr Kilgour; Mr Ryan; Mr Savage; Mr Steggall; Tellers: Mr Ingram; Mr Maughan.

And so it was resolved in the affirmative.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 12 **ERROR IN DIVISION LIST** — The Speaker informed the House that, with the division which took place in the House on the question, 'That this Bill be now read a second time', on the Statute Law Amendment (Relationships) Bill, the Tellers for the 'Ayes' inadvertently missed recording the name of the Member for Kew, Mr McIntosh. The 'Ayes' vote should have been '75'.

The Speaker directed the Clerk to correct the Division List accordingly.

- 13 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Corporations (Commonwealth Powers) Bill without amendment.
- 14 **ELECTRICITY INDUSTRY ACTS (FURTHER AMENDMENT) BILL** — The Speaker announced the receipt of a message from the Legislative Council transmitting a Bill '*to amend the Electricity Industry Act 2000 and the Electricity Safety Act 1998 and for other purposes*' and desiring the concurrence of the Legislative Assembly therein.

On the motion of Ms Garbutt, the Bill transmitted by the foregoing message was read a first time, ordered to be printed and read a second time tomorrow.

- 15 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Cameron*) — put and agreed to.
- 16 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

And the House, at 1.58 am, adjourned until later this day.

## No 82 — Wednesday 2 May 2001

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Railway Crossing at Main Road, St Albans** — Seeking that VicRoads completes the study relating to the railway crossing located on Main Road, dividing Main Road East and Main Road West, St Albans before electrification to Sydenham goes through and a decision is made to underground the crossing, bearing 81 signatures (*by Mr Seitz*)

**Statewide School Bus Review** — Seeking that the Parliament considers the rural community submissions to the current Statewide School Bus Review and gives an undertaking to remove the unjust iniquitous and unfair policy that exists at present which discriminates against Catholic and non-government school students by denying them fair and free access to government contract bus school bus seats, bearing 1,059 signatures (*by Mr Maxfield*)

**Royal Victorian Institute for the Blind — Otways South Western Regional Office** — Seeking that the Minister for Community Services together with the Government, intervenes to prevent the closure of the Otways South Western Regional Office by the Royal Victorian Institute for the Blind and that the service continues undisturbed as presently existing, bearing 315 signatures (*by Mr Vogels*).

Severally ordered to lie on the Table.

- 3 **PETITION — RAILWAY CROSSING AT MAIN ROAD, ST ALBANS** — Motion made and question — That the petition presented by the Member for Keilor relating to the railway crossing at St Albans be taken into consideration tomorrow (*Mr Seitz*) — put and agreed to.
- 4 **PAPERS** —

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — Mr Loney, Chair, brought up a report from the Public Accounts and Estimates Committee on the Appointment of Independent Auditors to Conduct Financial and Performance Audits of the Victorian Auditor-General's Office, together with appendices.

Ordered to lie on the Table and to be printed.

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

Auditor-General — Performance Audit Report — Implementing Local Priority Policing in Victoria — Ordered to be printed.

*Melbourne City Link Act 1995:*

Deed for Managed Investments Act  
Statement of Variation No 1/2001: Detailed Tolling Strategy



*Parliamentary Committees Act 1968* — Response of the Minister for Agriculture on the action taken with respect to the recommendations made by the Environment and Natural Resources Committee's Report on Control of Ovine Johne's Disease in Victoria.

- 5 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 6 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.
- 7 **HEALTH (AMENDMENT) BILL** — Mr Thwaites, after debate, obtained leave with Ms Pike, to bring in a Bill '*to make various amendments to the **Health Act 1958**, to repeal certain redundant provisions of that Act, to amend other Acts and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 8 **BUILDING (SINGLE DWELLINGS) BILL** — Mr Thwaites obtained leave, with Ms Pike, to bring in a Bill '*to amend the **Building Act 1993** in relation to the siting and design of single dwellings and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 9 **URBAN LAND CORPORATION (AMENDMENT) BILL** — Mr Thwaites, after debate, obtained leave with Ms Pike, to bring in a Bill '*to amend the **Urban Land Corporation Act 1997** to change the title of that Act and to change the title and functions of the Urban Land Corporation and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 10 **AGRICULTURE LEGISLATION (AMENDMENT) BILL** — Mr Hamilton, after debate, obtained leave with Ms Pike, to bring in a Bill '*to amend the **Meat Industry Act 1993**, to repeal the **Margarine (Repeal) Act 1994**, the **Quarantine Officers (Transfer) Act 1990** and the **Tobacco Leaf Industry (Deregulation) Act 1994** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 11 **GAS INDUSTRY LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Mr Brumby, after debate, obtained leave with Ms Pike, to bring in a Bill '*to amend the **Gas Industry Act 1994** to provide for retail gas market rules and as a consequence of the **Gas Industry Act 2001** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 12 **GAS INDUSTRY BILL** — Mr Brumby, after debate, obtained leave with Ms Campbell, to bring in a Bill '*to regulate the gas industry and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 13 **JUDICIAL AND OTHER PENSIONS LEGISLATION (AMENDMENT) BILL** — Mr Hulls obtained leave, with Ms Kosky, to bring in a Bill '*to amend the **Attorney-General and Solicitor-General Act 1972**, the **Constitution Act 1975**, the **County Court Act 1958**, the **Magistrates' Court Act 1989**, the **Public Prosecutions Act 1994** and the **Supreme Court Act 1986** to provide for the commutation of pensions under these Acts for the purposes of payment of the superannuation contributions surcharge and the consequent adjustment of pensions and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 14 **JUDICIAL COLLEGE OF VICTORIA BILL** — Mr Hulls obtained leave, with Ms Campbell, to bring in a Bill '*to establish the Judicial College of Victoria and define its functions and powers and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.

- 15 **RACING (RACING VICTORIA LTD) BILL** — Mr Hulls obtained leave, with Ms Kosky, to bring in a Bill '*to amend the **Racing Act 1958** to provide for the recognition of a body to be responsible for the carrying out of certain powers and functions relating to horse racing and to confer powers and functions on that body and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 16 **VICTORIAN MANAGED INSURANCE AUTHORITY (AMENDMENT) BILL** — Ms Kosky, after debate, obtained leave with Ms Campbell, to bring in a Bill '*to amend the **Victorian Managed Insurance Authority Act 1996** and the **Financial Management Act 1994** with respect to insurance and risk management in the Victorian public sector and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 17 **POST COMPULSORY EDUCATION ACTS (AMENDMENT) BILL** — Ms Kosky, after debate, obtained leave with Ms Campbell, to bring in a Bill '*to amend the **Tertiary Education Act 1993**, the **Deakin University Act 1974** and the **Victorian Qualifications Authority Act 2000** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 18 **COMMUNITY VISITORS LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Ms Campbell obtained leave, with Ms Kosky, to bring in a Bill '*to make miscellaneous amendments to the **Disability Services (Amendment) Act 2000**, the **Guardianship and Administration Act 1986**, the **Health Services Act 1988**, the **Intellectually Disabled Persons' Services Act 1986** and the **Mental Health Act 1986** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 19 **CORRECTIONS AND SENTENCING ACTS (HOME DETENTION) BILL** — Mr Haermeyer obtained leave, with Ms Garbutt, to bring in a Bill '*to amend the **Sentencing Act 1991** to empower a court to make a home detention order where it has imposed a sentence of imprisonment and to amend the **Corrections Act 1986** to empower the Adult Parole Board to make a home detention order where a prisoner nears the end of a term of imprisonment and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 20 **CORRECTIONS (CUSTODY) BILL** — Mr Haermeyer, after debate, obtained leave with Ms Garbutt, to bring in a Bill '*to amend the **Corrections Act 1986** and other Acts in relation to the custody and transfer of prisoners and detainees and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 21 **LAND SURVEYING BILL** — Ms Garbutt, after debate, obtained leave with Mr Haermeyer, to bring in a Bill '*to provide for the management of cadastral surveying, to repeal the **Surveyors Act 1978** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 22 **TRANSFER OF LAND (AMENDMENT) BILL** — Ms Garbutt obtained leave, with Mr Haermeyer, to bring in a Bill '*to amend the **Transfer of Land Act 1958** in relation to the powers of the Registrar of Titles with respect to the creation and deletion of folios of the Register, to provide for the fixing of differential fees by regulation, to make consequential amendments to the **Land Act 1958** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 23 **FOOD (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm pursuant to Sessional Orders.*

- 24 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 25 **FOOD (AMENDMENT) BILL** — Debate continued on question — That this Bill be now read a second time.
- Motion made, by leave, and question — That the debate be now adjourned (*Mr Doyle*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day and that Mr Doyle have leave to continue his speech when the debate is resumed.
- 26 **PAPER** —
- Mr Bracks presented by Command of His Excellency the Governor:
- Report of the Metropolitan Ambulance Service Royal Commission, Volume 1, May 2001
- Ordered to lie on the Table and to be printed.
- 27 **FOOD (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Bill read a second time and, by leave, read a third time forthwith.
- Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.
- 28 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the State Taxation Acts (Further Miscellaneous Amendments) Bill without amendment.
- 29 **ROAD SAFETY (ALCOHOL AND DRUGS ENFORCEMENT MEASURES) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.
- Pursuant to Sessional Orders, Mr Batchelor announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.
- Debate resumed on question — That this Bill be now read a second time.
- Motion made and question — That the debate be now adjourned (*Mr Maxfield*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 30 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 3 to 12 inclusive, be postponed until later this day.
- 31 **ELECTRICITY INDUSTRY ACTS (FURTHER AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).
- Motion made and question — That the debate be now adjourned (*Mr Honeywood*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 16 May 2001.

*Business having been interrupted at 10.00 pm pursuant to Sessional Orders.*

- 32 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 11.05 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

## No 83 — Thursday 3 May 2001

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Air Conditioners for Schools in the Alpine area** — Seeking that the House supports funding for replacement and repair of air conditioners at schools in the alpine area, bearing 262 signatures (*by Mr Plowman*)

**Urban Development in Growth Areas** — Seeking that the policy of confining urban development to growth areas, separated from each other by permanent green wedges of open country, be retained as the basis for future development, bearing 117 signatures (*by Ms Lindell*)

**Mornington Peninsula Shire Council** — Seeking that the Mornington Peninsula Shire Council be divided into two new shires, bearing 1,986 signatures (*by Mr Dixon*)

**Lara Police Station** — Seeking that the upgrade of staffing hours at the Lara Police Station be an urgent priority with the Minister for Police and Emergency Services, bearing 2,116 signatures (*by Mr Loney*)

**Terang-Framlingham Road and Occupation Lane, Terang** — Seeking that road safety at the intersection of Terang-Framlingham Road and Occupation Lane be immediately improved by the installation of warning signs on both roads alerting drivers to a blackspot intersection and that work be commenced to offset Occupation Lane at that intersection, bearing 633 signatures (*by Mr Vogels*).

Severally ordered to lie on the Table.

- 3 **PETITION — AIR CONDITIONERS FOR SCHOOLS IN THE ALPINE AREA** — Motion made and question — That the petition presented by the Member for Benambra relating to air conditioners for schools in the Alpine area be taken into consideration tomorrow (*Mr Plowman*) — put and agreed to.

- 4 **PETITION — TERANG-FRAMLINGHAM ROAD AND OCCUPATION LANE, TERANG** — Motion made and question — That the petition presented by the Member for Warrnambool relating to the Terang-Framlingham Road and Occupation Lane, Terang be taken into consideration tomorrow (*Mr Vogels*) — put and agreed to.

5 **PAPERS —**

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — Mr Loney, Chair, brought up a report from the Public Accounts and Estimates Committee on the 1999–2000 Budget Outcomes, 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:

Prince Henry's Institute of Medical Research — Report for the year 2000

Statutory Rules under the following Acts:

*Conservation, Forests and Lands Act 1987* — SR No 36

*County Court Act 1958* — SR Nos 34, 35

*Supreme Court Act 1986* — SR Nos 32, 33

*Subordinate Legislation Act 1994*:

Minister's exception certificates in relation to Statutory Rule Nos 32, 33, 34, 35

Minister's exemption certificate in relation to Statutory Rule No 36.

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

Statute Law Amendment (Authorised Deposit-taking Institutions) Bill

Forestry Rights (Amendment) Bill

Environment Protection (Liveable Neighbourhoods) Bill.

- 7 **FINANCIAL AUDIT OF THE AUDITOR-GENERAL'S OFFICE** — Motion made, by leave, and question — That pursuant to s 17 of the *Audit Act 1994* —

1 Mr Christopher Lewis of KPMG be appointed to conduct the financial audit of the Victorian Auditor-General's Office for the 2000–2001 financial year in accordance with the conditions of appointment and remuneration contained in the Report of the Public Accounts and Estimates Committee on the Appointment of Independent Auditors to Conduct Financial and Performance Audits of the Victorian Auditor-General's Office (Parliamentary Paper No 77, Session 1999–2001);

2 The level of remuneration for the financial audit be \$19,800 inclusive of GST; and

3 Mr Lewis be appointed for three years, subject to negotiation with the Public Accounts and Estimates Committee, of a suitable level of remuneration for future financial audits.

(*Mr Batchelor*) — put and agreed to.

Ordered — That a message be sent to the Legislative Council acquainting them of the resolution and seeking their concurrence therein.

8 **PERFORMANCE AUDIT OF THE AUDITOR-GENERAL'S OFFICE** — Motion made, by leave, and question — That pursuant to s 19 of the *Audit Act 1994* —

1 Mr Stuart Alford of Ernst & Young conduct the performance audit of the Victorian Auditor-General's Office in accordance with the conditions of appointment and remuneration contained in the Report of the Public Accounts and Estimates Committee on the Appointment of Independent Auditors to Conduct Financial and Performance Audits of the Victorian Auditor-General's Office (Parliamentary Paper No 77, Session 1999–2001); and

2 The level of remuneration for the performance audit be \$220,000 inclusive of GST.

(*Mr Batchelor*) — put and agreed to.

Ordered — That a message be sent to the Legislative Council acquainting them of the resolution and seeking their concurrence therein.

9 **TOBACCO (FURTHER AMENDMENT) BILL** — Motion made, by leave, and question — That it be an instruction to the Committee that they have power to consider amendments and new clauses to the Tobacco (Further Amendment) Bill to provide for the prohibition of smoking in areas where gaming machines are played, penalties for contravention and requirements to display no smoking signs in such areas (*Ms Davies*) — put and agreed to.

10 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourn until Tuesday 15 May 2001 (*Mr Batchelor*) — put and agreed to.

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

12 **STATE OWNED ENTERPRISES (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

13 **HEALTH SERVICES (HEALTH PURCHASING VICTORIA) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Mr Pandazopoulos announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

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

*Business having been interrupted at 2.00 pm pursuant to Sessional Orders.*

14 **QUESTIONS** — (Pursuant to Standing Order No 124).

15 **HEALTH SERVICES (HEALTH PURCHASING VICTORIA) BILL** — Debate continued on question — That this Bill be now read a second time.

*Allocation of time — The Acting Speaker advised that the time allocated for consideration of bills pursuant to resolution of the House on Tuesday 1 May 2001 had expired.*

Question — That this Bill be now read a second time, Government amendments Nos 1 to 4 inclusive be agreed to, the Bill be read a third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 16 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 3 to 18 inclusive, be postponed until later this day.

- 17 **ROAD SAFETY (ALCOHOL AND DRUGS ENFORCEMENT MEASURES) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Government amendments Nos 1 to 3 inclusive agreed to.

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 18 **HEALTH (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Thwaites*).

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

Ordered — That the debate be adjourned until Thursday 17 May 2001.

- 19 **BUILDING (SINGLE DWELLINGS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Thwaites*).

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

Ordered — That the debate be adjourned until Thursday 17 May 2001.

- 20 **URBAN LAND CORPORATION (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Thwaites*).

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

Ordered — That the debate be adjourned until Thursday 17 May 2001.

- 21 **AGRICULTURE LEGISLATION (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hamilton*).

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

Ordered — That the debate be adjourned until Thursday 17 May 2001.

- 22 **GAS INDUSTRY LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hamilton*).

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

Ordered — That the debate be adjourned until Thursday 17 May 2001.

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

*Mr Brumby made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.*

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

Ordered — That the debate be adjourned until Thursday 17 May 2001.

- 24 **JUDICIAL AND OTHER PENSIONS LEGISLATION (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

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

Ordered — That the debate be adjourned until Thursday 17 May 2001.

- 25 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the City of Melbourne Bill with amendments.

Ordered — That the said amendments be printed and taken into consideration forthwith.

- 26 **CITY OF MELBOURNE BILL** — Order read for the consideration of the amendments made by the Legislative Council.

And the said amendments were read a second time and, after debate, agreed to with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Ordered — That a message be sent to the Legislative Council acquainting them that the Legislative Assembly has agreed to the said amendments.

- 27 **JUDICIAL COLLEGE OF VICTORIA BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

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

Ordered — That the debate be adjourned until Thursday 17 May 2001.

- 28 **RACING (RACING VICTORIA LTD) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).



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

Ordered — That the debate be adjourned until Thursday 17 May 2001.

- 29 **VICTORIAN MANAGED INSURANCE AUTHORITY (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Kosky*).

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

Ordered — That the debate be adjourned until Thursday 17 May 2001.

- 30 **POST COMPULSORY EDUCATION ACTS (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Kosky*).

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

Ordered — That the debate be adjourned until Thursday 17 May 2001.

- 31 **COMMUNITY VISITORS LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Campbell*).

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

Ordered — That the debate be adjourned until Thursday 17 May 2001.

- 32 **CORRECTIONS AND SENTENCING ACTS (HOME DETENTION) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Haermeyer*).

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

Ordered — That the debate be adjourned until Thursday 17 May 2001.

- 33 **CORRECTIONS (CUSTODY) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Haermeyer*).

*Mr Haermeyer made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.*

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

Ordered — That the debate be adjourned until Thursday 17 May 2001.

- 34 **LAND SURVEYING BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Garbutt*).

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

Ordered — That the debate be adjourned until Thursday 17 May 2001.

- 35 **TRANSFER OF LAND (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Garbutt*).

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

Ordered — That the debate be adjourned until Thursday 17 May 2001.

- 36 **MESSAGES FROM THE LEGISLATIVE COUNCIL** —

Acquainting the Assembly that they have concurred with the Assembly in the appointment of Mr Stuart Alford of Ernst & Young to conduct the performance audit of the Victorian Auditor-General's Office.

Acquainting the Assembly that they have concurred with the Assembly in the appointment of Mr Christopher Lewis of KPMG to conduct the financial audit for 2000–2001 of the Victorian Auditor-General's Office.

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

- 38 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

And the House, at 7.28 pm, adjourned until Tuesday 15 May 2001.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

# LEGISLATIVE ASSEMBLY OF VICTORIA

## VOTES AND PROCEEDINGS Nos. 84, 85 and 86

### No 84 — Tuesday 15 May 2001

- 1 The House met pursuant to adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 3 **LIQUOR CONTROL REFORM (AMENDMENT) BILL** — Pursuant to s 85 of the *Constitution Act 1975*, Mr Haermeyer gave notice of intention to make a statement of the reasons why he intends, in Committee, to propose a new clause to the Liquor Control Reform (Amendment) Bill which alters or varies that section.
- 4 **PAPERS** —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Ms Gillett, Chair, brought up a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 5 of 2001 on the:

Agriculture Legislation (Amendment) Bill  
Building (Single Dwellings) Bill  
Community Visitors Legislation (Miscellaneous Amendments) Bill  
Corrections (Custody) Bill  
Corrections and Sentencing Acts (Home Detention) Bill  
Gas Industry Bill  
Gas Industry Legislation (Miscellaneous Amendments) Bill  
Health (Amendment) Bill  
Judicial and Other Pensions Legislation (Amendment) Bill  
Judicial College of Victoria Bill  
Land Surveying Bill  
Liquor Control Reform (Amendment) Bill  
Post Compulsory Education Acts (Amendment) Bill  
Racing (Racing Victoria Ltd) Bill  
Transfer of Land (Amendment) Bill  
Urban Land Corporation (Amendment) Bill  
Victorian Managed Insurance Authority (Amendment) Bill

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:

*Drugs, Poisons and Controlled Substances Act 1981* — Documents pursuant to s 12H — Poisons Code:

Standard for the Uniform Scheduling of Drugs and Poisons No 15 Amendment No 4  
Notice regarding amendment, commencement and availability of the Poisons Code

*Financial Management Act 1994*:

Budget Paper No 2 — 2001–02 Budget Statement  
Budget Sector — Quarterly Financial Report for the period ended 31 March 2001

*Freedom of Information Act 1982* — Statement of reasons for seeking leave to appeal under s 65AB

Lake Mountain Alpine Resort Management Board — Report for the year ended 31 October 2000

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

Banyule Planning Scheme No C1  
Bayside Planning Scheme No C5  
Brimbank Planning Scheme No C28  
Cardinia Planning Scheme No C9 Part 1  
Greater Bendigo Planning Scheme No C3  
Greater Geelong Planning Scheme Nos C8, C12  
Knox Planning Scheme No C11  
Macedon Ranges Planning Scheme No C3  
Mornington Peninsula Planning Scheme No C19  
Nillumbik Planning Scheme No C4  
Warrnambool Planning Scheme No C13  
Whitehorse Planning Scheme Nos C10, C17  
Yarra Ranges Planning Scheme No C17

Mt Buller Alpine Resort Management Board — Report for the year ended 31 October 2000

Mt Hotham Alpine Resort Management Board — Report for the year ended 31 October 2000

Statutory Rule under the *First Home Owner Grant Act 2000* — SR No 37

*Subordinate Legislation Act 1994* — Minister's exemption certificate in relation to Statutory Rule No 37

*Surveillance Devices Act 1999* — Reports pursuant to s 37 from the National Crime Authority, Chief Commissioner of Police and Department of Natural Resources and Environment

*Wildlife Act 1975* — Wildlife (Control of Hunting) Notice No 6/2001.

- 5 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Police Regulation (Miscellaneous Amendments) Bill without amendment.
- 6 **MESSAGE FROM HIS EXCELLENCY THE GOVERNOR — ASSENT TO BILLS** — Informing the Assembly that he had, on 8 May 2001, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

City of Melbourne Bill  
 Corporations (Commonwealth Powers) Bill  
 Environment Protection (Liveable Neighbourhoods) Bill  
 Forestry Rights (Amendment) Bill  
 Police Regulation (Miscellaneous Amendments) Bill  
 State Taxation Acts (Further Miscellaneous Amendments) Bill  
 Statute Law Amendment (Authorised Deposit-taking Institutions) Bill.

- 7 **MESSAGES FROM HIS EXCELLENCY THE GOVERNOR** — The Speaker announced the presentation of messages from His Excellency the Governor recommending appropriations for the purposes of the following bills:

Corrections (Custody) Bill  
 Corrections and Sentencing Acts (Home Detention) Bill  
 Gas Industry Bill  
 Health (Amendment) Bill  
 Judicial and Other Pensions Legislation (Amendment) Bill  
 Judicial College of Victoria Bill  
 Land Surveying Bill  
 Post Compulsory Education Acts (Amendment) Bill  
 Transfer of Land (Amendment) Bill  
 Urban Land Corporation (Amendment) Bill  
 Victorian Managed Insurance Authority (Amendment) Bill.

- 8 **MESSAGE FROM HIS EXCELLENCY THE GOVERNOR** — The Speaker announced the presentation of a message from His Excellency the Governor recommending an appropriation for the purposes of the Appropriation (2001/2002) Bill, and accompanying Estimates of Expenditure requiring annual appropriation in the financial year 2001/2002.

Estimates ordered to lie on the Table.

- 9 **APPROPRIATION (2001/2002) BILL** — Mr Brumby, pursuant to Standing Order No 169(a), obtained leave, with Mr Bracks, to bring in a Bill *for the appropriation of certain sums out of the Consolidated Fund in respect of the financial year 2001/2002 and for other purposes*; and the said Bill was read a first time, ordered to be printed and read a second time forthwith.

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

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

Ordered — That the debate be adjourned until Thursday 31 May 2001.

- 10 **MESSAGE FROM HIS EXCELLENCY THE GOVERNOR** — The Speaker announced the presentation of a message from His Excellency the Governor recommending an appropriation for the purposes of the Appropriation (Parliament 2001/2002) Bill, and accompanying Estimates of Expenditure for Parliament requiring annual appropriation in the financial year 2001/2002.

Estimates ordered to lie on the Table.

- 11 **APPROPRIATION (PARLIAMENT 2001/2002) BILL** — Mr Brumby, pursuant to Standing Order No 169(a), obtained leave, with Mr Bracks, to bring in a Bill *for the appropriation of certain*

*sums out of the Consolidated Fund for the Parliament in respect of the financial year 2001/2002 and for other purposes'; and the said Bill was read a first time, ordered to be printed and read a second time forthwith.*

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

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

Ordered — That the debate be adjourned until Thursday 31 May 2001.

- 12 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, pursuant to Sessional Order 6(3), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 17 May 2001:

Benefit Associations (Repeal) Bill  
Tobacco (Further Amendment) Bill  
Liquor Control Reform (Amendment) Bill  
Electricity Industry Acts (Further Amendment) Bill  
Judicial and Other Pensions Legislation (Amendment) Bill  
Judicial College of Victoria Bill.

(*Mr Batchelor*) — put and agreed to.

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

- 14 **BENEFIT ASSOCIATIONS (REPEAL) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 15 **TOBACCO (FURTHER AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Pursuant to Sessional Orders, Ms Davies announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

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

*Business having been interrupted at 10.00 pm pursuant to Sessional Orders.*

- 16 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.59 pm.

## No 85 — Wednesday 16 May 2001

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:
 

**Rosebud Youth Hall** — Seeking that the Rosebud Youth Hall be retained for the use and enjoyment of the Southern Peninsula Concert Band, Vinnies Kitchen, several community groups and the wider Mornington Peninsula community, bearing 882 signatures (*by Mr Dixon*)

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

Adult Parole Board — Report for the year 1999–2000

Auditor-General — Performance Audit Report — Teaching equipment in the Technical and Further Education Sector — Ordered to be printed

*Financial Management Act 1994* — Budget Paper No 3 2001–02 Budget Estimates.
- 4 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:
 

Constitution (Supreme Court) Bill  
Food (Amendment) Bill  
Racing and Betting Acts (Amendment) Bill.
- 5 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 6 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — METROPOLITAN AMBULANCE SERVICE ROYAL COMMISSION** — The House was informed that Mr Doyle had proposed that a definite matter of public importance be submitted to the House for discussion, namely —
 

‘That this House notes that the Metropolitan Ambulance Service Royal Commission is a wasteful and unnecessary diversion of funds away from provision of crucial ambulance services in metropolitan Melbourne and rural and regional Victoria.’

Mr Doyle addressed the House — Discussion ensued.
- 7 **CONSTITUTION (PARLIAMENTARY PRIVILEGE) BILL** — Mr Bracks, after debate, obtained leave with Mr Pandazopoulos, to bring in a Bill ‘to amend the *Constitution Act 1975* to provide for the publication of, and Parliamentary privilege in relation to, certain reports and documents laid before the Parliament when Parliament is not sitting and for other purposes’; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 8 **RACIAL AND RELIGIOUS TOLERANCE BILL** — Mr Bracks, after debate, obtained leave with Mr Pandazopoulos, to bring in a Bill ‘to promote racial and religious tolerance by prohibiting the vilification of persons on the ground of race or religious belief or activity, to amend the *Equal*

*Opportunity Act 1995 and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.

- 9 **AGRICULTURAL AND VETERINARY CHEMICALS (VICTORIA) (AMENDMENT) BILL** — Mr Hamilton, after debate, obtained leave with Mr Pandazopoulos, to bring in a Bill 'to amend the *Agricultural and Veterinary Chemicals (Victoria) Act 1994 with respect to the functions and powers of certain Commonwealth authorities and officers of the Commonwealth and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 10 **NATIONAL PARKS (MARINE NATIONAL PARKS AND MARINE SANCTUARIES) BILL** — Ms Garbutt, after debate, obtained leave with Mr Pandazopoulos, to bring in a Bill 'to amend the *National Parks Act 1975 and other Acts to provide for marine national parks and marine sanctuaries and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 11 **PUBLIC NOTARIES BILL** — Mr Hulls obtained leave, with Mr Pandazopoulos, to bring in a Bill 'to provide for the appointment and regulation of the practice of public notaries, to amend the *Legal Practice Act 1996, the Instruments Act 1958 and the Evidence Act 1958 and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 12 **CORPORATIONS (CONSEQUENTIAL AMENDMENTS) BILL** — Mr Hulls, after debate obtained leave with Mr Pandazopoulos, to bring in a Bill 'to amend Victorian Acts as a consequence of the enactment by the Parliament of the Commonwealth of new corporations legislation and new ASIC legislation and for other purposes'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 13 **CORPORATIONS (ADMINISTRATIVE ACTIONS) BILL** — Mr Hulls obtained leave, with Ms Pike, to bring in a Bill 'relating to administrative actions taken by Commonwealth authorities or officers of the Commonwealth under certain State laws relating to corporations and for other purposes'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 14 **CORPORATIONS (ANCILLARY PROVISIONS) BILL** — Mr Hulls obtained leave, with Ms Pike, to bring in a Bill 'to enact ancillary provisions relating to the enactment by the Parliament of the Commonwealth of new corporations legislation and new ASIC legislation and for other purposes'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 15 **CO-OPERATIVE SCHEMES (ADMINISTRATIVE ACTIONS) BILL** — Mr Hulls, after debate, obtained leave with Ms Pike, to bring in a Bill 'relating to administrative actions taken by Commonwealth authorities or officers of the Commonwealth under the *Agricultural and Veterinary Chemicals (Victoria) Act 1994 and other State co-operative scheme laws and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 16 **DUTIES (AMENDMENT) BILL** — Mr Brumby, after debate, obtained leave with Ms Pike, to bring in a Bill 'to make miscellaneous amendments to the *Duties Act 2000, to amend the Land Tax Act 1958 with respect to the land tax equalization factor for the City of Melbourne and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 17 **STATE TAXATION ACTS (TAXATION REFORM IMPLEMENTATION) BILL** — Mr Brumby obtained leave, with Ms Pike, to bring in a Bill 'to amend the *Casino Control Act 1991, the Duties Act 2000, the Gaming Machine Control Act 1991, the Land Tax Act 1958, the Pay-roll Tax Act 1971 and the Stamps Act 1958 to implement the reform of State taxes and for other*



*purposes'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.*

- 18 **ELECTRICITY INDUSTRY ACTS (FURTHER AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm pursuant to Sessional Orders.*

- 19 **QUESTIONS** — (Pursuant to Standing Order No 124).

- 20 **ELECTRICITY INDUSTRY ACTS (FURTHER AMENDMENT) BILL** — Debate continued on question — That this Bill be now read a second time.

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

Ordered — That a message be sent to the Legislative Council acquainting them that the Legislative Assembly has agreed to the Bill without amendment.

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

*Pursuant to s 85 of the Constitution Act 1975, Mr Haermeyer made a statement of the reasons for altering or varying that section by the insertion of a new clause into the Bill that he intends to propose in Committee.*

Pursuant to Sessional Orders, Mr Haermeyer announced that it was proposed to move an amendment in Committee and requested that it be circulated. Amendment circulated.

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

*Business having been interrupted at 10.00 pm pursuant to Sessional Orders.*

- 22 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.55 pm.

R W PURDEY  
Clerk of the Legislative Assembly

A ANDRIANOPOULOS  
Speaker

## No 86 — Thursday 17 May 2001

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:

**Eastmoor Site in East Bentleigh** — Seeking that the Government ensures the Eastmoor Site in East Bentleigh is used for older persons accommodation and not emergency or hostel housing for the homeless, including an alcohol and drug rehabilitation service, bearing 464 signatures (*by Mrs Peulich*)

Ordered to lie on the Table.

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

Statutory Rules under the following Acts:

*City of Melbourne Act 2001* — SR No 39

*Electricity Safety Act 1998* — SR No 38

*Local Government Act 1989* — SR No 39

*Subordinate Legislation Act 1994* — Minister's exemption certificate in relation to Statutory Rule No 39.

- 4 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Professional Boxing and Martial Arts (Amendment) Bill without amendment.
- 5 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Whistleblowers Protection Bill with amendments.

Ordered — That the said amendments be printed and taken into consideration tomorrow.

- 6 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourn until Tuesday 29 May 2001 (*Mr Bracks*) — put and agreed to.
- 7 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 8 **PETITION — EASTMOOR SITE IN EAST BENTLEIGH** — Motion made and question — That the petition presented by the Member for Bentleigh relating to the Eastmoor Site in East Bentleigh be taken into consideration tomorrow (*Mrs Peulich*) — put and agreed to.
- 9 **JUDICIAL COLLEGE OF VICTORIA BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm pursuant to Sessional Orders.*

- 10 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 11 **JUDICIAL COLLEGE OF VICTORIA BILL** — Debate continued on question — That this Bill be now read a second time.

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 12 **JUDICIAL AND OTHER PENSIONS LEGISLATION (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

*Allocation of time — The Speaker advised that the time allocated for consideration of bills pursuant to resolution of the House on Tuesday 15 May 2001 had expired.*

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

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

Question — That this Bill be now read a second time and the Government amendment inserting new clauses be agreed to — put and agreed to.

*The Speaker, having announced that in his opinion the nature of the new clauses adopted by the House alters the provisions of the Bill so as to classify the Bill as requiring the second reading to be passed with an absolute majority of the whole number of the members of the Legislative Assembly, resubmitted that question to the House —*

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

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 14 **TOBACCO (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

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

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 15 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 5, be postponed until later this day.

- 16 **RACIAL AND RELIGIOUS TOLERANCE BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Bracks*).

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

Ordered — That the debate be adjourned until Thursday 31 May 2001.

- 17 **NATIONAL PARKS (MARINE NATIONAL PARKS AND MARINE SANCTUARIES) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Garbutt*).
- Ms Garbutt made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.*
- Motion made and question — That the debate be now adjourned (*Mr Perton*) — put and agreed to.
- Ordered, after debate — That the debate be adjourned until Thursday 31 May 2001.
- 18 **CONSTITUTION (PARLIAMENTARY PRIVILEGE) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Pandazopoulos*).
- Motion made and question — That the debate be now adjourned (*Dr Napthine*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 31 May 2001.
- 19 **AGRICULTURAL AND VETERINARY CHEMICALS (VICTORIA) (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hamilton*).
- Mr Hamilton made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.*
- Motion made and question — That the debate be now adjourned (*Mr McArthur*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 31 May 2001.
- 20 **CO-OPERATIVE SCHEMES (ADMINISTRATIVE ACTIONS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).
- Mr Hulls made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.*
- Motion made and question — That the debate be now adjourned (*Dr Dean*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 31 May 2001.
- 21 **CORPORATIONS (ANCILLARY PROVISIONS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).
- Motion made and question — That the debate be now adjourned (*Dr Dean*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 31 May 2001.
- 22 **PUBLIC NOTARIES BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).
- Motion made and question — That the debate be now adjourned (*Dr Dean*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 31 May 2001.

- 23 **CORPORATIONS (CONSEQUENTIAL AMENDMENTS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

*Mr Hulls made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.*

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

Ordered — That the debate be adjourned until Thursday 31 May 2001.

- 24 **CORPORATIONS (ADMINISTRATIVE ACTIONS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

*Mr Hulls made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.*

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

Ordered — That the debate be adjourned until Thursday 31 May 2001.

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

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

Ordered — That the debate be adjourned until Thursday 31 May 2001.

- 26 **STATE TAXATION ACTS (TAXATION REFORM IMPLEMENTATION) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).

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

Ordered — That the debate be adjourned until Thursday 31 May 2001.

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

- 28 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

And the House, at 7.12 pm, adjourned until Tuesday 29 May 2001.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

# LEGISLATIVE ASSEMBLY OF VICTORIA

## VOTES AND PROCEEDINGS Nos 87, 88 and 89

### No 87 — Tuesday 29 May 2001

- 1 The House met pursuant to adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 3 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**St Leonards Breakwater and Jetty** — Seeking that immediate attention be given to extensive upgrading of the St Leonards breakwater and jetty to ensure the safety of small craft and pedestrian anglers thereby enhancing the attraction of this popular resort, bearing 399 signatures (*by Mr Howard*)

**Sound Barriers — Narre Warren North Road** — Seeking that the Minister for Transport supports the construction of sound barriers along the length of the duplication of Narre Warren North Road in order to alleviate the effects of the duplication, bearing 20 signatures (*by Dr Dean*)

**Professional Fishing — Port Phillip Bay** — Seeking that steps be taken to stop professional fishing in the whole of the Port Phillip Bay area, bearing 1,029 signatures (*by Mr Dixon*)

**Rate Rises — City of Maribyrnong** — Seeking that action be taken in a reasonable and appropriate manner to rectify the excessive rate rises in the City of Maribyrnong, bearing 2,730 signatures (*by Ms Burke*).

Severally ordered to lie on the Table.

- 4 **PETITION — RATE RISES — CITY OF MARIBYRNONG** — Motion made and question — That the petition presented by the Member for Prahran relating to rate rises in the City of Maribyrnong be taken into consideration tomorrow (*Ms Burke*) — put and agreed to.

- 5 **PAPERS** —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Ms Gillett, Chair, brought up a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 6 of 2001 on the:

Agricultural and Veterinary Chemicals (Victoria) (Amendment) Bill  
Appropriation (2001/2002) Bill  
Appropriation (Parliament 2001/2002) Bill  
Constitution (Parliamentary Privilege) Bill

Co-operative Schemes (Administrative Actions) Bill  
 Corporations (Administrative Actions) Bill  
 Corporations (Ancillary Provisions) Bill  
 Corporations (Consequential Amendments) Bill  
 Duties (Amendment) Bill  
 National Parks (Marine National Parks and Marine Sanctuaries) Bill  
 Public Notaries Bill  
 Racial and Religious Tolerance Bill  
 State Taxation Acts (Taxation Reform Implementation) Bill

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:

*Casino (Management Agreement) Act 1993* — Authorised changes to Drawings of the Crown Limited's Second Hotel Tower pursuant to s 16(2) (18 papers)

Financial Management Regulations 1994 — Order in Council pursuant to Regulation 11 — Authorisation of expenditure of a Royal Commission

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

Alpine Planning Scheme — No C3  
 Baw Baw Planning Scheme — No C14  
 Brimbank Planning Scheme — Nos C26, C30  
 Darebin Planning Scheme — Nos C3, C8  
 Delatite Planning Scheme — No C11  
 East Gippsland Planning Scheme — No C8  
 Frankston Planning Scheme — Nos C2, C8  
 Hepburn Planning Scheme — No C3  
 Hobsons Bay Planning Scheme — No C9 Part 2  
 Indigo Planning Scheme — No C5 Part 1  
 Melbourne Planning Scheme — No C21  
 Melton Planning Scheme — Nos C12, C13  
 Moira Planning Scheme — No C8  
 Moorabool Planning Scheme — No C10  
 Port Phillip Planning Scheme — Nos C27, C31  
 Whitehorse Planning Scheme — No C22  
 Wodonga Planning Scheme — No C7

Statutory Rules under the *Health Act 1958* — SR Nos 40, 41

The following proclamation fixing an operative date was laid upon the Table by the Clerk pursuant to an Order of the House dated 3 November 1999:

*Snowy Hydro Corporatisation Act 1997* — Part 2, Part 3 (except sections 11, 15, 16 and 17), Part 4, and section 30, Schedule 1 and Schedule 2 on 15 May 2001 (*Gazette S71, 15 May 2001*).

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

Water (Amendment) Bill  
 Prostitution (Proscribed Brothels) Bill  
 Road Safety (Alcohol and Drugs Enforcement Measures) Bill  
 State Owned Enterprises (Amendment) Bill  
 Benefit Associations (Repeal) Bill  
 Health Services (Health Purchasing Victoria) Bill  
 Judicial College of Victoria Bill  
 Judicial and Other Pensions Legislation (Amendment) Bill  
 Liquor Control Reform (Amendment) Bill.

7 **MESSAGE FROM HIS EXCELLENCY THE GOVERNOR — ASSENT TO BILLS** — Informing the Assembly that he had, on 22 May 2001, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Constitution (Supreme Court) Bill  
 Electricity Industry Acts (Further Amendment) Bill  
 Food (Amendment) Bill  
 Professional Boxing and Martial Arts (Amendment) Bill  
 Racing and Betting Acts (Amendment) Bill.

8 **MESSAGE FROM THE LIEUTENANT-GOVERNOR AS DEPUTY FOR HIS EXCELLENCY THE GOVERNOR — ASSENT TO BILLS** — Informing the Assembly that she had, that day, given the royal assent to the following bills, presented to her by the Clerk of the Parliaments:

Benefit Associations (Repeal) Bill  
 Health Services (Health Purchasing Victoria) Bill  
 Judicial and Other Pensions Legislation (Amendment) Bill  
 Judicial College of Victoria Bill  
 Liquor Control Reform (Amendment) Bill  
 Prostitution Control (Proscribed Brothels) Bill  
 Road Safety (Alcohol and Drugs Enforcement Measures) Bill  
 State Owned Enterprises (Amendment) Bill  
 Water (Amendment) Bill.

9 **MESSAGES FROM HIS EXCELLENCY THE GOVERNOR** — The Speaker announced the presentation of messages from His Excellency the Governor recommending appropriations for the purposes of the following bills:

Duties (Amendment) Bill  
 National Parks (Marine National Parks and Marine Sanctuaries) Bill  
 Racial and Religious Tolerance Bill  
 State Taxation Acts (Taxation Reform Implementation) Bill.

10 **CONCURRENT DEBATE — GAS INDUSTRY BILL AND GAS INDUSTRY LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Motion made, by leave, and question — That this House authorises and requires the Speaker to permit the second reading and subsequent stages of the Gas Industry Bill and the Gas Industry Legislation (Miscellaneous Amendments) Bill to be moved and debated concurrently (*Mr Batchelor*) — put and agreed to.



- 11 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, pursuant to Sessional Order 6(3), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 31 May 2001:

Urban Land Corporation (Amendment) Bill  
 Gas Industry Legislation (Miscellaneous Amendments) Bill  
 Gas Industry Bill  
 Building (Single Dwellings) Bill  
 Post Compulsory Education Acts (Amendment) Bill  
 Health (Amendment) Bill  
 Corrections and Sentencing Acts (Home Detention) Bill  
 Corrections (Custody) Bill  
 Racing (Racing Victoria Ltd) Bill

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

- 12 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 13 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 1 to 14 inclusive, be postponed until later this day.

- 14 **RACING (RACING VICTORIA LTD) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

- 15 **CORRECTIONS AND SENTENCING ACTS (HOME DETENTION) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Mr Haermeyer announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

Pursuant to Sessional Orders, Mr Kilgour announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in place thereof the words 'this House refuses to read this Bill a second time until affected community groups have been consulted on the serious community safety issues related to home detention' (*Mr Wells*).

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

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

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

- 16 **CORRECTIONS (CUSTODY) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

- 17 **GAS INDUSTRY LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL AND GAS INDUSTRY BILL** — Order read for resuming debate on question — That these Bills be now read a second time; debate resumed.

Pursuant to Sessional Orders, Mr Haermeyer announced that it was proposed to move amendments to the Gas Industry Bill in Committee and requested that they be circulated. Amendments circulated.

Debate resumed on question — That these Bills be now read a second time.

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

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

- 18 **URBAN LAND CORPORATION (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

- 19 **POST COMPULSORY EDUCATION ACTS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm pursuant to Sessional Orders.*

- 20 **ADJOURNMENT** — The Deputy Speaker announced that the time for the adjournment of the House had arrived and, after debate, the Speaker left the Chair at 11.10 pm.

R W PURDEY  
Clerk of the Legislative Assembly

A ANDRIANOPOULOS  
Speaker

## No 88 — Wednesday 30 May 2001

- 1 The Speaker 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:

Residential Tenancies Bond Authority — Report for the year 1999–2000.

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

4 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — FUNDING FOR AGED CARE BEDS** — The House was informed that Mr Viney had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House notes the impact of the failure of the Federal Government to adequately fund aged care beds on Victoria's aged care facilities and the Victorian public hospital system.'

Mr Viney addressed the House — Discussion ensued.

5 **HOUSE CONTRACTS GUARANTEE (HIH) BILL** — Ms Kosky obtained leave, with Ms Pike, to bring in a Bill 'to amend the *House Contracts Guarantee Act 1987* to establish an indemnity scheme in respect of certain classes of domestic building work affected by the collapse of the HIH Insurance Group, to amend the *Building Act 1993*, the *Domestic Building Contracts Act 1995* and the *Sale of Land Act 1962* and for other purposes'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.

6 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 1 and 2, be postponed until later this day.

7 **POST COMPULSORY EDUCATION ACTS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

*Business having been interrupted at 2.00 pm pursuant to Sessional Orders.*

8 **QUESTIONS** — (Pursuant to Standing Order No 124).

9 **BUILDING (SINGLE DWELLINGS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

10 **HEALTH (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

11 **CORRECTIONS AND SENTENCING ACTS (HOME DETENTION) BILL** — Order read for resuming debate on question — That this Bill be now read a second time — *and on the amendment* — That all the words after 'That' be omitted with the view of inserting in place thereof the words 'this House refuses to read this Bill a second time until affected community

groups have been consulted on the serious community safety issues related to home detention'; debate resumed.

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

The House divided.

AYES 45

Ms Allan (*Bendigo East*); Ms Allen (*Benalla*); Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Ms Davies; Ms Delahunty (*Northcote*); Ms Duncan; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Hardman; Mr Helper; Mr Holding; Mr Howard; Mr Ingram; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lenders; Mr Lim; Ms Lindell; Mr Loney; Mrs Maddigan; Mr Mildenhall; Mr Nardella; Ms Overington; Mr Pandazopoulos; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Viney; Mr Wynne. Tellers: Mr Langdon; Mr Maxfield.

NOES 39

Ms Asher; Mr Ashley; Mr Baillieu; Ms Burke; Mr Clark; Mr Cooper; Dr Dean; Mr Delahunty (*Wimmera*); Mr Dixon; Mr Doyle; Mrs Elliott; Mrs Fyffe; Mr Honeywood; Mr Jasper; Mr Kilgour; Mr Kotsiras; Mr Leigh; Mr Lupton; Mr McArthur; Ms McCall; Mr McIntosh; Mr Maclellan; Mr Mulder; Dr Napthine; Mr Paterson; Mr Perton; Mrs Peulich; Mr Phillips; Mr Plowman; Mr Ryan; Mrs Shardey; Mr Spry; Mr Steggall; Mr Thompson; Mr Vogels; Mr Wells; Mr Wilson. Tellers: Mr Maughan; Mr Smith.

And so it was resolved in the affirmative.

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

The House divided.

AYES 45

Ms Allan (*Bendigo East*); Ms Allen (*Benalla*); Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Ms Davies; Ms Delahunty (*Northcote*); Ms Duncan; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Hardman; Mr Helper; Mr Holding; Mr Howard; Mr Ingram; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lenders; Mr Lim; Ms Lindell; Mr Loney; Mrs Maddigan; Mr Mildenhall; Mr Nardella; Ms Overington; Mr Pandazopoulos; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Viney; Mr Wynne. Tellers: Mr Langdon; Mr Maxfield.

NOES 40

Ms Asher; Mr Ashley; Mr Baillieu; Ms Burke; Mr Clark; Mr Cooper; Dr Dean; Mr Delahunty (*Wimmera*); Mr Dixon; Mr Doyle; Mrs Elliott; Mrs Fyffe; Mr Honeywood; Mr Jasper; Mr Kilgour; Mr Kotsiras; Mr Leigh; Mr Lupton; Mr McArthur; Ms McCall; Mr McIntosh; Mr Maclellan; Mr Mulder; Dr Napthine; Mr Paterson; Mr Perton; Mrs Peulich; Mr Phillips; Mr Plowman; Mr Rowe; Mr Ryan; Mrs Shardey; Mr Spry; Mr Steggall; Mr Thompson; Mr Vogels; Mr Wells; Mr Wilson. Tellers: Mr Maughan; Mr Smith.

And so it was resolved in the affirmative.

Bill read a second time and committed; considered in Committee and reported with amendments; as amended, considered, and amendments agreed to; read a third time.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 12 **BUILDING (SINGLE DWELLINGS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm pursuant to Sessional Orders.*

- 13 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.54 pm.

R W PURDEY  
Clerk of the Legislative Assembly

A ANDRIANOPOULOS  
Speaker

## No 89 — Thursday 31 May 2001

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Women's Petition 2001** — Seeking that the Government delivers for and with Victorian women and communities — (a) Equal representation of women in decision-making; (b) Safety for women and children in the home, workplace and the community; (c) Economic independence and security for all women, genuine equal pay for equal work, fair and family friendly working conditions and access to quality child care; (d) High quality, life long and affordable education; (e) An accessible, well-funded community based public health network; (f) Environmental sustainability; (g) Positive and non-exploitative presentations of women in the media; and (h) A society where caring and unpaid work are valued and shared, bearing 41,487 signatures (*by Mrs Maddigan*)

**Improved Roads in the Municipality of Wyndham** — Seeking that — (a) the Government and VicRoads classify Dohertys, Sayers, Palmers, Old Geelong and Aviation Roads as Declared Main Roads consistent with the role and function performed by these roads as principal regional links between Werribee and the surrounding urban fringe areas of metropolitan Melbourne; and (b) the Government allocates funds within the next two financial years to upgrade or commence upgrading Dohertys, Sayers, Palmers, Leakes, Edgars, Bulban, Old Geelong and Aviation Roads, bearing 198 signatures (*by Ms Gillett*).

Severally ordered to lie on the Table.

- 3 **PETITION — WOMEN'S PETITION 2001** — Motion made and question — That the petition presented by the Member for Essendon relating to Victorian women and communities be taken into consideration tomorrow (*Mrs Maddigan*) — put and agreed to.

4 PAPERS —

**STATEMENT ON MINISTERIAL INTERVENTION IN PLANNING MATTERS** — Motion made, by leave, and question — That there be presented to this House a Statement on Ministerial Intervention in Planning Matters, pursuant to the *Planning and Environment Act 1987*, the *Victorian Civil and Administrative Tribunal Act 1998* and the *Heritage Act 1995* (*Mr Thwaites*) — put and agreed to.

The said statement was presented by Mr Thwaites and ordered to lie on the Table.

**LAW REFORM COMMITTEE** — Mr Thompson, Chair, brought up a report from the Law Reform Committee upon its Review of Legal Services in Rural and Regional Victoria, together with appendices and minutes of evidence.

Ordered to lie on the Table and the report and appendices to be printed.

**LAW REFORM COMMITTEE** — Mr Thompson, Chair, brought up a report from the Law Reform Committee upon its Review of the *Theatres Act 1958*, together with an 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** — Mr Carli brought up a report from the Scrutiny of Acts and Regulations Committee on an Interim Privacy Code for Members of the Victorian Parliament, 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:

Statutory Rules under the following Acts:

*Evidence Act 1958* — SR No 42

*Fisheries Act 1995* — SR No 43

*Mental Health Act 1986* — SR No 45

*Psychologists Registration Act 2000* — SR No 46

*Road Safety Act 1986* — SR No 47

*Wildlife Act 1975* — SR No 44

*Subordinate Legislation Act 1994* — Ministers' exemption certificates in relation to Statutory Rule Nos 43, 45, 46.

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

6 **APPROPRIATION (2001/2002) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm pursuant to Sessional Orders.*

7 **QUESTIONS** — (Pursuant to Standing Order No 124).

- 8 **APPROPRIATION (2001/2002) BILL** — Debate continued on question — That this Bill be now read a second time.

*Allocation of time — The Speaker advised that the time allocated for consideration of bills pursuant to resolution of the House on Tuesday 29 May 2001 had expired.*

- 9 **BUILDING (SINGLE DWELLINGS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 10 **HEALTH (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 11 **POST COMPULSORY EDUCATION ACTS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 12 **CORRECTIONS (CUSTODY) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

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

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 13 **RACING (RACING VICTORIA LTD) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 14 **GAS INDUSTRY BILL AND GAS INDUSTRY LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Order read for resuming debate on question — That these Bills be now read a second time.

**Gas Industry Bill** read a second time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Government amendments Nos 1 to 4 inclusive agreed to.

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

**Gas Industry Legislation (Miscellaneous Amendments) Bill** — Question — That this Bill be now read a second and a third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

15 **URBAN LAND CORPORATION (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

16 **APPROPRIATION (2001/2002) BILL** — Debate continued on question — That this Bill be now read a second time.

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

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

17 **HOUSE CONTRACTS GUARANTEE (HIH) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Kosky*).

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

Ordered, after debate — That the debate be adjourned until Tuesday 5 June 2001.

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

19 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

And the House, at 5.37 pm, adjourned until Tuesday 5 June 2001.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*



# LEGISLATIVE ASSEMBLY OF VICTORIA

## VOTES AND PROCEEDINGS Nos 90, 91 and 92

### No 90 — Tuesday 5 June 2001

- 1 The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 3 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Pine Plantation — Cathedral Range State Park** — Seeking that the Government seizes the opportunity to purchase the 10 hectare private pine plantation within the Cathedral Range State Park from the owner Cathedral Softwoods Pty Ltd and that the logging of this area should be strictly supervised by the Department of Natural Resources and Environment, bearing 298 signatures (*by Ms Allen, Benalla*)

**Berwick Primary School Relocation** — Seeking that immediate action be taken to facilitate the promised relocation of Berwick Primary School, bearing 658 signatures (*by Dr Dean*).

Severally ordered to lie on the Table.

#### 4 **PAPERS** —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Ms Gillett, Chair, brought up a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 7 of 2001 on the:

Corrections (Custody) Bill  
Corrections and Sentencing Acts (Home Detention) Bill  
House Contracts Guarantee (HH) Bill  
National Parks (Marine National Parks and Marine Sanctuaries) Bill  
Post Compulsory Education Acts (Amendment) Bill

together with appendices.

Ordered to lie on the Table and to be printed.

#### **PAPERS PURSUANT TO STATUTE** —

The Speaker presented:

*BLF (De-recognition) Act 1985* — Fifty-First Report of the Custodian

Ordered to lie on the Table and to be printed.

The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

*National Parks Act 1975* — Advice of the National Parks Advisory Council pursuant to s 11(1)(aa)

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

Darebin Planning Scheme — No C30  
 Greater Bendigo Planning Scheme — No C10  
 Melbourne Planning Scheme — No C12  
 Moorabool Planning Scheme — No C7  
 Yarra Planning Scheme — No C27

Psychologists Registration Board — Report for the year 2000

The following proclamations fixing operative dates were laid upon the Table by the Clerk pursuant to an Order of the House dated 3 November 1999:

*Racing and Betting Acts (Amendment) Act 2001* — Sections 3, 4, 5, 6, 7, 8, 9, 13, 24, 25, 26 and Part 3 (except for section 35) on 31 May 2001 (*Gazette 22, 31 May 2001*)

*Transport Accident (Amendment) Act 2000* — Sections 34 and 35 on 1 July 2001 (*Gazette 22, 31 May 2001*).

- 5 **MESSAGE FROM HIS EXCELLENCY THE GOVERNOR** — The Speaker announced the presentation of a message from His Excellency the Governor recommending an appropriation for the purposes of the House Contracts Guarantee (HIH) Bill.
- 6 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, pursuant to Sessional Order 6(3), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 7 June 2001:

House Contracts Guarantee (HIH) Bill  
 Racial and Religious Tolerance Bill  
 Duties (Amendment) Bill  
 State Taxation Acts (Taxation Reform Implementation) Bill  
 Victorian Managed Insurance Authority (Amendment) Bill  
 Transfer of Land (Amendment) Bill  
 Land Surveying Bill.

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

- 7 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 8 **HOUSE CONTRACTS GUARANTEE (HIH) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 9 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 2 to 7 inclusive, be postponed until later this day.

- 10 **DUTIES (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Ms Allen, Bendigo East*) — put and agreed to.

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

- 11 **STATE TAXATION ACTS (TAXATION REFORM IMPLEMENTATION) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

- 12 **RACIAL AND RELIGIOUS TOLERANCE BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Mr Savage announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

Pursuant to Sessional Orders, Ms Davies announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

Pursuant to Sessional Orders, Mrs Shardey announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

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

*Business having been interrupted at 10.00 pm pursuant to Sessional Orders.*

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

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

And the House having continued to sit after 12 midnight —

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Question — put.

The House divided.

AYES 69

Ms Allan (*Bendigo East*); Ms Allen (*Benalla*); Ms Asher; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Ms Burke; Mr Cameron; Ms Campbell; Mr Carli; Mr Clark; Ms Davies; Dr Dean; Ms Delahunty (*Northcote*); Mr Dixon; Mr Doyle; Ms Duncan; Mrs Elliott; Ms Fyffe; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Hardman; Mr Helper; Mr Holding; Mr Honeywood; Mr Howard; Mr Hulls; Ms Kosky; Mr Kotsiras; Mr Languiller; Mr Leigh; Mr Leighton; Mr Lenders; Mr Lim; Ms Lindell; Mr Loney; Mr McArthur; Mr McIntosh; Mr Maclellan; Mrs Maddigan; Mr Maxfield; Mr Mildenhall; Mr Mulder; Dr Naphthine; Mr Nardella; Ms Overington; Mr Pandazopoulos; Mr Paterson; Mr Perton; Mr Phillips; Ms Pike; Mr Richardson; Mr Robinson; Mr Seitz; Mrs Shardey; Mr Stensholt; Mr Thwaites. Mr Trezise; Mr Viney; Mr Wells; Mr Wilson; Mr Wynne. Tellers: Mr Langdon; Mr Smith.

NOES 11

Mr Ashley; Mr Delahunty (*Wimmera*); Mr Jasper; Mr Kilgour; Mrs Peulich; Mr Plowman; Mr Ryan; Mr Savage; Mr Steggall. Tellers: Mr Ingram; Mr Maughan.

And so it was resolved in the affirmative.

Bill read a second time and committed; considered in Committee and reported with amendments; as amended, considered, and amendments agreed to.

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

The House divided.

AYES 68

Ms Allan (*Bendigo East*); Ms Allen (*Benalla*); Ms Asher; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Ms Burke; Mr Cameron; Ms Campbell; Mr Carli; Mr Clark; Ms Davies; Dr Dean; Ms Delahunty (*Northcote*); Mr Dixon; Mr Doyle; Ms Duncan; Mrs Elliott; Ms Fyffe; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Hardman; Mr Helper; Mr Holding; Mr Honeywood; Mr Howard; Ms Kosky; Mr Kotsiras; Mr Languiller; Mr Leigh; Mr Leighton; Mr Lenders; Mr Lim; Ms Lindell; Mr Loney; Mr McArthur; Mr McIntosh; Mr Maclellan; Mrs Maddigan; Mr Maxfield; Mr Mildenhall; Mr Mulder; Dr Naphthine; Mr Nardella; Ms Overington; Mr Pandazopoulos; Mr Paterson; Mr Perton; Mr Phillips; Ms Pike; Mr Richardson; Mr Robinson; Mr Seitz; Mrs Shardey; Mr Stensholt; Mr Thwaites. Mr Trezise; Mr Viney; Mr Wells; Mr Wilson; Mr Wynne. Tellers: Mr Langdon; Mr Smith.

NOES 10

Mr Ashley; Mr Delahunty (*Wimmera*); Mr Jasper; Mr Kilgour; Mr Plowman; Mr Ryan; Mr Savage; Mr Steggall. Tellers: Mr Ingram; Mr Maughan.

And so it was resolved in the affirmative.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 13 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the House Contracts Guarantee (HIH) Bill without amendment.
- 14 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Statute Law Amendment (Relationships) Bill with amendments.

Ordered — That the said amendments be printed and taken into consideration tomorrow.

- 15 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Pandazopoulos*) — put and agreed to.
- 16 **ADJOURNMENT** — Resolved — That the House do now adjourn.

And the House, at 4.13 am, adjourned until later this day.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

## No 91 — Wednesday 6 June 2001

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:
- Won Wron Prison** — Seeking that the Government supports the retention and continued operation of the Won Wron Prison near Yarram, bearing 2,683 signatures (*by Mr Ryan*).
- Ordered to lie on the Table.
- 3 **PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk:
- Auditor-General — Report on Ministerial Portfolios, June 2001 — Ordered to be printed.
- 4 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 5 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.
- 6 **TRANSPORT (FURTHER AMENDMENT) BILL** — Mr Batchelor obtained leave, with Mr Cameron, to bring in a Bill '*to amend the Rail Corporations Act 1996 and the Transport Act 1983 and other Acts to make provision for the winding-up of the Public Transport Corporation, to amend the Melbourne City Link Act 1995 and the Melbourne City Link (Miscellaneous Amendments) Act 2000 and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 7 **DRUGS, POISONS AND CONTROLLED SUBSTANCES (AMENDMENT) BILL** — Mr Hulls, pursuant to a motion moved on his behalf by Mr Cameron, after debate, obtained leave with Mr Batchelor, to bring in a Bill '*to amend the Drugs, Poisons and Controlled Substances Act 1981 to make provision in relation to offences relating to trafficking and cultivating drugs of dependence, to amend the Magistrates' Court Act 1989, the Bail Act 1977, the Confiscation Act 1997, the Sentencing Act 1991 and the Juries Act 2000, to make consequential amendments to*

*other Acts and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.

- 8 **CRIMES (VALIDATION OF ORDERS) BILL** — Mr Hulls, pursuant to a motion moved on his behalf by Mr Cameron, obtained leave, with Mr Batchelor, to bring in a Bill *'to amend the Crimes Act 1958 to validate certain orders purported to have been made for the taking of forensic samples from offenders and for other purposes'*; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.

- 9 **VICTORIAN MANAGED INSURANCE AUTHORITY (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

- 10 **TRANSFER OF LAND (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm pursuant to Sessional Orders.*

- 11 **QUESTIONS** — (Pursuant to Standing Order No 124).

- 12 **TRANSFER OF LAND (AMENDMENT) BILL** — Debate continued on question — That this Bill be now read a second time.

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

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

- 13 **LAND SURVEYING BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Mr Perton announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

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

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

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

- 14 **APPROPRIATION (2001/2002) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm pursuant to Sessional Orders.*

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

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

## No 92 — Thursday 7 June 2001

- 1 The Speaker took the Chair and read the Prayer.
- 2 **NATIONAL PARKS (MARINE NATIONAL PARKS AND MARINE SANCTUARIES) BILL** — Pursuant to s 85 of the *Constitution Act 1975*, Ms Garbutt gave notice of intention to make a statement of the reasons for altering or varying that section by clauses 19 and 26 of the National Parks (Marine National Parks and Marine Sanctuaries) Bill (as amended by amendments that she intends to propose in Committee) in lieu of the statement in the second reading speech made in relation to those clauses on Thursday 17 May 2001.
- 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:

Statutory Rules under the following Acts:

*Corporations (Victoria) Act 1990* — SR No 49

*Supreme Court Act 1986* — SR Nos 49, 50

*Transport Accident Act 1986* — SR No 48

*Subordinate Legislation Act 1994* — Minister's exception certificates in relation to Statutory Rule Nos 49, 50.

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

Tobacco (Further Amendment) Bill

Urban Land Corporation (Amendment) Bill.

- 5 **BARLEY MARKETING (AMENDMENT) BILL** — The Speaker announced the receipt of a message from the Legislative Council transmitting a Bill '*to amend the **Barley Marketing Act 1993** so as to extend the single desk operations of ABB Grain Export Limited*' and desiring the concurrence of the Legislative Assembly therein.

On the motion of Mr Steggall, the Bill transmitted by the foregoing message was read a first time, ordered to be printed and read a second time tomorrow.

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

- 7 **TRANSPORT (FURTHER AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).

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

Ordered — That the debate be adjourned until Thursday 21 June 2001.

- 8 **CRIMES (VALIDATION OF ORDERS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

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

Ordered — That the debate be adjourned until Thursday 21 June 2001.

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

- 10 **STATUTE LAW AMENDMENT (RELATIONSHIPS) BILL** — Order read for the consideration of the amendments made by the Legislative Council.

The said amendments were read a second time.

Motion made and question — That amendment No 1 be agreed to (*Mr Hulls*) — after debate, put.

The House divided.

#### AYES 77

Ms Allan (*Bendigo East*); Ms Allen (*Benalla*); Ms Asher; Mr Ashley; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Ms Burke; Mr Cameron; Ms Campbell; Mr Carli; Mr Cooper; Ms Davies; Dr Dean; Ms Delahunty (*Northcote*); Mr Dixon; Mr Doyle; Ms Duncan; Mrs Elliott; Ms Fyffe; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Hardman; Mr Helper; Mr Holding; Mr Honeywood; Mr Howard; Mr Hulls; Ms Kosky; Mr Kotsiras; Mr Languiller; Mr Leigh; Mr Leighton; Mr Lenders; Mr Lim; Ms Lindell; Mr Loney; Mr Lupton; Mr McArthur; Ms McCall; Mr McIntosh; Mr Maclellan; Mrs Maddigan; Mr Maxfield; Mr Mildenhall; Mr Mulder; Dr Naphthine; Mr Nardella; Ms Overington; Mr Pandazopoulos; Mr Paterson; Mr Perton; Mr Phillips; Ms Pike; Mr Plowman; Mr Richardson; Mr Robinson; Mr Rowe; Mr Seitz; Mrs Shardey; Mr Spry; Mr Stensholt; Mr Thompson; Mr Thwaites; Mr Trezise; Mr Viney; Mr Vogels; Mr Wells; Mr Wilson; Mr Wynne. Tellers: Mr Langdon; Mr Smith.

#### NOES 7

Mr Delahunty (*Wimmera*); Mr Jasper; Mr Ryan; Mr Savage; Mr Steggall. Tellers: Mr Ingram; Mr Maughan.

And so it was resolved in the affirmative.

Motion made and question — That amendment No 2 be agreed to (*Mr Hulls*) — after debate, put and agreed to.

Ordered — That a message be sent to the Legislative Council acquainting them that the Legislative Assembly has agreed to the said amendments.



- 11 **APPROPRIATION (2001/2002) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm pursuant to Sessional Orders.*

- 12 **QUESTIONS** — (Pursuant to Standing Order No 124).

- 13 **APPROPRIATION (2001/2002) BILL** — Debate resumed on question — That this Bill be now read a second time.

*Allocation of time — The Speaker advised that the time allocated for consideration of bills pursuant to resolution of the House on Tuesday 5 June 2001 had expired.*

- 14 **STATE TAXATION ACTS (TAXATION REFORM IMPLEMENTATION) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

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

Question — That this Bill be now read a second and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 16 **VICTORIAN MANAGED INSURANCE AUTHORITY (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 17 **TRANSFER OF LAND (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 18 **LAND SURVEYING BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 19 **APPROPRIATION (2001/2002) BILL** — Debate continued on question — That this Bill be now read a second time.

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

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

- 20 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:
- Gas Industry Legislation (Miscellaneous Amendments) Bill  
Gas Industry Bill  
Racing (Racing Victoria Ltd) Bill.
- 21 **MESSAGE FROM HIS EXCELLENCY THE GOVERNOR — ASSENT TO BILL** — Informing the Assembly that he had, that day, given the royal assent to the House Contracts Guarantee (HIH) Bill, presented to him by the Clerk of the Parliaments.
- 22 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Brumby*) — put and agreed to.
- 23 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.
- And the House, at 6.56 pm, adjourned until Tuesday 12 June 2001.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

LEGISLATIVE ASSEMBLY OF VICTORIA

**VOTES AND PROCEEDINGS**  
**Nos 93, 94 and 95**

**No 93 — Tuesday 12 June 2001**

- 1 The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 3 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:

**Infertility Treatment Act 1995** — Seeking that the *Infertility Treatment Act 1995* be amended in all relevant sections to remove restrictions to access on the basis of marital status, bearing 1,445 signatures (*by Ms Burke*).

Ordered to lie on the Table.

- 4 **PETITION — INFERTILITY TREATMENT ACT 1995** — Motion made and question — That the petition presented by the Member for Prahran relating to amendments to the *Infertility Treatment Act 1995* be taken into consideration tomorrow (*Ms Burke*) — put and agreed to.
- 5 **PAPERS** —

**PRIVILEGES COMMITTEE** — Motion made, by leave, and question — That there be presented to this House a copy of the Report of the Privileges Committee upon Procedures for the Right of Reply, June 2001 (*Mr Loney*) — put and agreed to.

The said report was presented by Mr Loney and ordered to lie on the Table and to be printed.

**PAPERS PURSUANT TO STATUTE** —

Mr Hulls presented by Command of His Excellency the Governor:

County Court — Report for the year 1999–2000

Ordered to lie on the Table.

The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Forensic Leave Panel — Report for the year 2000

Melbourne Port Corporation — Report for the year 1999–2000 (*in lieu of Report previously tabled on Tuesday 31 October 2000*) (two papers)

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

Bayside Planning Scheme — No C16  
 Greater Geelong Planning Scheme — No C21  
 Greater Shepparton Planning Scheme — No C4 Part 2  
 Maribyrnong Planning Scheme — No C4  
 Monash Planning Scheme — No C1  
 Whitehorse Planning Scheme — Nos C3 Part 1, C13  
 Wyndham Planning Scheme — No C23

*Police Regulation Act 1958* — Report of the Ombudsman — Investigation of police action at the World Economic Forum demonstrations September 2000 — Ordered to be printed.

*Subordinate Legislation Act 1994* — Minister's exemption certificate in relation to Statutory Rule No 42.

- 6 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Building (Single Dwellings) Bill without amendment.
- 7 **MESSAGE FROM HIS EXCELLENCY THE GOVERNOR — ASSENT TO BILLS** — Informing the Assembly that he had, that day, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:
- Statute Law Amendment (Relationships) Bill  
 Tobacco (Further Amendment) Bill  
 Urban Land Corporation (Amendment) Bill.
- 8 **MESSAGES FROM HIS EXCELLENCY THE GOVERNOR** — The Speaker announced the presentation of messages from His Excellency the Governor recommending appropriations for the purposes of the following bills:
- Drugs, Poisons and Controlled Substances (Amendment) Bill  
 Transport (Further Amendment) Bill.
- 9 **CO-OPERATIVE SCHEMES (ADMINISTRATIVE ACTIONS) BILL** — Motion made, by leave, and question — That it be an instruction to the Committee that they have power to consider a new clause and an amendment to the Co-operative Schemes (Administrative Actions) Bill to provide for an additional function of the Scrutiny of Acts and Regulations Committee to be inserted in section 4D of the *Parliamentary Committees Act 1968* (*Mr Hulls*) — put and agreed to.
- 10 **SUSPENSION OF STANDING AND SESSIONAL ORDERS** — Motion made, by leave, and question — That so much of Standing Orders and Sessional Orders be suspended today so as to allow General Business, Order of the Day, No 26, to be considered forthwith (*Mr Batchelor*) — put and agreed to.
- 11 **BARLEY MARKETING (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Steggall*).

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

Ordered — That the debate be adjourned until tomorrow.

- 12 **CONCURRENT DEBATE — AGRICULTURAL AND VETERINARY CHEMICALS (VICTORIA) (AMENDMENT) BILL, CO-OPERATIVE SCHEMES (ADMINISTRATIVE ACTIONS) BILL, CORPORATIONS (ADMINISTRATIVE ACTIONS) BILL, CORPORATIONS (ANCILLARY PROVISIONS) BILL AND CORPORATIONS (CONSEQUENTIAL AMENDMENTS) BILL** — Motion made and question — That this House authorises and requires the Speaker to permit the second reading and subsequent stages of the Agricultural and Veterinary Chemicals (Victoria) (Amendment) Bill, the Co-operative Schemes (Administrative Actions) Bill, the Corporations (Administrative Actions) Bill, the Corporations (Ancillary Provisions) Bill and the Corporations (Consequential Amendments) Bill to be moved and debated concurrently (*Mr Batchelor*) — put and agreed to.

- 13 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, pursuant to Sessional Order 6(3), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 14 June 2001:

Corporations (Ancillary Provisions) Bill  
 Corporations (Consequential Amendments) Bill  
 Corporations (Administrative Actions) Bill  
 Agricultural and Veterinary Chemicals (Victoria) (Amendment) Bill  
 Co-operative Schemes (Administrative Actions) Bill  
 Constitution (Parliamentary Privilege) Bill  
 Appropriation (2001/2002) Bill  
 Appropriation (Parliament 2001/2002) Bill.

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

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

- 15 **CORPORATIONS (ANCILLARY PROVISIONS) BILL, CORPORATIONS (CONSEQUENTIAL AMENDMENTS) BILL, CORPORATIONS (ADMINISTRATIVE ACTIONS) BILL, AGRICULTURAL AND VETERINARY CHEMICALS (VICTORIA) (AMENDMENT) BILL AND CO-OPERATIVE SCHEMES (ADMINISTRATIVE ACTIONS) BILL** — Order read for resuming debate on question — That these Bills be now read a second time.

Pursuant to Sessional Orders, Ms Kosky announced that it was proposed to move amendments to the **Corporations (Ancillary Provisions) Bill** in Committee and requested that they be circulated. Amendments circulated.

Pursuant to Sessional Orders, Ms Kosky announced that it was proposed to move amendments to the **Corporations (Consequential Amendments) Bill** in Committee and requested that they be circulated. Amendments circulated.

Pursuant to Sessional Orders, Ms Kosky announced that it was proposed to move amendments to the **Co-operative Schemes (Administrative Actions) Bill** in Committee and requested that they be circulated. Amendments circulated.

Debate resumed on question — That these Bills be now read a second time.

**Corporations (Ancillary Provisions) Bill** read a second time and committed; considered in Committee and reported with amendments; as amended, considered, and amendments agreed to; read a third time.

**Corporations (Consequential Amendments) Bill** read a second time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly and committed.

Bill considered in Committee and reported with amendments; as amended, considered, and amendments agreed to.

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

**Corporations (Administrative Actions) Bill** read a second time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly and committed.

Bill considered in Committee and reported without amendment.

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

**Agricultural and Veterinary Chemicals (Victoria) (Amendment) Bill** read a second time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly and committed.

Bill considered in Committee and reported without amendment.

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

**Co-operative Schemes (Administrative Actions) Bill** read a second time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly and committed.

Bill considered in Committee and reported with amendments; and with an amended long title, which title reads as follows:

*'A Bill relating to administrative actions taken by Commonwealth authorities or officers of the Commonwealth under the **Agricultural and Veterinary Chemicals (Victoria) Act 1994** and other State co-operative scheme laws, to amend the **Parliamentary Committees Act 1968** and for other purposes'.*

Bill, as amended, considered and amendments agreed to.

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

Ordered — That these Bills be transmitted to the Legislative Council and their concurrence desired therein.

16 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 6, be postponed until later this day.

17 **NATIONAL PARKS (MARINE NATIONAL PARKS AND MARINE SANCTUARIES) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Mr Perton announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

Pursuant to Sessional Orders, Mr Ryan announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

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

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in place thereof the words 'this Bill be withdrawn and redrafted so as to — (a) provide for a State funded scheme to compensate any person who suffers loss or damage as a result of the provisions of the Bill in relation to — (i) any alteration to the force or effect of, or to any rights conferred or arising, under the *Fisheries Act 1995* or regulations made under it, or any authority or instrument under such Act or regulations; or (ii) the creation or existence of a Marine National Park or a Marine Sanctuary under the *National Parks Act 1975*; and (b) ensure that the Supreme Court's powers are retained in relation to such scheme' (*Mr Ryan*).

*Business having been interrupted at 10.00 pm pursuant to Sessional Orders.*

- 18 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.52 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

## No 94 — Wednesday 13 June 2001

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Police Resources in Mount Waverley** — Seeking that the Government allocates additional resources to increase policing in the Mount Waverley area, bearing 1,091 signatures (*by Mr Wilson*)

**Kirby Report — Preschool System** — Seeking that the Minister for Community Services immediately tables in the House the Kirby Report recommending various changes to improve the preschool system so as to begin the process of improving this vital service to children, bearing 92 signatures (*by Ms McCall*)

**Recreational Anglers** — Seeking that the Parliament takes the necessary steps to ensure that the rights of the recreational angler are upheld, bearing 2,419 signatures (*by Mr Ingram*)

**Western Highway Truck Route** — Seeking that action will be taken to bypass or relocate the Western Highway truck route around the city/residential area of Ararat, bearing 1,224 signatures (*by Mr Helper*).

Severally ordered to lie on the Table.

- 3 **PETITION — KIRBY REPORT — PRESCHOOL SYSTEM** — Motion made and question — That the petition presented by the Member for Frankston relating to the Kirby Report recommending various changes to improve the preschool system be taken into consideration tomorrow (*Ms McCall*) — put and agreed to.
- 4 **PETITION — POLICE RESOURCES IN MOUNT WAVERLEY** — Motion made and question — That the petition presented by the Member for Bennettswood relating to funding to increase policing in the Mount Waverley area be taken into consideration tomorrow (*Mr Wilson*) — put and agreed to.
- 5 **PAPERS** —

**DRUGS AND CRIME PREVENTION COMMITTEE** — Mr Mildenhall brought up a report from the Drugs and Crime Prevention Committee upon the Inquiry into Public Drunkenness, 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** —

Mr Hulls presented by Command of His Excellency the Governor:

Supreme Court Judges — Report for the year 1999

Ordered to lie on the Table.

The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Auditor-General — Performance Audit Report — Managing Victoria's growing salinity problem — Ordered to be printed

La Trobe University — Report for the year 2000 (*in lieu of Report previously tabled on Tuesday 1 May 2001*)

Monash University — Report for the year 2000

Natural Resources and Environment, Department — Report for the year 1999–2000 (*in lieu of Report previously tabled on Thursday 2 November 2000*)

*Subordinate Legislation Act 1994* — Minister's exemption certificate in relation to Statutory Rule No 48.

- 6 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Victorian Environmental Assessment Council Bill with amendments.

Ordered — That the said amendments be printed and taken into consideration tomorrow.



- 7 **SUSPENSION OF STANDING AND SESSIONAL ORDERS** – Motion made, by leave, and question – That so much of Standing and Sessional Orders be suspended today so as to allow:
- (a) in substitution of a Matter of Public Importance pursuant to Sessional Order 9, consideration of General Business, Order of the Day, No 27, and Government Business after Statements by Members; and
  - (b) in the event of General Business, Order of the Day, No 27 not being disposed of at the conclusion of the time provided for under Sessional Order 9(7), such item shall be set down on the Notice Paper for the next sitting and any member speaking at that time may, upon the resumption of debate thereon, continue such speech.
- (*Mr Batchelor*) – put, after debate, and agreed to.
- 8 **STATEMENTS BY MEMBERS** – Statements by members were made.
- 9 **BARLEY MARKETING (AMENDMENT) BILL** – Order read for resuming debate on question – That this Bill be now read a second time; debate resumed.

Question – put.

The House divided.

AYES 41

Ms Asher; Mr Ashley; Mr Baillieu; Ms Burke; Mr Clark; Mr Cooper; Dr Dean; Mr Delahunty (*Wimmera*); Mr Dixon; Mr Doyle; Mrs Elliott; Mrs Fyffe; Mr Honeywood; Mr Jasper; Mr Kilgour; Mr Kotsiras; Mr Leigh; Mr Lupton; Mr McArthur; Ms McCall; Mr McIntosh; Mr Maclellan; Mr Mulder; Dr Napthine; Mr Paterson; Mr Perton; Mrs Peulich; Mr Phillips; Mr Plowman; Mr Richardson; Mr Rowe; Mr Ryan; Mrs Shardey; Mr Spry; Mr Steggall; Mr Thompson; Mr Vogels; Mr Wells; Mr Wilson. Tellers: Mr Maughan; Mr Smith.

NOES 46

Ms Allan (*Bendigo East*); Ms Allen (*Benalla*); Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Ms Davies; Ms Delahunty (*Northcote*); Ms Duncan; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Hardman; Mr Helper; Mr Howard; Mr Hulls; Mr Ingram; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lenders; Mr Lim; Ms Lindell; Mr Loney; Mrs Maddigan; Mr Maxfield; Mr Mildenhall; Mr Nardella; Ms Overington; Mr Pandazopoulos; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Viney; Mr Wynne. Tellers: Mr Holding; Mr Langdon.

And so it passed in the negative.

- 10 **ORDER OF THE DAY DISCHARGED** – Motion made and question – That pursuant to an amended motion, the following Order of the Day, Government Business be read and discharged:

*National Parks (Marine National Parks and Marine Sanctuaries) Bill* – Resumption of debate on the question – That this Bill be now read a second time – and on the amendment – That all the words after 'That' be omitted with the view of inserting in place thereof the words 'this Bill be withdrawn and redrafted so as to – (a) provide for a State funded scheme to compensate any person who suffers loss or damage as a result of the provisions of the Bill in relation to – (i) any alteration to the force or effect of, or to any rights conferred or arising, under the Fisheries Act 1995 or regulations made under it, or any

*authority or instrument under such Act or regulations; or (ii) the creation or existence of a Marine National Park or a Marine Sanctuary under the National Parks Act 1975; and (b) ensure that the Supreme Court's powers are retained in relation to such scheme'.*

and that the Bill be withdrawn (*Ms Garbutt*).

*Business having been interrupted at 2.00 pm pursuant to Sessional Orders.*

11 **QUESTIONS** – (Pursuant to Standing Order No 124).

12 **ORDER OF THE DAY DISCHARGED** – Debate continued on question – That pursuant to an amended motion, the following Order of the Day, Government Business be read and discharged:

*National Parks (Marine National Parks and Marine Sanctuaries) Bill – Resumption of debate on the question – That this Bill be now read a second time – and on the amendment – That all the words after 'That' be omitted with the view of inserting in place thereof the words 'this Bill be withdrawn and redrafted so as to – (a) provide for a State funded scheme to compensate any person who suffers loss or damage as a result of the provisions of the Bill in relation to – (i) any alteration to the force or effect of, or to any rights conferred or arising, under the Fisheries Act 1995 or regulations made under it, or any authority or instrument under such Act or regulations; or (ii) the creation or existence of a Marine National Park or a Marine Sanctuary under the National Parks Act 1975; and (b) ensure that the Supreme Court's powers are retained in relation to such scheme'.*

and that the Bill be withdrawn.

Motion made and question – That the question be now put (*Mr Langdon*) – put.

The House divided.

AYES 43

*Ms Allan (Bendigo East); Ms Allen (Benalla); Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Ms Delahunty (Northcote); Ms Duncan; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Hardman; Mr Helper; Mr Howard; Mr Hulls; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Mr Loney; Mrs Maddigan; Mr Maxfield; Mr Mildenhall; Mr Nardella; Ms Overington; Mr Pandazopoulos; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Viney; Mr Wynne. Tellers: Mr Holding; Mr Langdon.*

NOES 40

*Ms Asher; Mr Ashley; Mr Baillieu; Ms Burke; Mr Clark; Mr Cooper; Dr Dean; Mr Delahunty (Wimmera); Mr Dixon; Mrs Elliott; Mrs Fyffe; Mr Honeywood; Mr Jasper; Mr Kilgour; Mr Kotsiras; Mr Leigh; Mr Lupton; Mr McArthur; Ms McCall; Mr McIntosh; Mr Maclellan; Mr Mulder; Dr Napthine; Mr Paterson; Mr Perton; Mrs Peulich; Mr Phillips; Mr Plowman; Mr Richardson; Mr Rowe; Mr Ryan; Mrs Shardey; Mr Spry; Mr Steggall; Mr Thompson; Mr Vogels; Mr Wells; Mr Wilson. Tellers: Mr Maughan; Mr Smith.*

And so it was resolved in the affirmative.

Original motion – accordingly put.

The House divided.

AYES 45

Ms Allan (*Bendigo East*); Ms Allen (*Benalla*); Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Ms Davies; Ms Delahunty (*Northcote*); Ms Duncan; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Hardman; Mr Helper; Mr Howard; Mr Hulls; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lenders; Mr Lim; Ms Lindell; Mr Loney; Mrs Maddigan; Mr Maxfield; Mr Milderhall; Mr Nardella; Ms Overington; Mr Pandazopoulos; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Viney; Mr Wynne. Tellers: Mr Holding; Mr Langdon.

NOES 41

Ms Asher; Mr Ashley; Mr Baillieu; Ms Burke; Mr Clark; Mr Cooper; Dr Dean; Mr Delahunty (*Wimmera*); Mr Dixon; Mr Doyle; Mrs Elliott; Mrs Fyffe; Mr Honeywood; Mr Jasper; Mr Kilgour; Mr Kotsiras; Mr Leigh; Mr Lupton; Mr McArthur; Ms McCall; Mr McIntosh; Mr Maclellan; Mr Mulder; Dr Naphùne; Mr Paterson; Mr Perton; Mrs Peulich; Mr Phillips; Mr Plowman; Mr Richardson; Mr Rowe; Mr Ryan; Mrs Shardey; Mr Spry; Mr Steggall; Mr Thompson; Mr Vogels; Mr Wells; Mr Wilson. Tellers: Mr Maughan; Mr Smith.

And so it was resolved in the affirmative.

- 13 **APPROPRIATION (PARLIAMENT 2001/2002) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 14 **CONSTITUTION (PARLIAMENTARY PRIVILEGE) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Mr Haermeyer announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

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

Question — put.

*(As there were voices cast for the 'Noes', Members supporting the motion were requested to stand in their places) —*

There being less than the absolute majority of the whole number of the members of the Legislative Assembly rising in their places in support of the motion, second reading passed without an absolute majority.

Bill committed; considered in Committee and reported with amendments; and with an amended long title, which title reads as follows:

*'A Bill to amend the **Constitution Act 1975** to make provision for the publication of the report of the Metropolitan Ambulance Service Royal Commission and for other purposes'.*

Bill, as amended, considered and amendments agreed to.

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 15 **APPROPRIATION (2001/2002) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm pursuant to Sessional Orders.*

- 16 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 11.06 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

## No 95 — Thursday 14 June 2001

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Pedestrian Crossing on Boneo Road, Rosebud** — Seeking that a pedestrian crossing be provided in an appropriate place between Cairns Avenue and Marks Avenue on Boneo Road, Rosebud, bearing 277 signatures (*by Mr Dixon*)

**Women's Petition 2001** — Seeking that the Government delivers for and with Victorian women and communities — (a) Equal representation of women in decision-making; (b) Safety for women and children in the home, workplace and the community; (c) Economic independence and security for all women, genuine equal pay for equal work, fair and family friendly working conditions and access to quality child care; (d) High quality, life long and affordable education; (e) An accessible, well-funded community based public health network; (f) Environmental sustainability; (g) Positive and non-exploitative presentations of women in the media; and (h) A society where caring and unpaid work are valued and shared, bearing 198 signatures (*by Mrs Maddigan*)

**Preschool Review** — Seeking that the Government releases the findings of the preschool review and honours its promise to act on the findings immediately with particular reference to pay parity for teachers, funding for reduced group sizes, decreased workload for committees and reduced fees for all parents, bearing 558 signatures (*by Mr Languiller*).

Severally ordered to lie on the Table.

3 PAPERS —

**AMENDMENTS TO THE NATIONAL CLASSIFICATION CODE AND GUIDELINES FOR THE CLASSIFICATION OF FILMS AND VIDEOTAPES** — Motion made, by leave, and question — That there be presented to this House a copy of the — (a) National Classification Code (Amendment No 2) and (b) Guidelines for the Classification of Films and Videotapes (Amendment No 3) (*Mr Hulls*) — put and agreed to.

The said papers were presented by Mr Hulls and ordered to lie on the Table.

**REPORT OF INQUIRIES INTO CHILD DEATHS: PROTECTION AND CARE** — Motion made, by leave, and question — That there be presented to this House a copy of the Annual Report of Inquiries into Child Deaths: Protection and Care 2001 (*Mr Batchelor*) — put and agreed to.

The said report was presented by Mr Batchelor and ordered to lie on the Table.

**DRUGS AND CRIME PREVENTION COMMITTEE** — Mr Lupton brought up the second report from the Drugs and Crime Prevention Committee upon the Inquiry into Crime Trends, together with appendices.

Ordered to lie on the Table and to be printed.

**PAPERS PURSUANT TO STATUTE —**

Mr Hulls presented by Command of His Excellency the Governor:

Council of Magistrates — Report for the year 1999–2000

Ordered to lie on the Table.

The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

*Financial Management Act 1994:*

Report from the Minister for Agriculture that he had received the 2000 Annual Report of the Veterinary Practitioners Registration Board

Report from the Minister for Environment and Conservation that she had not received the 1999–2000 Annual Reports of the:

Falls Creek Alpine Resort Management Board  
Mount Baw Baw Alpine Resort Management Board

*Members of Parliament (Register of Interests) Act 1978* — Summary of Variations notified between 23 November 2000 and 13 June 2001 — Ordered to be printed

Statutory Rules under the following Acts:

*Health Services Act 1988* — SR No 51  
*Metropolitan Fire Brigades Act 1958* — SR No 52

*Subordinate Legislation Act 1994:*

Minister's exception certificate in relation to Statutory Rule No 52  
 Minister's exemption certificate in relation to Statutory Rule No 51

Youth Parole Board and Youth Residential Board — Report for the year 1999–2000.

- 4 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 5 **POSTPONEMENT OF NOTICE OF MOTION** — Ordered — That the consideration of Government Business, Notice of Motion, No 1, be postponed until later this day.
- 6 **SITTING OF THE HOUSE IN BENDIGO** — Motion made and question — That so much of Standing Orders and Sessional Orders be suspended on Thursday 16 August 2001 so as to allow:
- (a) This House to invite Councillor Barry Ackerman, Mayor of the City of Greater Bendigo, to attend on the floor of the House on Thursday 16 August 2001 at 11.00 am to address the House;
  - (b) For the purposes of Question Time on that day, Sessional Order 3 to apply with the expression '2.10 pm' substituted for the expression '2.00 pm' wherever occurring; and
  - (c) The time for business to be interrupted for the purpose of Sessional Order 5 to be, for that day, 5.00 pm.

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

- 7 **SITTING OF THE HOUSE** — Motion made and question — That so much of Sessional Orders be suspended so as to provide that the House, at its rising on Thursday 14 June 2001, adjourn until: (a) Thursday 16 August 2001 at the Town Hall, Bendigo, the Speaker taking the Chair at 11.00 am; or (b) a day and hour to be fixed by the Speaker which time of meeting shall be notified in writing to each member of the House — which ever is the first to occur *(Mr Batchelor)* — put and agreed to.
- 8 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 1 to 7 inclusive, be postponed until later this day.
- 9 **WHISTLEBLOWERS PROTECTION BILL** — Order read for the consideration of the amendments made by the Legislative Council.

The said amendments were read a second time and, after debate, agreed to by the House with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Ordered — That a message be sent to the Legislative Council acquainting them that the Legislative Assembly has agreed to the said amendments.

- 10 **APPROPRIATION (2001/2002) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm pursuant to Sessional Orders.*

- 11 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 12 **APPROPRIATION (2001/2002) BILL** — Debate resumed on question — That this Bill be now read a second time.
- Allocation of time — The Acting Speaker advised that the time allocated for consideration of bills pursuant to resolution of the House on Tuesday 12 June 2001 had expired.*
- Question — That this Bill be now read a second and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.
- 13 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:
- Post Compulsory Education Acts (Amendment) Bill  
Health (Amendment) Bill.
- 14 **PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk:
- Auditor-General — Annual Plan 2001–02.
- 15 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Pandazopoulos*) — put and agreed to.
- 16 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

And the House, at 5.05 pm, adjourned until Thursday 16 August 2001 at the Town Hall, Bendigo, the Speaker taking the Chair at 11.00 am; or a day and hour to be fixed by the Speaker which time of meeting shall be notified in writing to each member of the House — which ever is the first to occur.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

## LEGISLATIVE ASSEMBLY OF VICTORIA

# VOTES AND PROCEEDINGS

## No 96 — Thursday 16 August 2001

- 1 The Legislative Assembly met in the City of Bendigo pursuant to Proclamation of His Excellency the Governor and to the terms of the resolution of the House on 14 June 2001 — The Speaker took the Chair and read the Prayer.

The said Proclamation was read by the Speaker:

### PROCLAMATION

WHEREAS:

- A. By Proclamation made on 7 October 1999 by Sir James Gobbo AC, then the Governor of the State of Victoria, pursuant to section 8 and section 20 of the *Constitution Act 1975*, fixed 3 November 1999 at 11.00 am as the time for the commencement and holding of the First session of the Fifty-Fourth Parliament of Victoria for the dispatch of business, at the Parliament Houses, Melbourne.
- B. Pursuant to section 8(1) of the *Constitution Act 1975* the Governor is empowered to vary and alter the places fixed within Victoria and the times fixed for holding every session of the Legislative Council and of the Legislative Assembly.

I, John Michael Landy AC, MBE, Governor of the State of Victoria, acting under section 8 and section 20 of the *Constitution Act 1975* and all other powers vested in me:

1. hereby vary and alter the place for holding the First session of the Legislative Council which would have otherwise have been held in the Houses of Parliament, Melbourne on Thursday 16 August 2001 to the Ballarat Town Hall at 219 - 231 Sturt Street in the City of Ballarat and thereafter, when the Legislative Council has completed its business on that day, to the Houses of Parliament, Melbourne on the next day of sitting appointed by the Legislative Council.
2. hereby vary and alter the place for holding the First session of the Legislative Assembly which would have otherwise have been held in the Houses of Parliament, Melbourne on Thursday 16 August 2001 to the Bendigo Town Hall at 189 Hargreaves Street in the City of Bendigo and thereafter, when the Legislative Assembly has completed its business on that day, to the Houses of Parliament, Melbourne on the next day of sitting appointed by the Legislative Assembly.



Given under my hand and the Seal of the State of Victoria at Melbourne, this third day of August 2001.

(L.S) JOHN MICHAEL LANDY  
Governor  
By His Excellency's Command

STEVE BRACKS  
Premier

- 2 **ADDRESS BY COUNCILLOR BARRY ACKERMAN, MAYOR OF THE CITY OF GREATER BENDIGO** — Pursuant to the resolution of the House of 14 June 2001 Councillor Barry Ackerman addressed the House and was then escorted from the Chamber by the Serjeant-at-Arms.
- 3 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Women's Petition 2001** — Seeking that the Government delivers for and with Victorian women and communities — (a) Equal representation of women in decision-making; (b) Safety for women and children in the home, workplace and the community; (c) Economic independence and security for all women, genuine equal pay for equal work, fair and family friendly working conditions and access to quality child care; (d) High quality, life long and affordable education; (e) An accessible, well-funded community based public health network; (f) Environmental sustainability; (g) Positive and non-exploitative presentations of women in the media; and (h) A society where caring and unpaid work are valued and shared, bearing 172 signatures (*by Mrs Maddigan*)

**Home Loan Schemes** — Seeking that the Government sponsored Home Loan Schemes under the lending instrument called Capital Indexed Loans sold since 1984/95 under the sub-headings — CAPIL, Deferred Interest Scheme (DIS), Indexed Repayment Loan (IRL), Home Opportunity Loan Scheme (HOLS) and Shared Home Opportunity Scheme (SHOS) — (a) be recalculated; (b) have payment and interest set at affordable levels; and (c) be amended in order to assist the low income bracket Victorians the loans were meant to assist, bearing 10 and 49 signatures (*by Mr Hardman and Mr Maughan, respectively*)

**Funding Increase to Public Libraries** — Seeking that the Victorian Government — (a) immediately invests substantially more in public library services for the benefit of all Victorians by increased funding to public libraries for the purchase of books; and (b) increases funding for the purchase and maintenance of mobile library services to ensure the removal of the barrier to access by Victorians in rural and remote areas, bearing 1,019 signatures (*by Mr Lupton*)

**Pedestrian Safety — Brooke Street, Inglewood** — Seeking that the speed limit in Brooke Street, Inglewood, is lowered to 40 kilometres per hour as soon as possible, and that a pedestrian crossing is installed, bearing 153 signatures (*by Mr Steggall*)

**Airport Rail Link — Broadmeadows Corridor** — Seeking that the Broadmeadows Corridor option be excluded from considerations to develop a high speed airport rail link, bearing 1,439 signatures (*by Mrs Maddigan*)

**New Zealand Apples and Pears** – Seeking that the Australian Apple and Pear Industry be protected from the disease Fireblight by prohibiting the import of fruit from New Zealand, bearing 457 signatures (*by Mr Delahunty, Wimmera*)

**Eastmoor Site in East Bentleigh** – Seeking that this site be used for older persons accommodation, bearing 438 signatures (*by Mrs Peulich*).

Severally ordered to lie on the Table.

- 4 **PETITION – EASTMOOR SITE IN EAST BENTLEIGH** – Motion made and question – That the petition presented by the Member for Bentleigh relating to the use of the Eastmoor site in East Bentleigh for older persons accommodation be taken into consideration tomorrow (*Mrs Peulich*) – put and agreed to.
- 5 **PETITION – NEW ZEALAND APPLES AND PEARS** – Motion made and question – That the petition presented by the Member for Wimmera relating to the import of apples and pears from New Zealand be taken into consideration tomorrow (*Mr Delahunty, Wimmera*) – put and agreed to.
- 6 **PETITION – FUNDING INCREASE TO PUBLIC LIBRARIES** – Motion made and question – That the petition presented by the Member for Knox relating to the Government investing substantially more in public library services be taken into consideration tomorrow (*Mr Lupton*) – put and agreed to.
- 7 **PAPERS** –

**COUNCIL OF AUSTRALIAN GOVERNMENTS' COMMUNIQUE** – Motion made, by leave, and question – That there be presented to this House in accordance with the Government's Response to the former Federal-State Relations Committee's Third Report – *Federalism and the Role of the States: Comparisons and Recommendations (1999)* – Communique issued by the Council of Australian Governments', 8 June 2001 (*Mr Bracks*) – put and agreed to.

The said communique was presented by Mr Bracks and ordered to lie on the Table.

**TREATY DOCUMENTS** – Motion made, by leave, and question – That there be presented to this House in accordance with the Government's Response to the former Federal-State Relations Committee's First Report – *International Treaty Making and the Role of the States (1997)* the following treaty documents:

A schedule of the multilateral treaty action under negotiation or consideration by the Australian Government

Mutual recognition agreement on conformity assessment between Australia and the Republic of Singapore

Agreement between Australia and the United Kingdom of Denmark for the reciprocal protection of classified information of defence interest, Copenhagen – 27 September 1999

Agreement between Australia and the Republic of South Africa for the reciprocal protection of classified information of defence interest, Canberra – 11 May 2000

Air services agreements between Australia and the Kingdoms of Denmark, Norway and Sweden

Agreement between Australia and the Islamic Republic of Pakistan relating to air services, Islamabad – 7 February 1998  
 Agreement between Australia and Samoa relating to air services, Apia – 11 August 2000  
 Agreement establishing the Pacific Islands Forum Secretariat, Tarawa – 30 October 2000  
 Constitution of the International Labour Organisation Instrument of Amendment, 1997  
 Asia-Pacific Postal Union: Second additional protocol to the Constitution of 4 December 1985, as amended and the additional protocol to the general regulations, Tehran – 18 September 2000  
 Amendments to the Treaty on Fisheries between the Governments of certain pacific island states and the United States of America of 2 April 1987, Koror, Palau – 30 March 1999  
 Films co-production agreement between Australia and the Federal Republic of Germany, Canberra – 17 January 2001  
 Agreement on social security between Australia and New Zealand, Canberra – 28 March 2001  
 International Labour Organisation Conventions:  
 No 15 – Convention fixing the minimum age for the admission of young persons to employment as trimmers or stokers, Geneva – 11 November 1921  
 No 21 – Convention concerning the simplification of the inspection of emigrants on board ship – 5 June 1926  
 International Labour Organisation Conventions:  
 No 57 – Convention concerning hours of work on board ship and manning, Geneva – 24 October 1936  
 No 76 – Convention concerning wages, hours of work on board ship and manning, Seattle – 29 June 1946  
 No 93 – Convention concerning wages, hours of work on board ship and manning (revised 1949), Geneva – 18 June 1949  
 No 109 – Convention concerning wages, hours of work on board ship and manning (revised 1958), Geneva – 14 May 1958  
 Protocol amending the convention on limitation of liability for maritime claims of 19 November 1976, London – 2 May 1996  
 Agreement on the conservation of Albatrosses and Petrels.

*(Mr Bracks)* – put and agreed to.

The said documents were presented by Mr Bracks and ordered to lie on the Table.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** – Ms Gillett, Chair, brought up a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 8 of 2001 on the:

Corporations (Ancillary Provisions) Bill  
 Country Fire Authority (Amendment) Bill  
 Crimes (Validation of Orders) Bill  
 Fundraising Appeals (Amendment) Bill  
 Gas Industry Bill  
 Judicial College of Victoria Bill  
 Transport (Further Amendment) Bill

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:

*Crown Land (Reserves) Act 1978* — Section 17DA Order granting under s 17D a lease by the Bayside City Council

*Financial Management Act 1994* — Report from the Minister for Post Compulsory Education, Training and Employment that she had received the 2000 Annual Report of the International Fibre Centre Ltd

*Interpretation of Legislation Act 1984* — Notice under s 32(4)(a)(iii) in relation to Statutory Rule No 66

*Melbourne City Link Act 1995* — Statement of Variation No 2/2001: Detailed Tolling Strategy

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

Ballarat Planning Scheme — Nos C31, C34 Part 1, C35 Part 1, C37

Bass Coast Planning Scheme — No C10

Campaspe Planning Scheme — Nos C15, C16

Cardinia Planning Scheme — No C17

Casey Planning Scheme — No C34

Darebin Planning Scheme — No C1

Glen Eira Planning Scheme — No C18

Glenelg Planning Scheme — No C3

Greater Bendigo Planning Scheme — No C15

Greater Dandenong Planning Scheme — No C22

Greater Geelong Planning Scheme — Nos C13, C20, C22

Greater Shepparton Planning Scheme — No C9

Golden Plains Planning Scheme — Nos C5, C7

Hepburn Planning Scheme — Nos C5, C7

Hobsons Bay Planning Scheme — Nos C11 Part 1, C15

Knox Planning Scheme — Nos C12, C24

La Trobe Planning Scheme — No C2

Loddon Planning Scheme — No C2

Macedon Ranges Planning Scheme — No C7

Manningham Planning Scheme — No C17

Maribyrnong Planning Scheme — Nos C7, C15

Maroondah Planning Scheme — No C23

Melbourne Planning Scheme — Nos C11, C24, C41, C42

Monash Planning Scheme — No C5

Moonee Valley Planning Scheme — No C22

Moorabool Planning Scheme — Nos C8, C13

Moreland Planning Scheme — No C18

Mornington Peninsula Planning Scheme — Nos C12 Part 2, C29, C30

Surf Coast Planning Scheme — No C4

Wangaratta Planning Scheme — No C3 Part 2

Warrnambool Planning Scheme — No C16

West Wimmera Planning Scheme — No C1

Whitehorse Planning Scheme — Nos C28, C32

Wodonga Planning Scheme — No C6

Yarra Planning Scheme — No C24  
 Yarra Ranges Planning Scheme — No C9

*Public Lotteries Act 2000* — Licence pursuant to s 32(b)

Statutory Rules under the following Acts:

*Associations Incorporation Act 1981* — SR No 69  
*Building Act 1993* — SR No 66  
*Corporations (Ancillary Provisions) Act 2001* — SR Nos 62, 63  
*County Court Act 1958* — SR No 77  
*Equipment (Public Safety) Act 1994* — SR No 54  
*Foreign Judgements Act 1962* — SR No 73  
*Gaming Machine Control Act 1991* — SR No 60  
*Juries Act 2000* — SR Nos 73, 74, 75, 77  
*Magistrates' Court Act 1989* — SR Nos 58, 67, 68  
*Mineral Resources Development Act 1990* — SR No 71  
*Occupational Health and Safety Act 1985* — SR No 53  
*Pay-roll Tax Act 1971* — SR No 64  
*Petroleum Products (Terminal Gate Pricing) Act 2000* — SR No 72  
*Police Regulation Act 1958* — SR No 70  
*Prevention of Cruelty to Animals Act 1986* — SR No 65  
*Private Agents Act 1966* — SR No 76  
*Racing Act 1958* — SR No 61  
*Road Safety Act 1986* — SR Nos 56, 57  
*Supreme Court Act 1986* — SR No 73  
*Tobacco Act 1987* — SR No 55  
*Zoological Parks and Gardens Act 1995* — SR No 59

*Subordinate Legislation Act 1994*:

Ministers' exception certificates in relation to Statutory Rule Nos 58, 59, 73, 75, 77  
 Ministers' exemption certificates in relation to Statutory Rule Nos 53, 54, 57, 59, 64, 69, 70, 72, 76.

The following proclamations fixing operative dates were laid upon the Table by the Clerk pursuant to an Order of the House dated 3 November 1999:

*Business Registration Acts (Amendment) Act 2000* — Sections 3 and 9 on 30 July 2001 (*Gazette* G29, 19 July 2001)  
*Co-operative Schemes (Administrative Actions) Act 2001* — Whole Act on 2 August 2001 (*Gazette* G31, 2 August 2001)  
*Corporations (Commonwealth Powers) Act 2001* — Whole Act on 21 June 2001 (*Gazette* G25, 21 June 2001)  
*Electricity Industry Acts (Further Amendment) Act 2001* — Section 10 on 28 June 2001 (*Gazette* G26, 28 June 2001)  
*Financial Sector Reform (Victoria) Act 1999* — Remaining provisions on 15 June 2001 (*Gazette* G24, 14 June 2001)  
*Mineral Resources Development (Amendment) Act 2000* — Remainder of Act on 31 July 2001 (*Gazette* G30, 26 July 2001)  
*Nurses (Amendment) Act 2000* — Sections 3 (other than paragraphs (a) and (c)), 22, 25, 30, 31, 34, 37 and 44 on 1 August 2001 (*Gazette* G28, 12 July 2001)

*Petroleum Products (Terminal Gate Pricing) Act 2000* — Whole Act on 1 August 2001 (*Gazette G30, 26 July 2001*)

*Road Safety (Alcohol and Drugs Enforcement Measures) Act 2001* — Remaining provisions (other than section 9(1)) on 28 June 2001 (*Gazette G25, 21 June 2001*)

*Statute Law Amendment (Relationships) Act 2001* — Whole Act (except sections 4, 5 and 7, items 1, 2, 3, 6, 9.1, 9.2(b), (c), and (d), 9.4, 9.5, 9.6 and 13 of Schedule 1, Schedule 2, Schedule 3, item 2 of Schedule 4 and Schedule 5) on 28 June 2001 (*Gazette G26, 28 June 2001*)

*Transport Accident (Amendment) Act 2000* — Remaining provisions except section 23(1) on 1 August 2001 (*Gazette G27, 5 July 2001*)

*Urban Land Corporation (Amendment) Act 2001* — Whole Act on 1 July 2001 (*Gazette G25, 21 June 2001*).

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

Racial and Religious Tolerance Bill

Corrections (Custody) Bill

State Taxation Acts (Taxation Reform Implementation) Bill

Transfer of Land (Amendment) Bill

Duties (Amendment) Bill

Victorian Managed Insurance Authority (Amendment) Bill

Corporations (Administrative Actions) Bill

Corporations (Ancillary Provisions) Bill

Corporations (Consequential Amendments) Bill

Agricultural and Veterinary Chemicals (Victoria) (Amendment) Bill

Co-operative Schemes (Administrative Actions) Bill

Constitution (Metropolitan Ambulance Service Royal Commission Report) Bill

Appropriation (Parliament 2001/2002) Bill

Appropriation (2001/2002) Bill.

**9 APPROPRIATION (2001/2002) BILL — APPROPRIATION (PARLIAMENT 2001/2002) BILL** — The Speaker announced that he had, on 27 June 2001, presented to His Excellency the Governor the Appropriation (2001/2002) Bill and the Appropriation (Parliament 2001/2002) Bill to which His Excellency had been pleased to give the royal assent.

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

On 19 June 2001:

Building (Single Dwellings) Bill

Gas Industry Bill

Gas Industry Legislation (Miscellaneous Amendments) Bill

Health (Amendment) Bill

Post Compulsory Education Acts (Amendment) Bill

Racing (Racing Victoria Ltd) Bill

Whistleblowers Protection Bill

On 27 June 2001:

Agricultural and Veterinary Chemicals (Victoria) (Amendment) Bill

Constitution (Metropolitan Ambulance Service Royal Commission Report) Bill

Co-operative Schemes (Administrative Actions) Bill

Corporations (Administrative Actions) Bill  
 Corporations (Ancillary Provisions) Bill  
 Corporations (Consequential Amendments) Bill  
 Corrections (Custody) Bill  
 Duties (Amendment) Bill  
 Racial and Religious Tolerance Bill  
 State Taxation Acts (Taxation Reform Implementation) Bill  
 Transfer of Land (Amendment) Bill  
 Victorian Managed Insurance Authority (Amendment) Bill.

- 11 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 12 **INTERNATIONAL YEAR OF THE VOLUNTEER** — Motion made and question — That this House notes that this year is the International year of the volunteer and expresses its sincere gratitude for the tireless efforts and contribution of Victorian volunteers across all areas of our society, including the special contribution and role of volunteers in rural and regional Victoria (*Mr Bracks*) — put, after debate, and agreed to.

*Business having been interrupted at 2.10 pm pursuant to Sessional Orders as amended by resolution of the House on 14 June 2001.*

- 13 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 14 **DRUGS, POISONS AND CONTROLLED SUBSTANCES (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

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

Ordered — That the debate be adjourned until Thursday 30 August 2001.

- 15 **CRIMES (VALIDATION OF ORDERS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 5.00 pm pursuant to Sessional Orders as amended by resolution of the House on 14 June 2001.*

- 16 **ADJOURNMENT** — The Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 6.24 pm.

R W PURDEY  
 Clerk of the Legislative Assembly

A ANDRIANOPOULOS  
 Speaker

## LEGISLATIVE ASSEMBLY OF VICTORIA

# VOTES AND PROCEEDINGS

## Nos 97, 98, 99 and 100

### No 97 — Tuesday 21 August 2001

- 1 The Speaker took the Chair and read the Prayer.
- 2 **DEATH OF WILLIAM FRANCIS FOGARTY AND THE HONOURABLE WILLIAM ARCHIBALD BORTHWICK, AM** — Motion made and question —
  - 1 That this House expresses its sincere sorrow at the death of William Francis Fogarty, 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 Sunshine from 1973 to 1988, as Temporary Chairman of Committees from 1982 to 1985 and Deputy Speaker and Chairman of Committees from 1985 to 1988.
  - 2 That this House expresses its sincere sorrow at the death of the Honourable William Archibald Borthwick, AM, 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 Districts of Scoresby from 1960 to 1967, Monbulk from 1967 to 1982 and Minister of Water Supply from 1967 to 1970, Minister of Lands, Soldier Settlement and Minister for Conservation from 1970 to 1979, Minister for Health from 1979 to 1982, and Deputy Premier from 1981 to 1982.

(*Mr Bracks*) — put, after the Speaker and other honourable members had addressed the House in support of the motion and, honourable members rising in their places to signify their assent, agreed to unanimously.
- 3 **ADJOURNMENT** — Motion made and question — That, as a further mark of respect to the memory of the late William Francis Fogarty and the Honourable William Archibald Borthwick, AM, the House do now adjourn until 8.00 pm this day (*Mr Bracks*) — put and agreed to.

And the House, at 4.42 pm adjourned until 8.00 pm this day.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*



## No 98 — Tuesday 21 August 2001

(8.00 PM)

1 The House met pursuant to adjournment — The Speaker took the Chair.

2 **QUESTIONS** — (Pursuant to Standing Order No 124).

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

**Wild Dogs in Gilderoy** — Seeking that the Parliament of Victoria and the Minister for Environment and Conservation urgently take action in tackling the problem of wild dogs, bearing 1,035 signatures (*by Mrs Fyffe*)

**Gatehouse Street Parkville — Speed Limit Plan** — Seeking that — (a) Gatehouse Street, Parkville be designated a residential street and be included in the 50 kmh speed limit plan for residential streets as proposed by the Honourable Minister for Transport on Thursday 25 May 2000; (b) except for local purposes only, heavy vehicles and trucks be prohibited from using Gatehouse Street as a thoroughfare; and (c) any measures taken to achieve these ends not be to the detriment of other residential streets, bearing 249 signatures (*by Mr Langdon*)

**Stamp Duty on Insurance Premiums** — Seeking that the part of stamp duty which is levied on the Fire Levy and GST on insurance premiums on property which constitutes a tax on a tax be removed immediately, bearing 145 signatures (*by Dr Naphthine*)

**Railway Level Crossing, Hodgins Road, Hastings** — Seeking that the Government installs boom gates immediately at the railway level crossing at Hodgins Road, Hastings before an accident claims lives, bearing 17 signatures (*by Mr Cooper*)

**Intersection of Frankston-Flinders, Dandenong-Hastings Road and Denham Roads, Tyabb** — Seeking that urgent action is taken to make the intersection of Frankston-Flinders Road with Dandenong-Hastings Road and Denham Road in Tyabb safer before more lives are lost at the location, bearing 270 signatures (*by Mr Cooper*).

Severally ordered to lie on the Table.

4 **PETITION — WILD DOGS IN GILDEROY** — Motion made and question — That the petition presented by the Member for Evelyn relating to the problem of wild dogs in Gilderoy be taken into consideration tomorrow (*Mrs Fyffe*) — put and agreed to.

5 **PETITION — RAILWAY LEVEL CROSSING, HODGINS ROAD, HASTINGS** — Motion made and question — That the petition presented by the Member for Mornington relating to the installation of boom gates at the railway level crossing at Hodgins Road, Hastings be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.

6 **PETITION — INTERSECTION OF FRANKSTON-FLINDERS, DANDENONG-HASTINGS ROAD AND DENHAM ROADS, TYABB** — Motion made and question — That the petition presented by the Member for Mornington relating to the intersection of Frankston-Flinders Road with Dandenong-Hastings Road and Denham Road in Tyabb be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.

- 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:

Altona Memorial Park — Report for the year 2000

Anderson's Creek Cemetery Trust — Report for the year 2000

Anti-Cancer Council — Report for the year 2000

Ballaarat General Cemeteries Trust — Report for the year 2000

Bendigo Cemeteries Trust — Report for the year 2000

Border Groundwaters Agreement Review Committee — Report for the year 1999–2000

Cheltenham and Regional Cemeteries Trust — Report for the year 2000

Falls Creek Alpine Resort Management Board — Report for the year ended 31 October 2000

Fawkner Crematorium and Memorial Park — Report for the year 2000

Geelong Cemeteries Trust — Report for the year 2000

Keilor Cemetery Trust — Report for the year 2000

Lilydale Memorial Park and Cemetery Trust — Report for the year 2000

Medical Practitioners Board — Report for the year ended 30 September 2000

Mount Stirling Alpine Resort Management Board — Report for the year ended 31 October 2000

Mt Baw Baw Alpine Resort Management Board — Report for the year ended 31 October 2000

Necropolis Springvale — Report for the year 2000

*Parliamentary Committees Act 1968* — Response of the Acting Minister for Finance on action taken with respect to the recommendations made by the Public Accounts and Estimates Committee's report on the 2000–2001 Budget Estimates

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

Banyule Planning Scheme — No C12

Bass Coast Planning Scheme — Nos C3, C4

Casey Planning Scheme — No C16

East Gippsland Planning Scheme — No C7

Greater Dandenong Planning Scheme — No C16 Part 2

Greater Geelong Planning Scheme — No C27

La Trobe Planning Scheme — No C5

Maribyrnong Planning Scheme — No C22

Whittlesea Planning Scheme — No C21

Statutory Rules under the following Acts:

*Fisheries Act 1995* — SR No 78

*Water Act 1989* — SR No 79

*Subordinate Legislation Act 1994* — Ministers' exemption certificates in relation to Statutory Rule Nos 65, 71

Templestowe Cemetery Trust — Report for the year 2000

Wyndham Cemeteries Trust — Report for the year 2000.

- 8 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, pursuant to Sessional Order 6(3), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 23 August 2001:

Community Visitors Legislation (Miscellaneous Amendments) Bill

Agriculture Legislation (Amendment) Bill

Public Notaries Bill

Transport (Further Amendment) Bill

Crimes (Validation of Orders) Bill

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

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

- 10 **COMMUNITY VISITORS LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm pursuant to Sessional Orders.*

- 11 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 11.14 pm.

R W PURDEY  
Clerk of the Legislative Assembly

A ANDRIANOPOULOS  
Speaker

## No 99 — Wednesday 22 August 2001

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:

**Funding Increase to Public Libraries** — Seeking that the Victorian Government — (a) immediately invests substantially more in public library services for the benefit of all Victorians by increased funding to public libraries for the purchase of books; and (b) increases funding for the purchase and maintenance of mobile library services to ensure the removal of the barrier to access by Victorians in rural and remote areas, bearing 316 signatures (*by Mr Lupton*).

Ordered to lie on the Table.

- 3 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 4 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.
- 5 **COMMONWEALTH GAMES ARRANGEMENTS BILL** — Mr Bracks obtained leave, with Mr Batchelor, to bring in a Bill '*to facilitate preparations for the Commonwealth Games to be held in Melbourne in 2006, to amend the Melbourne Cricket Ground Act 1933, the State Sport Centres Act 1994 and the Project Development and Construction Management Act 1994 and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 6 **COMMONWEALTH POWERS (INDUSTRIAL RELATIONS) (AMENDMENT) BILL** — Mr Bracks obtained leave, with Mr Batchelor, to bring in a Bill '*to amend the Commonwealth Powers (Industrial Relations) Act 1996 to refer to the Parliament of the Commonwealth further matters relating to industrial relations and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 7 **GENE TECHNOLOGY BILL** — Mr Thwaites, after debate, obtained leave with Mr Batchelor, to bring in a Bill '*to regulate activities involving gene technology, to amend the Agricultural and Veterinary Chemicals (Victoria) Act 1994 and the Therapeutic Goods (Victoria) Act 1994 and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 8 **AGRICULTURAL AND VETERINARY CHEMICALS (CONTROL OF USE) (FURTHER AMENDMENT) BILL** — Mr Hamilton, after debate, obtained leave with Mr Batchelor, to bring in a Bill '*to make miscellaneous amendments to the Agricultural and Veterinary Chemicals (Control of Use) Act 1992 and a consequential amendment to the Agricultural and Veterinary Chemicals (Victoria) Act 1994 and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 9 **ESSENTIAL SERVICES COMMISSION BILL** — Mr Brumby obtained leave, with Ms Campbell, to bring in a Bill '*to establish the Essential Services Commission, to repeal the Office of the Regulator-General Act 1994 and consequentially amend certain other Acts and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 10 **BUSINESS INVESTIGATIONS (REPEAL) BILL** — Mr Hulls obtained leave, with Ms Campbell, to bring in a Bill '*to repeal the Business Investigations Act 1958 and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 11 **AGRICULTURE LEGISLATION (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm pursuant to Sessional Orders.*

- 12 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 13 **AGRICULTURE LEGISLATION (AMENDMENT) BILL** — Debate continued on question — That this Bill be now read a second time.

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 14 **PUBLIC NOTARIES BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

*Business having been interrupted at 10.00 pm pursuant to Sessional Orders.*

- 15 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.56 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

## **No 100 — Thursday 23 August 2001**

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Roads in Wyndham** — Seeking that — (a) the State Government and VicRoads classify Dohertys Road, Sayers Road, Palmers Road, Old Geelong Road and Aviation Road as Declared Main Roads consistent with the role and function performed by these roads as principal regional links between Werribee and the surrounding urban fringe areas of metropolitan Melbourne; and (b) the State Government allocates funds within the next two financial years to upgrade or commence the upgrade of Dohertys Road, Sayers Road, Palmers Road, Leakes Road, Edgars Road, Bulban Road (realignment), Old Geelong Road and Aviation Road, bearing 60 signatures (*by Ms Gillett*)

**Target Head Office in Geelong** — Seeking that the State Government will — (a) stand up for Geelong and encourage Coles Myer to base the buying and support roles of Coles Myer General Merchandise and Apparel in Geelong; (b) work with the Australian Services Union, the City of Greater Geelong, and the Geelong Trades and Labour Council to implement a strategy to develop new service sector and new economy jobs with the loyal and dedicated workers in Geelong; and (c) provide assistance to achieve these goals before it's too late, bearing 9,551 signatures (*Mr Bracks*).

Severally ordered to lie on the Table.

- 3 **PETITION — ROADS IN WYNDHAM** — Motion made and question — That the petition presented by the Member for Werribee relating to certain roads in Wyndham be taken into consideration tomorrow (*Ms Gillett*) — put and agreed to.

4 **PAPERS —**

**REVIEW OF CHISHOLM INSTITUTE OF TAFE** — Motion made, by leave, and question — That there be presented to this House a copy of the Report of the Review of Chisholm Institute of TAFE (*Ms Kosky*) — put and agreed to.

The said report was presented by Ms Kosky and ordered to lie on the Table and to be printed.

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — Mr Loney, Chair, brought up a report from the Public Accounts and Estimates Committee on the Appointment of a Replacement Auditor to conduct Financial Audits of the Victorian Auditor-General's Office, together with appendices.

Ordered to lie on the Table and to be printed.

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

*Environment Conservation Council Act 1997* — Box-Ironbark Forests and Woodlands Investigation Final Report

*National Environment Protection Council Act (Victoria) 1995* — Review of the Act pursuant to s 64

Statutory Rule under the *Magistrates' Court Act 1989* — SR No 80.

- 5 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourn until Tuesday 18 September 2001 (*Mr Batchelor*) — put and agreed to.

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

- 7 **BUSINESS INVESTIGATIONS (REPEAL) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

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

Ordered — That the debate be adjourned until Thursday 6 September 2001.

- 8 **ESSENTIAL SERVICES COMMISSION BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).

*Mr Brumby made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.*

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

Ordered — That the debate be adjourned until Thursday 6 September 2001.

- 9 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 3 and 4, be postponed until later this day.

- 10 **COMMONWEALTH POWERS (INDUSTRIAL RELATIONS) (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Bracks*).

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

Ordered, after debate — That the debate be adjourned until Thursday 6 September 2001.

- 11 **COMMONWEALTH GAMES ARRANGEMENTS BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Bracks*).

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

Ordered, after debate — That the debate be adjourned until Thursday 6 September 2001.

- 12 **AGRICULTURAL AND VETERINARY CHEMICALS (CONTROL OF USE) (FURTHER AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hamilton*).

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

Ordered — That the debate be adjourned until Thursday 6 September 2001.

- 13 **GENE TECHNOLOGY BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Thwaites*).

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

Ordered — That the debate be adjourned until Thursday 6 September 2001.

- 14 **COMMUNITY VISITORS LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm pursuant to Sessional Orders.*

- 15 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 16 **COMMUNITY VISITORS LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Resumption of debate on question — That this Bill be now read a second time.
- Motion made and question — That the debate be now adjourned (*Mr Batchelor*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 17 **TRANSPORT (FURTHER AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Allocation of time — The Deputy Speaker advised that the time allocated for consideration of bills pursuant to resolution of the House on Tuesday 21 August 2001 had expired.*
- Question — That this Bill be now read a second and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.
- 18 **CRIMES (VALIDATION OF ORDERS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.
- Question — That this Bill be now read a second and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.
- 19 **COMMUNITY VISITORS LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.
- Question — That this Bill be now read a second and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.
- 20 **COMMUNITY VISITORS LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL — CLERK'S CORRECTION** — The Deputy Speaker announced that the Speaker had received a report from the Clerk that he had made the following correction in this Bill:
- In the heading to the new section 18A, being inserted by clause 5, he has altered the section number from '18' to '18A'.
- 21 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Ms Kosky*) — put and agreed to.
- 22 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.
- And the House, at 5.02 pm, adjourned until Tuesday 18 September 2001.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*



## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS

Nos 101, 102 and 103

#### No 101 — Tuesday 18 September 2001

- 1 The House met pursuant to adjournment — The Speaker took the Chair and read the Prayer.
- 2 **SUSPENSION OF STANDING AND SESSIONAL ORDERS** — Motion made, by leave, and question — That so much of Standing and Sessional Orders be suspended today so as to allow—
  - 1 Precedence to be given to motions:
    - a of condolence to the President and people of the United States of America; and
    - b for agreement to a consequential address to His Excellency the Governor.
  - 2 At the conclusion of the consideration of the motions the House shall proceed with Question Time followed by formal business and other business as set out in the Notice Paper.

*(Mr Bracks)* — put and agreed to.

- 3 **TERRORIST ATTACKS IN THE UNITED STATES OF AMERICA** — Motion made, by leave, and question — That the following resolution be agreed to by this House —

We, the Legislative Assembly of Victoria, in Parliament assembled, express our deepest and sincere condolences to the President and people of the United States of America at this time of great suffering caused by appalling acts of terrorism. In recording these sentiments we express the unanimous feeling of the people of the State of Victoria who are shocked and outraged by such senseless acts of violence.

*(Mr Bracks)* — put, and, after Dr Napthine, Mr Ryan and Mr Savage had addressed the House in support of the motion, honourable members rising in their places to signify their assent, agreed to unanimously and in silence.

Motion made, by leave, and question — That the following Address to His Excellency the Governor be agreed to by this House —

We, the Members of the Parliament of Victoria, in Parliament assembled, respectfully request that Your Excellency will be pleased to communicate to the Governor-General the accompanying resolution for transmission to the President of the United States of America.

*(Mr Bracks)* — put and agreed to.

- 4 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 5 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Home Loan Schemes** — Seeking that the Government sponsored Home Loan Schemes under the flawed new lending instrument called Capital Indexed Loans sold since 1984/95 under the sub-headings; CAPIL, Deferred Interest Scheme (DIS), Indexed Repayment Loan (IRL), Home Opportunity Loan Scheme (HOLS) and Shared Home Opportunity Scheme (SHOS), are not fit for the purpose for which they were intended, bearing 8 signatures (*by Ms Allan, Bendigo East*)

**Maroondah Highway, Coldstream** — Seeking that the Parliament of Victoria examines the safety of Maroondah Highway, Coldstream and provides funding and works for its improvement, bearing 286 signatures (*by Mrs Fyffe*)

**York Road and Wray Crescent, Mt Evelyn** — Seeking that the Parliament of Victoria examines the safety of the intersection of York Road and Wray Crescent, Mt Evelyn, and provides funding and works for its improvement, bearing 1,345 signatures (*by Mrs Fyffe*)

**Funding Increase to Public Libraries** — Seeking that the Victorian Government — (a) immediately invests substantially more in public library services for the benefit of all Victorians, by increased funding to public libraries for the purchase of books and, (b) increases funding for the purchase and maintenance of mobile library services to ensure the removal of the barrier to access by Victorians in rural and remote areas, bearing 866 signatures (*by Mr Lupton*).

Severally ordered to lie on the Table.

- 6 **PETITION — MAROONDAH HIGHWAY, COLDSTREAM** — Motion made and question — That the petition presented by the Member for Evelyn relating to the safety of the Maroondah Highway, Coldstream be taken into consideration tomorrow (*Mrs Fyffe*) — put and agreed to.
- 7 **PETITION — INTERSECTION OF YORK ROAD AND WRAY CRESCENT, MT EVELYN** — Motion made and question — That the petition presented by the Member for Evelyn relating to the safety of the intersection of York Road and Wray Crescent, Mt Evelyn be taken into consideration tomorrow (*Mrs Fyffe*) — put and agreed to.
- 8 **PETITION — FUNDING INCREASE TO PUBLIC LIBRARIES** — Motion made and question — That the petition presented by the Member for Knox relating to the Government investing substantially more in public library services be taken into consideration tomorrow (*Mr Lupton*) — put and agreed to.
- 9 **PAPERS** —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Ms Gillett, Chair, brought up a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 9 of 2001 on the:

Agricultural and Veterinary Chemicals (Control of Use) (Further Amendment) Bill  
 Business Investigations (Repeal) Bill  
 Commonwealth Games Arrangements Bill  
 Commonwealth Powers (Industrial Relations) (Amendment) Bill  
 Drugs, Poisons and Controlled Substances (Amendment) Bill

Essential Services Commission Bill  
 Gene Technology Bill  
 National Parks (Marine National Parks and Marine Sanctuaries) Bill

together with appendices

Ordered to lie on the Table and to be printed.

**PAPERS PURSUANT TO STATUTE —**

The Speaker presented:

*BLF (De-recognition) Act 1985* — Fifty-Second Report of the Custodian

Ordered to lie on the table and to be printed.

The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

*Drugs, Poisons and Controlled Substances Act 1981* — Documents pursuant to s 12H — Poisons Code:

Standard for the Uniform Scheduling of Drugs and Poisons No 16  
 Amendment No 1 to the Standard for the Uniform Scheduling of Drugs and Poisons No 16  
 Notice regarding the amendment, commencement and availability of the Poisons Code

*Financial Management Act 1994* — Report from the Minister for Agriculture that he had received the 1999/2000 annual report of the Northern Victoria Fresh Tomato Industry Development Committee

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

Ballarat Planning Scheme — Nos C34 Part 2, C41  
 Banyule Planning Scheme — Nos C13, C14  
 Bass Coast Planning Scheme — No C2 Part 2  
 Baw Baw Planning Scheme — No C16  
 Bayside Planning Scheme — No C19  
 Brimbank Planning Scheme — Nos C20, C24, C29, C35  
 Frankston Planning Scheme — No C11  
 Greater Dandenong Planning Scheme — Nos C2, C5  
 Greater Shepparton Planning Scheme — No C14  
 Hume Planning Scheme — Nos C8, C22  
 Monash Planning Scheme — No C17  
 Nillumbik Planning Scheme — Nos C3 Part 1, C5 Part 1  
 Strathbogie Planning Scheme — No C10  
 Stonnington Planning Scheme — No C2  
 Victoria Planning Provisions — No VC12  
 Whitehorse Planning Scheme — Nos C21, C23  
 Whittlesea Planning Scheme — Nos C8 Part 1, Part 2, C18, C23  
 Yarra Ranges Planning Scheme — No C18

Property Leasing Limited — Report for the six months ended 31 March 2001

Statutory Rules under the following Acts:

*Building Act 1993* — SR No 82  
*Conservation, Forests and Lands Act 1987* — SR No 86  
*Dangerous Goods Act 1985* — SR No 85  
*Drugs, Poisons and Controlled Substances Act 1981* — SR No 84  
*Livestock Disease Control Act 1994* — SR No 81  
*Road Safety Act 1986* — SR No 83  
*Tobacco Act 1987* — SR No 87

*Subordinate Legislation Act 1994*:

Minister's exception certificate in relation to Statutory Rule No 80  
 Ministers' exemption certificates in relation to Statutory Rule Nos 81, 82, 83, 84, 86, 87

*The Constitution Act Amendment Act 1958* — Statements of functions conferred on the Electoral Commissioner, dated 22 May 2001, 7 August 2001 and 11 September 2001

The following proclamations fixing operative dates were laid upon the Table by the Clerk pursuant to an Order of the House dated 3 November 1999:

*Electricity Industry Acts (Further Amendment) Act 2001* — Section 5 on 6 September 2001 (*Gazette G36, 6 September 2001*)  
*Gambling Legislation (Miscellaneous Amendments) Act 2000* — Sections 21 and 22(1) and the remaining provisions of Parts 3, 4, 5 and 6 on 28 August 2001 (*Gazette G34, 23 August 2001*)  
*Statute Law Amendment (Relationships) Act 2001* — Sections 4, 5 and 7 and items 2, 3 and 6 of Schedule 1, Schedule 2, Schedule 3, item 2 of Schedule 4 and Schedule 5 on 23 August 2001 (*Gazette G34, 23 August 2001*).

- 10 **MESSAGES FROM HIS EXCELLENCY THE GOVERNOR** — The Speaker announced the presentation of messages from His Excellency the Governor recommending appropriations for the purposes of the following bills:

Agricultural and Veterinary Chemicals (Control of Use) (Further Amendment) Bill  
 Commonwealth Games Arrangements Bill  
 Essential Services Commission Bill  
 Gene Technology Bill.

- 11 **SUSPENSION OF STANDING AND SESSIONAL ORDERS** — Motion made, by leave, and question — That so much of Standing and Sessional Orders be suspended on Thursday 20 September so as to allow on that day:

- 1 Question Time to take place at 9.30 am; and
- 2 At the conclusion of Question Time the House shall proceed with formal business and other business as set out in the Notice Paper.

(*Mr Batchelor*) — put and agreed to.

- 12 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, pursuant to Sessional Order 6(3), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 11.30 am on Thursday 20 September 2001:

Agricultural and Veterinary Chemicals (Control of Use) (Further Amendment) Bill  
 Drugs, Poisons and Controlled Substances (Amendment) Bill  
 Business Investigations (Repeal) Bill.

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

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

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

- 15 **AGRICULTURAL AND VETERINARY CHEMICALS (CONTROL OF USE) (FURTHER AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and committed; considered in Committee.

Committee reported progress; to sit again later this day.

*Business having been interrupted at 10.00 pm pursuant to Sessional Orders.*

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

Further considered in Committee and reported without amendment; read a third time.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

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

- 17 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

And the House, at 11.35 pm, adjourned until tomorrow.

## No 102 — Wednesday 19 September 2001

- 1 The Speaker took the Chair and read the Prayer.
- 2 **SUSPENSION OF SESSIONAL ORDERS** — Motion made, by leave, and question — That so much of Sessional Orders be suspended for this day so as to allow precedence to be given to an announcement of condolences and the conveyance of a message of sympathy (*Mr Batchelor*) — put and agreed to.
- 3 **DEATH OF HENRY GEORGE BROAD** — The Speaker announced the death of Henry George Broad, Member of the Legislative Assembly for the Electoral District of Swan Hill from 1968 to 1973; and, honourable members rose in their places as a mark of respect to the memory of the deceased.
- 4 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Creightons Creek Road, Benalla** — Seeking that the condition and safety of Creightons Creek Road in the District of Benalla be addressed, bearing 115 signatures (*by Ms Allen, Benalla*)

**Independent Rehabilitation/Detox Facility in the Mornington Peninsula** — Seeking that the establishment of an independent rehabilitation/detox facility in the Mornington Peninsula be supported, bearing 30 signatures (*by Ms McCall*)

**Home Loan Schemes** — Seeking that the Government sponsored Home Loan Schemes under the flawed new lending instrument called Capital Indexed Loans sold since 1984/95 under the sub-headings; CAPIL, Deferred Interest Scheme (DIS), Indexed Repayment Loan (IRL), Home Opportunity Loan Scheme (HOLS) and Shared Home Opportunity Scheme (SHOS), are not fit for the purpose for which they were intended, bearing 10 signatures (*by Mr Trezise*)

**Traffic Controls in McKenzie Street, Wonthaggi** — Seeking that VicRoads be advised to work with Bass Coast Shire Council to provide the much needed traffic controls in McKenzie Street, Wonthaggi, bearing 552 signatures (*by Ms Davies*).

Severally ordered to lie on the Table.

- 5 **PETITION — INDEPENDENT REHABILITATION/DETOX FACILITY IN THE MORNINGTON PENINSULA** — Motion made and question — That the petition presented by the Member for Frankston relating to the establishment of an independent rehabilitation/detox facility in the Mornington Peninsula be taken into consideration tomorrow (*Ms McCall*) — put and agreed to.
- 6 **PETITION — TRAFFIC CONTROLS IN MCKENZIE STREET, WONTHAGGI** — Motion made and question — That the petition presented by the Member for Gippsland West relating to much needed traffic controls in McKenzie Street, Wonthaggi be taken into consideration tomorrow (*Ms Davies*) — put and agreed to.
- 7 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the direction of an Act of Parliament, were laid upon the Table by the Clerk:

*Melbourne City Link Act 1995* — Orders pursuant to s 8(4) decreasing the Project Area (12 plans).

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

9 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — COLLAPSE OF ANSETT AIRLINES** — The House was informed that Mr Robinson had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House notes the devastating impact of the collapse of Ansett on Australia and Victoria, including the effect on employment, tourism and the aviation industry.'

Mr Robinson addressed the House — Discussion ensued.

10 **COUNTRY FIRE AUTHORITY (MISCELLANEOUS AMENDMENTS) BILL** — Mr Haermeyer, after debate, obtained leave with Ms Pike, to bring in a Bill '*to amend the Country Fire Authority Act 1958 and for other purposes*'; and the said Bill was read a first time, ordered to be printed and, by leave, read a second time later this day.

11 **TRUSTEE (AMENDMENT) BILL** — Mr Haermeyer obtained leave, with Ms Pike, to bring in a Bill '*to amend the Trustee Act 1958 and for other purposes*'; and the said Bill was read a first time, ordered to be printed and, by leave, read a second time later this day.

12 **VICTORIAN ARTS CENTRE (AMENDMENT) BILL** — Ms Delahunty (*Northcote*) obtained leave, with Ms Pike, to bring in a Bill '*to amend the Victorian Arts Centre Act 1979 to change the functions and powers of the Victorian Arts Centre Trust, to amend the Museums Act 1983 and for other purposes*'; and the said Bill was read a first time, ordered to be printed and, by leave, read a second time later this day.

13 **TELECOMMUNICATIONS (INTERCEPTION) (STATE PROVISIONS) (AMENDMENT) BILL** — Mr Hulls obtained leave, with Ms Pike, to bring in a Bill '*to amend the Telecommunications (Interception) (State Provisions) Act 1988 as a consequence of amendments to the Telecommunications (Interception) Act 1979 of the Commonwealth and for other purposes*'; and the said Bill was read a first time, ordered to be printed and, by leave, read a second time later this day.

14 **CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) (AMENDMENT) BILL** — Mr Hulls obtained leave, with Ms Pike, to bring in a Bill '*to amend the Classification (Publications, Films and Computer Games) (Enforcement) Act 1995 mainly as a consequence of amendments to the Classification (Publications, Films and Computer Games) Act 1995 of the Commonwealth, to amend the Magistrates' Court Act 1989 and the Crimes Act 1958 and for other purposes*'; and the said Bill was read a first time, ordered to be printed and, by leave, read a second time later this day.

15 **ROMAN CATHOLIC TRUSTS (AMENDMENT) BILL** — Mr Hulls obtained leave, with Ms Pike, to bring in a Bill '*to amend the Roman Catholic Trusts Act 1907 with respect to the administration of trusts and for other purposes*'; and the said Bill was read a first time, ordered to be printed and, by leave, read a second time later this day.

16 **STATUTE LAW FURTHER AMENDMENT (RELATIONSHIPS) BILL** — Mr Hulls obtained leave, with Ms Pike, to bring in a Bill '*to amend further Acts to recognise the rights and responsibilities of partners in domestic relationships irrespective of the gender of each partner and for other purposes*'; and the said Bill was read a first time, ordered to be printed and, by leave, read a second time later this day.

- 17 **LEGAL AID (AMENDMENT) BILL** — Mr Hulls, after debate, obtained leave with Ms Pike, to bring in a Bill 'to amend the *Legal Aid Act 1978* and for other purposes'; and the said Bill was read a first time, ordered to be printed and, by leave, read a second time later this day.
- 18 **BUSINESS INVESTIGATIONS (REPEAL) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Bill read a second time and, by leave, read a third time forthwith.
- Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.
- Business having been interrupted at 2.00 pm pursuant to Sessional Orders.*
- 19 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 20 **DRUGS, POISONS AND CONTROLLED SUBSTANCES (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Motion made and question — That the debate be now adjourned (*Mr Carli*) — put and agreed to.
- Ordered — That the debate be adjourned until tomorrow.
- 21 **COUNTRY FIRE AUTHORITY (MISCELLANEOUS AMENDMENTS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Haermeyer*).
- Motion made and question — That the debate be now adjourned (*Mr Wells*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 3 October 2001.
- 22 **TRUSTEE (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Haermeyer*).
- Motion made and question — That the debate be now adjourned (*Dr Dean*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 3 October 2001.
- 23 **VICTORIAN ARTS CENTRE (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Delahunty, Northcote*).
- Motion made and question — That the debate be now adjourned (*Mrs Elliott*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 3 October 2001.



- 24 **TELECOMMUNICATIONS (INTERCEPTION) (STATE PROVISIONS) (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

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

Ordered — That the debate be adjourned until Wednesday 3 October 2001.

- 25 **CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

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

Ordered — That the debate be adjourned until Wednesday 3 October 2001.

- 26 **ROMAN CATHOLIC TRUSTS (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

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

Ordered — That the debate be adjourned until Wednesday 3 October 2001.

- 27 **STATUTE LAW FURTHER AMENDMENT (RELATIONSHIPS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

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

Ordered — That the debate be adjourned until Wednesday 3 October 2001.

- 28 **LEGAL AID (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

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

Ordered — That the debate be adjourned until Wednesday 3 October 2001.

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

Public Notaries Bill

Community Visitors Legislation (Miscellaneous Amendments) Bill.

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

- 31 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.  
And the House, at 11.01 pm, adjourned until tomorrow.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

## No 103 — Thursday 20 September 2001

- 1 The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 3 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:

**Hurstbridge High School Site** — Seeking that the State Government of Victoria takes heed of the requests of the Hurstbridge and District Community and directs the Ministry for Education to execute such process to retain and transfer the Hurstbridge High School site for community use, bearing 1,021 signatures (*by Mr Haermeyer*).

Ordered to lie on the Table.

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

Statutory Rules under the following Acts:

*Children and Young Persons Act 1989* — SR Nos 88, 89

*Marine Act 1988* — SR No 91

*Wildlife Act 1975* — SR No 90

*Subordinate Legislation Act 1994* — Minister's exemption certificate in relation to Statutory Rule No 89.

- 5 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 6 **DRUGS, POISONS AND CONTROLLED SUBSTANCES (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

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

8 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

And the House, at 11.35 am, adjourned until Tuesday 25 September 2001.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

# LEGISLATIVE ASSEMBLY OF VICTORIA

## VOTES AND PROCEEDINGS Nos 104, 105 and 106

### No 104 — Tuesday 25 September 2001

- 1 The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 3 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:

**Funding Increase to Public Libraries** — Seeking that the Victorian Government — (a) immediately invests substantially more in public library services for the benefit of all Victorians by increased funding to public libraries for the purchase of books; and (b) increases funding for the purchase and maintenance of mobile library services to ensure the removal of the barrier to access by Victorians in rural and remote areas, bearing 272 signatures (*by Ms Burke*).

Ordered to lie on the Table.

- 4 **PETITION — FUNDING INCREASE TO PUBLIC LIBRARIES** — Motion made and question — That the petition presented by the Member for Prahran relating to the Government investing substantially more in public library services be taken into consideration tomorrow (*Ms Burke*) — put and agreed to.
- 5 **PAPERS** —

**DRUGS AND CRIME PREVENTION COMMITTEE** — Motion made, by leave, and question — That there be presented to this House the Report from the Drugs and Crime Prevention Committee upon its Overseas Study Tour (*Mr Jasper*) — put and agreed to.

The said report was presented by Mr Jasper and ordered to lie on the Table and to be printed.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Ms Gillett, Chair, brought up a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 10 of 2001 on the Infertility Treatment (Amendment) Bill, 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:

Financial Management Regulations 1994 — Order in Council pursuant to Regulation 11 — Authorisation of expenditure of a Royal Commission

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

Banyule Planning Scheme — No C5  
 Cardinia Planning Scheme — Nos C15, C22  
 Greater Bendigo Planning Scheme — No C5  
 Greater Dandenong Planning Scheme — Nos C18, C21  
 Hobsons Bay Planning Scheme — No C20  
 Indigo Planning Scheme — No C6  
 Manningham Planning Scheme — No C3  
 Maroondah Planning Scheme — No C15  
 Moira Planning Scheme — No C2  
 Moonee Valley Planning Scheme — Nos C17, C26  
 Murrindindi Planning Scheme — No C5 Part 1  
 South Gippsland Planning Scheme — No C1  
 Stonnington Planning Scheme — No C12 Part 1

*Subordinate Legislation Act 1994* — Minister's exception certificate in relation to Statutory Rule No 88.

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

Community Visitors Legislation (Miscellaneous Amendments) Bill  
 Public Notaries Bill.

- 7 **MESSAGES FROM THE GOVERNOR** — The Speaker announced the presentation of messages from the Governor recommending appropriations for the purposes of the following bills:

Country Fire Authority (Miscellaneous Amendments) Bill  
 Statute Law Further Amendment (Relationships) Bill.

- 8 **MEMBERSHIP OF JOINT INVESTIGATORY COMMITTEES** — Motion made, by leave, and question — That:

- (1) Mr Wilson be discharged from attendance on the Family and Community Development Committee;
- (2) Mr McIntosh be discharged from attendance on the Law Reform Committee;
- (3) Mr Ingram be discharged from attendance on the Environment and Natural Resources Committee;
- (4) Mr Mulder be discharged from attendance on the Environment and Natural Resources Committee and that Mrs Fyffe be appointed in his stead;
- (5) Ms Asher be discharged from attendance on the Public Accounts and Estimates Committee and that Mr Clark be appointed in her stead; and

(6) Mr Dixon be discharged from attendance on the Scrutiny of Acts and Regulations Committee and that Mr Maclellan be appointed in his stead.

(*Mr Batchelor*) — put and agreed to.

9 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, pursuant to Sessional Order 6(3), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 27 September 2001:

Essential Services Commission Bill  
Gene Technology Bill  
Commonwealth Games Arrangements Bill  
Commonwealth Powers (Industrial Relations) (Amendment) Bill

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

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

11 **ESSENTIAL SERVICES COMMISSION BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Mr Pandazopoulos announced that it was proposed to move an amendment in Committee and requested that it be circulated. Amendment circulated.

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

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

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

12 **GOVERNMENT BUSINESS PROGRAM** — Motion made, by leave, and question — That the Government Business Program agreed to by this House today be amended by omitting the Order of the Day, Government Business, relating to the Commonwealth Powers (Industrial Relations) (Amendment) Bill (*Mr Batchelor*) — put and agreed to.

13 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Agriculture Legislation (Amendment) Bill without amendment.

14 **GENE TECHNOLOGY BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm pursuant to Sessional Orders.*

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

## No 105 — Wednesday 26 September 2001

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Porepunkah Sewerage Connection Scheme** — Seeking that the proposed Porepunkah sewerage connection scheme which is still in the planning stages not proceed because of the significant community opposition to it, bearing 254 signatures (*by Mr McArthur*)

**Home Loan Schemes** — Seeking that the Government sponsored Home Loan Schemes under the flawed new lending instrument called Capital Indexed Loans sold since 1984/85 under the sub-headings; CAPIL, Deferred Interest Scheme (DIS), Indexed Repayment Loan (IRL), Home Opportunity Loan Scheme (HOLS) and Shared Home Opportunity Scheme (SHOS), are not fit for the purpose for which they were intended, bearing 10 signatures (*by Ms Lindell*).

Severally ordered to lie on the Table.

- 3 **PETITION — POREPUNKAH SEWERAGE CONNECTION SCHEME** — Motion made and question — That the petition presented by the Member for Monbulk relating to the proposed Porepunkah sewerage connection scheme be taken into consideration tomorrow (*Mr McArthur*) — put and agreed to.
- 4 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

*Electoral Boundaries Commission Act 1982* — Report of the Commissioner, together with maps showing the name and boundaries of each Province and District

*National Parks Act 1975* — Notice of Consent of the Minister for Environment and Conservation to the grant of search permit No 158 relating to Tyers Park

*Parliamentary Officers Act 1975*:

Statements of Appointments and Alterations of Classifications during the year 2000–2001 in the:

Department of the Legislative Council  
 Department of the Legislative Assembly  
 Department of the Parliamentary Library  
 Department of Parliamentary Debates  
 Joint Services Department

Statements of Persons Temporarily employed during the year 2000–2001 in the:

Department of the Legislative Council  
 Department of the Legislative Assembly  
 Department of the Parliamentary Library  
 Department of Parliamentary Debates  
 Joint Services Department.

5 **FINANCIAL AUDIT OF THE AUDITOR-GENERAL'S OFFICE** — Motion made, by leave, and question — That pursuant to s 17 of the *Audit Act 1994* —

- (1) Mr Christopher Lewis of KPMG be discharged from his appointment to conduct financial audits of the Victorian Auditor-General's Office;
- (2) Mr Graeme Ross of Day Neilson be appointed to conduct the financial audit of the Victorian Auditor-General's Office for the 2000–2001 financial year in accordance with the conditions of appointment and remuneration contained in the Report of the Public Accounts and Estimates Committee on the Appointment of a Replacement Auditor to Conduct Financial Audits of the Victorian Auditor-General's Office (Parliamentary Paper No 92, Session 1999–2001);
- (3) The level of remuneration for the financial audit be \$19,800 inclusive of GST; and
- (4) Mr Ross be appointed for the 2001–2002 and 2002–2003 audits, subject to negotiation of suitable levels of remuneration for such audits with the Public Accounts and Estimates Committee and approval by the Treasurer.

(*MrBatchelor*) — put and agreed to.

Ordered — That a message be sent to the Legislative Council acquainting them of the resolution and seeking their concurrence therein.

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

7 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — FEDERAL POLICE INVESTIGATION OF ATTORNEY-GENERAL** — The House was informed that Dr Dean had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House notes with concern and condemns the Premier for not requiring the Attorney-General to step down while the Attorney-General is the subject of a Federal Police investigation.'

Dr Dean addressed the House — Discussion ensued.

8 **MARINE SAFETY LEGISLATION (LAKES HUME AND MULWALA) BILL** — Mr Batchelor obtained leave, with Mr Thwaites, to bring in a Bill '*to rationalise the application of the marine safety legislation of Victoria and New South Wales in Lake Hume and Lake Mulwala on the Murray River border and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.

9 **BUILDING (AMENDMENT) BILL** — Mr Thwaites, after debate, obtained leave with Ms Kosky, to bring in a Bill '*to amend the **Building Act 1993** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.

10 **HEALTH SERVICES (CONCILIATION AND REVIEW) (AMENDMENT) BILL** — Mr Thwaites obtained leave, with Ms Kosky, to bring in a Bill '*to amend the **Health Services (Conciliation and Review) Act 1987** to make miscellaneous amendments relating to the operation of the Act and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.



- 11 **UNCLAIMED MONEYS AND SUPERANNUATION LEGISLATION (AMENDMENT) BILL** — Ms Kosky obtained leave, with Mr Batchelor, to bring in a Bill '*to amend the **Unclaimed Moneys Act 1962** as a result of amendments to Commonwealth superannuation legislation, to amend the **State Superannuation Act 1988** and the **State Employees Retirement Benefits Act 1979** regarding the beneficiary choice program and ongoing commutation entitlements and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 12 **WATER (IRRIGATION FARM DAMS) BILL** — Ms Garbutt, pursuant to a motion moved on her behalf by Ms Kosky, after debate, obtained leave with Mr Batchelor, to bring in a Bill '*to amend the **Water Act 1989** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 13 **MINERAL RESOURCES DEVELOPMENT (FURTHER AMENDMENT) BILL** — Ms Garbutt, pursuant to a motion moved on her behalf by Ms Kosky, after debate, obtained leave with Mr Batchelor, to bring in a Bill '*to amend the **Mineral Resources Development Act 1990** and the **Extractive Industries Development Act 1995** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 14 **COMMONWEALTH GAMES ARRANGEMENTS BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Business having been interrupted at 2.00 pm pursuant to Sessional Orders.*
- 15 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 16 **COMMONWEALTH GAMES ARRANGEMENTS BILL** — Debate continued on question — That this Bill be now read a second time.
- Bill read a second time and, by leave, read a third time forthwith.
- Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.
- 17 **FUNDRAISING APPEALS (AMENDMENT) BILL** — The Acting Speaker announced the receipt of a message from the Legislative Council transmitting a Bill '*to amend the **Fundraising Appeals Act 1998** and for other purposes*' and desiring the concurrence of the Legislative Assembly therein.
- On the motion of Mr Haermeyer, the Bill transmitted by the foregoing message was read a first time, ordered to be printed and read a second time tomorrow.
- 18 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Acquainting the Assembly that they have concurred with the Assembly in the appointment of Mr Graeme Ross to conduct the financial audits of the Victorian Auditor-General's Office.
- 19 **ESSENTIAL SERVICES COMMISSION BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm pursuant to Sessional Orders.*

- 20 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.48 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

## No 106 — Thursday 27 September 2001

- 1 The Speaker 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:

*National Parks Act 1975:*

Notice of Consent of the Minister for Environment and Conservation to the renewal of Mining Licence Nos 5262 and 5263 relating to the Alpine National Park

Notice of Consent of the Minister for Environment and Conservation to issue a work authority relating to Tyers Park

Transport Accident Commission — Report for the year 2000–2001.

- 3 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourn until Tuesday 9 October 2001 (*Mr Batchelor*) — put and agreed to.
- 4 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 5 **ESSENTIAL SERVICES COMMISSION BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill considered in Committee and reported with an amendment; as amended, considered, and amendment agreed to.

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 6 **GENE TECHNOLOGY BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm pursuant to Sessional Orders.*

7 **QUESTIONS** — (Pursuant to Standing Order No 124).

8 **GENE TECHNOLOGY BILL** — Debate continued on question — That this Bill be now read a second time.

*Allocation of time* — The Deputy Speaker advised that the time allocated for consideration of bills pursuant to resolution of the House on Tuesday 25 September 2001 had expired.

Question — That this Bill be now read a second and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

9 **INFERTILITY TREATMENT (AMENDMENT) BILL** — The Deputy Speaker announced the receipt of a message from the Legislative Council transmitting a Bill 'to make various amendments to the *Infertility Treatment Act 1995* and for other purposes' and desiring the concurrence of the Legislative Assembly therein.

On the motion of Mr Thwaites, the Bill transmitted by the foregoing message was read a first time, ordered to be printed and, by leave, read a second time forthwith.

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

Ordered — That the debate be adjourned until Tuesday 9 October 2001.

10 **MARINE SAFETY LEGISLATION (LAKES HUME AND MULWALA) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).

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

Ordered — That the debate be adjourned until Thursday 11 October 2001.

11 **BUILDING (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Thwaites*).

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

Ordered — That the debate be adjourned until Thursday 11 October 2001.

12 **HEALTH SERVICES (CONCILIATION AND REVIEW) (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Thwaites*).

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

Ordered — That the debate be adjourned until Thursday 11 October 2001.

13 **UNCLAIMED MONEYS AND SUPERANNUATION LEGISLATION (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Kosky*).

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

Ordered — That the debate be adjourned until Thursday 11 October 2001.

- 14 **WATER (IRRIGATION FARM DAMS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Garbutt*).

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

Ordered, after debate — That the debate be adjourned until Thursday 11 October 2001.

- 15 **MINERAL RESOURCES DEVELOPMENT (FURTHER AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Garbutt*).

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

Ordered — That the debate be adjourned until Thursday 11 October 2001.

- 16 **FUNDRAISING APPEALS (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Haermeyer*).

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

Ordered — That the debate be adjourned until Thursday 11 October 2001.

- 17 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Transport (Further Amendment) Bill without amendment.

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

- 19 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

And the House, at 5.51 pm, adjourned until Tuesday 9 October 2001.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS

Nos 107, 108 and 109

#### No 107 — Tuesday 9 October 2001

- 1 The House met pursuant to adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 3 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Student Concession Cards** — Seeking that — (a) the fee of \$75 for tertiary student concession cards for concession travel on public transport be reduced to the same rate of \$7.15 payable by secondary students; and (b) international, part time and post graduate students be eligible for concession cards, bearing 2,414 signatures (*by Ms Davies*)

**Intersection of Frankston-Flinders, Dandenong-Hastings and Denham Roads, Tyabb** — Seeking that urgent action is taken to make the intersection of Frankston-Flinders Road with Dandenong-Hastings Road and Denham Road in Tyabb safer before more lives are lost at the location, bearing 52 signatures (*by Mr Cooper*).

Severally ordered to lie on the Table.

- 4 **PETITION — STUDENT CONCESSION CARDS** — Motion made and question — That the petition presented by the Member for Gippsland West relating to student concession cards be taken into consideration tomorrow (*Ms Davies*) — put and agreed to.

- 5 **PAPERS** —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Ms Gillett, Chair, brought up a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 11 of 2001 on the:

Building (Amendment) Bill

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

Commonwealth Games Arrangements Bill

Co-operative Schemes (Administrative Actions) Bill

Country Fire Authority (Miscellaneous Amendments) Bill

Fundraising Appeals (Amendment) Bill

Health Services (Conciliation and Review) (Amendment) Bill

Legal Aid (Amendment) Bill

Marine Safety Legislation (Lakes Hume and Mulwala) Bill

Mineral Resources Development (Further Amendment) Bill

Retail Tenancies Reform (Rent Review) Bill  
 Roman Catholic Trusts (Amendment) Bill  
 Statute Law Further Amendment (Relationships) Bill  
 Telecommunications (Interception) (State Provisions) (Amendment) Bill  
 Trustee (Amendment) Bill  
 Unclaimed Moneys and Superannuation Legislation (Amendment) Bill  
 Victorian Arts Centre (Amendment) Bill  
 Water (Irrigation Farm Dams) Bill

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:

*Crown Land (Reserves) Act 1978* — Section 17DA Order granting under s 17D a lease by the Shire of Colac Otway

*Financial Management Act 1994* — Report from the Minister for Agriculture that he had received the report for the period 1 July 1999 to 30 November 2000 of the Emu Industry Development Committee

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

Boroondara Planning Scheme — No C19  
 Buloke Planning Scheme — No C2  
 Greater Bendigo Planning Scheme — No C14  
 Greater Shepparton Planning Scheme — Nos C12, C13  
 Hobsons Bay Planning Scheme — No C16  
 Macedon Ranges Planning Scheme — No C10  
 Moonee Valley Planning Scheme — No C16 Part 2  
 Moreland Planning Scheme — Nos C2, C10 Part 3  
 Murrindindi Planning Scheme — No C5 Part 2  
 Victoria Planning Provision — No VC13  
 Wyndham Planning Scheme — No C28

Statutory Rules under the following Acts:

*Courts (Case Transfer) Act 1991* — SR No 92  
*Electricity Safety Act 1998* — SR No 93  
*Road Safety Act 1986* — SR Nos 94, 95

*Subordinate Legislation Act 1994*:

Ministers' exception certificates in relation to Statutory Rule Nos 92, 94, 95  
 Ministers' exemption certificates in relation to Statutory Rule Nos 93, 94

The following proclamation fixing an operative date was laid upon the Table by the Clerk pursuant to an Order of the House dated 3 November 1999:

*Chinese Medicine Registration Act 2000* — Remaining provisions of the Act on 1 January 2002 (*Gazette G40, 4 October 2001*).

- 6 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Assembly that he had, on 2 October 2001, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Agriculture Legislation (Amendment) Bill  
 Transport (Further Amendment) Bill.

- 7 **MESSAGES FROM THE GOVERNOR** — The Speaker announced the presentation of messages from the Governor recommending appropriations for the purposes of the following bills:

Building (Amendment) Bill  
 Mineral Resources Development (Further Amendment) Bill  
 Unclaimed Moneys and Superannuation Legislation (Amendment) Bill  
 Water (Irrigation Farm Dams) Bill.

- 8 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, pursuant to Sessional Order 6(3), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 11 October 2001:

Infertility Treatment (Amendment) Bill  
 Trustee (Amendment) Bill  
 Victorian Arts Centre (Amendment) Bill  
 Telecommunications (Interception) (State Provisions) (Amendment) Bill  
 Classification (Publications, Films and Computer Games) (Enforcement) (Amendment) Bill  
 Roman Catholic Trusts (Amendment) Bill

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

- 9 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 10 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 1 to 4 inclusive, be postponed until later this day.
- 11 **TELECOMMUNICATIONS (INTERCEPTION) (STATE PROVISIONS) (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

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

Crimes (Validation of Orders) Bill.  
 Business Investigations (Repeal) Bill.

- 13 **CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm pursuant to Sessional Orders.*

- 14 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.46 pm.

R W PURDEY  
Clerk of the Legislative Assembly

A ANDRIANOPOULOS  
Speaker

## No 108 — Wednesday 10 October 2001

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:
- Auditor-General — Performance Audit Report — Management of major injury claims by the Transport Accident Commission — Ordered to be printed
- Melbourne City Link Act 1995* — Statement of Variation No 3/2001: Release from Single Purpose Statutory Rules under the following Acts:
- Subordinate Legislation Act 1994* — SR No 96  
*Victorian Civil and Administrative Tribunal Act 1998* — SR No 97
- Subordinate Legislation Act 1994* — Ministers' exception certificates in relation to Statutory Rule Nos 96, 97.
- 3 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Agricultural and Veterinary Chemicals (Control of Use) (Further Amendment) Bill without amendment.
- 4 **RETAIL TENANCIES REFORM (AMENDMENT) BILL** — The Speaker announced the receipt of a message from the Legislative Council transmitting a Bill *'to amend the Retail Tenancies Reform Act 1998 with respect to the basis or formula on which a rent review may be made during the term of a retail premises lease'* and desiring the concurrence of the Legislative Assembly therein.
- On the motion of Mr Haermeyer, the Bill transmitted by the foregoing message was read a first time, ordered to be printed and, by leave, read a second time later this day.
- 5 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 6 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.
- 7 **LIVESTOCK DISEASE CONTROL (AMENDMENT) BILL** — Mr Hamilton, pursuant to a motion moved on his behalf by Mr Brumby, obtained leave with Mr Pandazopoulos, to bring in



a Bill 'to amend the *Livestock Disease Control Act 1994* and for other purposes'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.

- 8 **STATE TAXATION LEGISLATION (AMENDMENT) BILL** — Mr Brumby obtained leave, with Mr Pandazopoulos, to bring in a Bill 'to amend the *Duties Act 2000*, the *Land Tax Act 1958* and the *Taxation Administration Act 1997* and for other purposes'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.

- 9 **VICTORIAN ARTS CENTRE (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm pursuant to Sessional Orders.*

- 10 **QUESTIONS** — (Pursuant to Standing Order No 124).

- 11 **VICTORIAN ARTS CENTRE (AMENDMENT) BILL** — Debate resumed on question — That this Bill be now read a second time.

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 12 **RETAIL TENANCIES REFORM (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Haermeyer*).

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

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

- 13 **TRUSTEE (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 14 **ROMAN CATHOLIC TRUSTS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

The Acting Speaker announced that the Speaker had ruled the Bill to be a private bill.

Motion made and question — That this Bill be treated as a public bill and that fees be dispensed with (*Mr Hulls*) — put and agreed to.

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

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

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

- 15 **RETAIL TENANCIES REFORM (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm pursuant to Sessional Orders.*

- 16 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.57 pm.

R W PURDEY  
Clerk of the Legislative Assembly

A ANDRIANOPOULOS  
Speaker

## No 109 — Thursday 11 October 2001

- 1 The Speaker 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:  
*Office of the Regulator-General Act 1994* — Report on Options for the Review of Retail Electricity Tariffs pursuant to Part 4A.
- 3 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Trustee (Amendment) Bill without amendment.
- 4 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 5 **LIVESTOCK DISEASE CONTROL (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hamilton*).  
Motion made and question — That the debate be now adjourned (*Mr McArthur*) — put and agreed to.  
Ordered — That the debate be adjourned until Thursday 25 October 2001.
- 6 **STATE TAXATION LEGISLATION (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).  
Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.  
Ordered — That the debate be adjourned until Thursday 25 October 2001.
- 7 **INFERTILITY TREATMENT (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Ms Davies announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

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

*Business having been interrupted at 2.00 pm pursuant to Sessional Orders.*

8 **QUESTIONS** — (Pursuant to Standing Order No 124).

9 **INFERTILITY TREATMENT (AMENDMENT) BILL** — Debate continued on question — That this Bill be now read a second time.

Bill read a second time and committed; considered in Committee and reported without amendment; read a third time.

Ordered — That a message be sent to the Legislative Council acquainting them that the Legislative Assembly has agreed to the Bill without amendment.

10 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 4, be postponed until later this day.

11 **ROMAN CATHOLIC TRUSTS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Allocation of time — The Speaker advised that the time allocated for consideration of bills pursuant to resolution of the House on Tuesday 9 October 2001 had expired.*

Question — That this Bill be now read a second and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

12 **CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

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

14 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

And the House, at 4.55 pm, adjourned until Tuesday 16 October 2001.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

## LEGISLATIVE ASSEMBLY OF VICTORIA

# VOTES AND PROCEEDINGS

## Nos 110, 111 and 112

### No 110 — Tuesday 16 October 2001

- 1 The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 3 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:

**Funding Increase to Public Libraries** — Seeking that the Victorian Government — (a) immediately invests substantially more in public library services for the benefit of all Victorians by increased funding to public libraries for the purchase of books; and (b) increases funding for the purchase and maintenance of mobile library services to ensure the removal of the barrier to access by Victorians in rural and remote areas, bearing 156 signatures (*by Dr Napthine*).

Ordered to lie on the Table.

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

Dairy Food Safety Victoria — Report for the period 30 September 2000 to 30 June 2001

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

Central Goldfields Planning Scheme — No C1  
Macedon Ranges Planning Scheme — No C6  
Whitehorse Planning Scheme — No C3 Part 2

Statutory Rules under the following Acts:

*Petroleum (Submerged Lands) Act 1982* — SR No 98  
*Subordinate Legislation Act 1994* — SR Nos 99, 100, 101, 102, 103  
*Victorian Relief Committee Act 1958* — SR No 104

*Subordinate Legislation Act 1994* — Minister's exemption certificate in relation to Statutory Rule No 104

Victorian Meat Authority — Report for the year 2000–2001

Victorian Multicultural Commission — Report for the year 2000–2001.

5 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Commonwealth Games Arrangements Bill without amendment.

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

Agricultural and Veterinary Chemicals (Control of Use) (Further Amendment) Bill  
 Business Investigations (Repeal) Bill  
 Commonwealth Games Arrangements Bill  
 Crimes (Validation of Orders) Bill  
 Infertility Treatment (Amendment) Bill  
 Trustee (Amendment) Bill.

7 **MESSAGES FROM THE GOVERNOR** — The Speaker announced the presentation of messages from the Governor recommending appropriations for the purposes of the following bills:

Livestock Disease Control (Amendment) Bill  
 State Taxation Legislation (Amendment) Bill.

8 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, pursuant to Sessional Order 6(3), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 18 October 2001:

Unclaimed Moneys and Superannuation Legislation (Amendment) Bill  
 Statute Law Further Amendment (Relationships) Bill  
 Mineral Resources Development (Further Amendment) Bill  
 Building (Amendment) Bill  
 Retail Tenancies Reform (Amendment) Bill

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

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

10 **UNCLAIMED MONEYS AND SUPERANNUATION LEGISLATION (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

11 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 2, be postponed until later this day.

12 **MINERAL RESOURCES DEVELOPMENT (FURTHER AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm pursuant to Sessional Orders.*

- 13 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.55 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

## No 111 — Wednesday 17 October 2001

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:

**Funding Increase to Public Libraries** — Seeking that the Victorian Government — (a) immediately invests substantially more in public library services for the benefit of all Victorians by increased funding to public libraries for the purchase of books; and (b) increases funding for the purchase and maintenance of mobile library services to ensure the removal of the barrier to access by Victorians in rural and remote areas, bearing 517 signatures (*by Ms Burke*).

Ordered to lie on the Table.

- 3 **PETITION — FUNDING INCREASE TO PUBLIC LIBRARIES** — Motion made and question — That the petition presented by the Member for Prahran relating to the Government investing substantially more in public library services be taken into consideration tomorrow (*Ms Burke*) — put and agreed to.
- 4 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

*Subordinate Legislation Act 1994* — Minister's exception certificates in relation to Statutory Rule Nos 99, 100, 101, 102, 103

Tricontinental Holdings Limited — Report for the year 2000.

- 5 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 6 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — FUNDING FOR AGED CARE** — The House was informed that Ms Pike had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House notes that Victoria receives less Commonwealth Aged Care funding for its population, aged seventy and over, compared to any other State and condemns the ongoing failure of the Federal Government to properly resource Victoria's Aged Care sector.'

Motion made and question — That the Business of the Day be called on (*Mr McArthur*) — put.

The House divided.

AYES 36

Ms Asher; Mr Ashley; Mr Baillieu; Ms Burke; Mr Clark; Mr Cooper; Dr Dean; Mr Delahunty (*Wimmera*); Mr Dixon; Mr Doyle; Mrs Fyffe; Mr Honeywood; Mr Jasper; Mr Kilgour; Mr Kotsiras; Mr Lupton; Mr McArthur; Ms McCall; Mr McIntosh; Mr Maclellan; Mr Mulder; Dr Naphthine; Mr Paterson; Mr Perton; Mrs Peulich; Mr Phillips; Mr Plowman; Mr Rowe; Mrs Shardey; Mr Spry; Mr Steggall; Mr Vogels; Mr Wells; Mr Wilson. Tellers: Mr Maughan; Mr Smith.

NOES 43

Ms Allan (*Bendigo East*); Ms Allen (*Benalla*); Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Ms Delahunty (*Northcote*); Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Hardman; Mr Helper; Mr Holding; Mr Howard; Mr Hulls; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lenders; Mr Lim; Ms Lindell; Mr Loney; Mrs Maddigan; Mr Maxfield; Mr Mildenhall; Mr Nardella; Ms Overington; Mr Pandazopoulos; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Viney; Mr Wynne. Tellers: Ms Duncan; Mr Langdon.

And so it passed in the negative.

Ms Pike addressed the House — Discussion ensued.

- 7 **MELBOURNE CITY LINK (FURTHER AMENDMENT) BILL** — Mr Batchelor obtained leave, with Mr Pandazopoulos, to bring in a Bill 'to make further amendments to the *Melbourne City Link Act 1995* and for other purposes'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 8 **TRANSPORT (ALCOHOL AND DRUG CONTROLS) BILL** — Mr Batchelor obtained leave, with Mr Pandazopoulos, to bring in a Bill 'to amend the *Transport Act 1983* and for other purposes'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 9 **MARINE (FURTHER AMENDMENT) BILL** — Mr Batchelor obtained leave, with Mr Pandazopoulos, to bring in a Bill 'to amend the *Marine Act 1988* and for other purposes'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 10 **PETROLEUM (SUBMERGED LANDS) (AMENDMENT) BILL** — Ms Garbutt obtained leave, with Mr Pandazopoulos, to bring in a Bill 'to amend the *Petroleum (Submerged Lands) Act 1982* to provide for infrastructure licences and to make other amendments as a consequence of amendments to Commonwealth law and for other purposes'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 11 **ENERGY LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Ms Garbutt obtained leave, with Mr Pandazopoulos, to bring in a Bill 'to make miscellaneous amendments to the *Electricity Industry Act 2000* and the *Gas Industry Act 2001* and for other purposes'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 12 **JUDICIAL REMUNERATION TRIBUNAL (AMENDMENT) BILL** — Mr Hulls obtained leave, with Mr Pandazopoulos, to bring in a Bill 'to amend the *Judicial Remuneration Tribunal Act 1995* to provide for various matters relating to the membership of the Judicial Remuneration Tribunal and the functions and procedures of the Judicial Remuneration Tribunal and for other purposes'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.

- 13 **STATUTE LAW FURTHER AMENDMENT (RELATIONSHIPS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm pursuant to Sessional Orders.*

- 14 **QUESTIONS** — (Pursuant to Standing Order No 124).

- 15 **STATUTE LAW FURTHER AMENDMENT (RELATIONSHIPS) BILL** — Debate continued on question — That this Bill be now read a second time.

Question — put.

The House divided.

AYES 70

Ms Allan (*Bendigo East*); Ms Allen (*Benalla*); Ms Asher; Mr Ashley; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Ms Burke; Mr Cameron; Ms Campbell; Mr Carli; Mr Cooper; Ms Davies; Dr Dean; Ms Delahunty (*Northcote*); Mr Dixon; Mr Doyle; Ms Duncan; Ms Fyffe; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Hardman; Mr Helper; Mr Holding; Mr Honeywood; Mr Howard; Mr Hulls; Ms Kosky; Mr Kotsiras; Mr Languiller; Mr Leighton; Mr Lenders; Mr Lim; Ms Lindell; Mr Loney; Mr Lupton; Mr McArthur; Ms McCall; Mr McIntosh; Mr Maclellan; Mrs Maddigan; Mr Maxfield; Mr Mildenhall; Mr Mulder; Dr Napthine; Mr Nardella; Ms Overington; Mr Pandazopoulos; Mr Paterson; Mr Perton; Ms Pike; Mr Richardson; Mr Robinson; Mr Seitz; Mrs Shardey; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Viney; Mr Vogels; Mr Wells; Mr Wilson; Mr Wynne. Tellers: Mr Langdon; Mr Smith.

NOES 9

Mr Clark; Mr Delahunty (*Wimmera*); Mr Jasper; Mr Kilgour; Mr Ryan; Mr Savage; Mr Steggall. Tellers: Mr Ingram; Mr Maughan.

And so it was resolved in the affirmative.

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

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

*Business having been interrupted at 10.00 pm pursuant to Sessional Orders.*

- 17 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 11.00 pm.



## No 112 — Thursday 18 October 2001

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:

**Power Stations** — Seeking that the Government immediately takes responsibility for the planning and regulation of the State's electricity supply by implementing a process of monitoring, evaluation and enforcement of all new power stations including the proposed station at Stonehaven to ensure that the people are properly served by electricity generating and supply enterprises, bearing 5,683 signatures (*by Mr Trezise*).

Ordered to lie on the Table.

- 3 **PETITION — POWER STATIONS** — Motion made and question — That the petition presented by the Member for Geelong relating to the planning and regulation of the State's electricity supply be taken into consideration tomorrow (*Mr Trezise*) — put and agreed to.
- 4 **PAPERS** —

**PRIVILEGES COMMITTEE** — Mr Loney, Chair, brought up a report from the Privileges Committee on the Right of Reply for Ms Deborah Jones, Ms Adriana Bowes and Mr Peter Turley, persons referred to in the Legislative Assembly, together with an appendix.

Ordered to lie on the Table and to be printed.

**PRIVILEGES COMMITTEE** — Mr Loney, Chair, brought up a report from the Privileges Committee on the Right of Reply for Councillor Arthur Athanasopoulos, a person referred to in the Legislative Assembly, 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:

*Members of Parliament (Register of Interests) Act 1978* — Summary of Returns June 2001 and Summary of Variations Notified between 14 June and 30 September 2001 — Ordered to be printed

*National Parks Act 1975* — Report on the workings of the Act for the year 2000–2001

National Parks Advisory Council — Report for the year 2000–2001

Preston Cemetery Trust — Report for the year 2000

Recreational Fishing Licence Trust Account — Report on revenue and disbursements for the year 2000–2001.

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

Essential Services Commission Bill

Drugs, Poisons and Controlled Substances (Amendment) Bill.

- 6 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourn until Tuesday 30 October 2001 (*Mr Batchelor*) — put and agreed to.
- 7 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 8 **MELBOURNE CITY LINK (FURTHER AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).
- Motion made and question — That the debate be now adjourned (*Mr Leigh*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 1 November 2001.
- 9 **TRANSPORT (ALCOHOL AND DRUG CONTROLS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).
- Mr Batchelor made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.*
- Motion made and question — That the debate be now adjourned (*Mr Leigh*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 1 November 2001.
- 10 **MARINE (FURTHER AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).
- Motion made and question — That the debate be now adjourned (*Mr Perton*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 1 November 2001.
- 11 **PETROLEUM (SUBMERGED LANDS) (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Garbutt*).
- Motion made and question — That the debate be now adjourned (*Mr Perton*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 1 November 2001.
- 12 **ENERGY LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Garbutt*).
- Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 1 November 2001.
- 13 **JUDICIAL REMUNERATION TRIBUNAL (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).
- Motion made and question — That the debate be now adjourned (*Dr Dean*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 1 November 2001.

- 14 **BUILDING (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm pursuant to Sessional Orders.*

- 15 **QUESTIONS** — (Pursuant to Standing Order No 124).

- 16 **BUILDING (AMENDMENT) BILL** — Debate resumed on question — That this Bill be now read a second time.

*Allocation of time — The Deputy Speaker advised that the time allocated for consideration of bills pursuant to resolution of the House on Tuesday 16 October 2001 had expired.*

Question — That this Bill be now read a second and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 17 **MINERAL RESOURCES DEVELOPMENT (FURTHER AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 18 **RETAIL TENANCIES REFORM (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second and third time and a message be sent to the Legislative Council acquainting them that the Legislative Assembly has agreed to the Bill without amendment — put and agreed to.

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

- 20 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

And the House, at 5.00 pm, adjourned until Tuesday 30 October 2001.

R W PURDEY  
Clerk of the Legislative Assembly

A ANDRIANOPOULOS  
Speaker

## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 113, 114 and 115

#### No 113 — Tuesday 30 October 2001

- 1 The House met pursuant to adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 3 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Upper Yarra Area Classification** — Seeking that the House examines the role of the Shire of Yarra Ranges and ensures that the classification of the Upper Yarra area, incorporating the former shires of Healesville and Upper Yarra, be changed from metropolitan to rural so that the citizens of the Upper Yarra region are not discriminated against in the provision of services and development, bearing 2,545 signatures (*by Mrs Fyffe*)

**Park Road and Eastern Freeway Extension to Ringwood** — Seeking that the Minister for Transport takes all necessary steps to ensure that there is no vehicle connectivity between Park Road and the Eastern Freeway extension to Ringwood, bearing 661 signatures (*by Mr Honeywood*).

Severally ordered to lie on the Table.

- 4 **PETITION — UPPER YARRA AREA CLASSIFICATION** — Motion made and question — That the petition presented by the Member for Evelyn relating to the Upper Yarra area classification be taken into consideration tomorrow (*Mrs Fyffe*) — put and agreed to.
- 5 **PETITION — PARK ROAD AND EASTERN FREEWAY EXTENSION TO RINGWOOD** — Motion made and question — That the petition presented by the Member for Warrandyte relating to no vehicle connectivity between Park Road and the Eastern Freeway extension to Ringwood be taken into consideration tomorrow (*Mr Honeywood*) — put and agreed to.
- 6 **PAPERS** —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Ms Gillett, Chair, brought up a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 12 of 2001 on the:

Energy Legislation (Miscellaneous Amendments) Bill  
Gene Technology Bill  
Judicial Remuneration Tribunal (Amendment) Bill  
Livestock Disease Control (Amendment) Bill

Marine (Further Amendment) Bill  
 Melbourne City Link (Further Amendment) Bill  
 Petroleum (Submerged Lands) (Amendment) Bill  
 Retail Tenancies Reform (Amendment) Bill  
 State Taxation Legislation (Amendment) Bill  
 Transport (Alcohol and Drug Controls) Bill

together with appendices.

Ordered to lie on the Table and to be printed.

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

Agriculture Victoria Services Pty Ltd — Report for the year 2000–2001

*Audit Act 1994* — Report on the Performance Audit of the Victorian Auditor-General's Office, October 2001

Bendigo Health Care Group — Report for the year 2000–2001

Chief Electrical Inspector — Report of the Office for the year 2000–2001

City West Water Limited — Report for the year 2000–2001

Corangamite Catchment Management Authority — Report for the year 2000–2001

Emergency Services Superannuation Scheme — Report for the year 2000–2001

Environment Protection Authority — Report for the year 2000–2001

*Financial Management Act 1994:*

Financial Report for the State of Victoria, incorporating the Quarterly Financial Report No 4 for the Victorian Budget Sector for the year 2000–2001 — Ordered to be printed

Report from the Minister for Agriculture that he had received the 2000–2001 annual report of the Victorian Broiler Industry Development Committee

Report from the Minister for Environment and Conservation that she had received the 2000–2001 annual report of the Trust for Nature

Report from the Minister for Finance advising of the delay in tabling the 2000–2001 annual report of the Government Superannuation Office

Reports from the Minister for Health that he had received the 2000–2001 annual reports of the: Osteopaths Registration Board

Timboon and District Healthcare Service

Gascor Pty Ltd — Report for the year 2000–2001

Gas Safety Office — Report for the year 2000–2001

Kerang and District Hospital — Report for the year 2000–2001 (two papers)

Maldon Hospital — Report for the year 2000–2001

Mallee Catchment Management Authority — Report for the year 2000–2001

Mallee Track Health and Community Service — Report for the year 2000–2001

Maryborough District Health Service — Report for the year 2000–2001 (two papers)

Melbourne Market Authority — Report for the year 2000–2001

Mt Alexander Hospital — Report for the year 2000–2001

Parliamentary Contributory Superannuation Fund — Report for the year 2000–2001

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

Casey Planning Scheme — No C37

Cardinia Planning Scheme — No C2

Darebin Planning Scheme — No C33

East Gippsland Planning Scheme — No C9

Horsham Planning Scheme — No C6

La Trobe Planning Scheme — No C13

Moreland Planning Scheme — No C7

South Gippsland Planning Scheme — No C2

Whitehorse Planning Scheme — No C37

Whittlesea Planning Scheme — No C14

Police Appeals Board — Report for the year 2000–2001

Port Phillip and Westernport Catchment and Land Protection Board — Report for the year 2000–2001

Queen Victoria Women's Centre Trust — Report for the year 2000–2001

South East Water Limited — Report for the year 2000–2001

South Eastern Medical Complex Limited — Report for the year 2000–2001

State Electricity Commission of Victoria — Report for the year 2000–2001

Statutory Rules under the following Acts:

*Cemeteries Act 1958* — SR No 109

*Discharged Servicemen's Preference Act 1943* — SR No 110

*Evidence Act 1958* — SR No 105

*Magistrates' Court Act 1989* — SR No 106

*Motor Car Traders Act 1986* — SR No 107

*Pharmacists Act 1974* — SR No 108

*Subordinate Legislation Act 1994*:

Ministers' exception certificates in relation to Statutory Rule Nos 107, 108

Ministers' exemption certificates in relation to Statutory Rule Nos 105, 106, 109, 110

Sustainable Energy Authority Victoria — Report for the year 2000–2001

Swan Hill District Hospital — Report for the year 2000–2001

Victorian Funds Management Corporation — Report for the year 2000–2001

Victorian Casino and Gaming Authority — Report for the year 2000–2001

Victorian Coastal Council — Report for the year 2000–2001

Victorian Electoral Commission — Report for the year 2000–2001

Victorian Government Purchasing Board — Report for the year 2000–2001

Victorian Managed Insurance Authority — Report for the year 2000–2001

Victorian WorkCover Authority — Report for the year 2000–2001

Yarra Valley Water Limited — Report for the year 2000–2001.

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

Gene Technology Bill

Telecommunications (Interception) (State Provisions) (Amendment) Bill

Victorian Arts Centre (Amendment) Bill

Roman Catholic Trusts (Amendment) Bill.

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

On 23 October 2001:

Drugs, Poisons and Controlled Substances (Amendment) Bill

Essential Services Commission Bill

Retail Tenancies Reform (Amendment) Bill

Roman Catholic Trusts (Amendment) Bill

Telecommunications (Interception) (State Provisions) (Amendment) Bill

Victorian Arts Centre (Amendment) Bill

On 30 October 2001:

Gene Technology Bill.

**9 MESSAGES FROM THE GOVERNOR** — The Speaker announced the presentation of messages from the Governor recommending appropriations for the purposes of the following bills:

Marine (Further Amendment) Bill

Melbourne City Link (Further Amendment) Bill

Petroleum (Submerged Lands) (Amendment) Bill.

**10 GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, pursuant to Sessional Order 6(3), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 1 November 2001:

Marine Safety Legislation (Lakes Hume and Mulwala) Bill

Legal Aid (Amendment) Bill

Health Services (Conciliation and Review) (Amendment) Bill

Fundraising Appeals (Amendment) Bill  
 State Taxation Legislation (Amendment) Bill

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

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

12 **MARINE SAFETY LEGISLATION (LAKES HUME AND MULWALA) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

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

14 **HEALTH SERVICES (CONCILIATION AND REVIEW) (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

15 **WATER (IRRIGATION FARM DAMS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Mr McArthur, by leave, announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

Mr Steggall, by leave, announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

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

*Business having been interrupted at 10.00 pm pursuant to Sessional Orders.*

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



## No 114 — Wednesday 31 October 2001

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:

**Funding Increase to Public Libraries** — Seeking that the Victorian Government — (a) immediately invests substantially more in public library services for the benefit of all Victorians by increased funding to public libraries for the purchase of books; and (b) increases funding for the purchase and maintenance of mobile library services to ensure the removal of the barrier to access by Victorians in rural and remote areas, bearing 938 signatures (*by Mr Lupton*).

Ordered to lie on the Table.

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

Adult, Community and Further Education Board — Report for the year 2000–2001

Albury-Wodonga Development Corporation — Report for the year 2000–2001

Architects Registration Board of Victoria — Report for the year 2000–2001

Australian Grand Prix Corporation — Report for the year 2000–2001

Barwon Region Water Authority — Report for the year 2000–2001

Board of Studies — Report for the period ended 28 February 2001

Building Control Commission — Report for the year 2000–2001

Central Gippsland Region Water Authority — Report for the year 2000–2001

Central Highlands Region Water Authority — Report for the year 2000–2001

Cinemedia Corporation — Report for the year 2000–2001

Coliban Region Water Authority — Report for the year 2000–2001 (two papers)

Docklands Authority — Report for the year 2000–2001

East Gippsland Catchment Management Authority — Report for the year 2000–2001

Education, Employment and Training, Department of — Report for the year 2000–2001

Emerald Tourist Railway Board — Report for the year 2000–2001

Environment Conservation Council — Report for the year 2000–2001

*Financial Management Act 1994:*

Report from the Minister for Environment and Conservation that she had received the 2000–2001 annual report of the Alpine Resorts Coordinating Council

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Report from the Minister for Finance that she had received the 2000–2001 annual report of VicFleet Pty Ltd

First Mildura Irrigation Trust — Report for the year 2000–2001

Gambling Research Panel — Report for the year 2000–2001

Gippsland and Southern Rural Water Authority — Report for the year 2000–2001

Glenelg Region Water Authority — Report for the year 2000–2001

Goulburn Broken Catchment Management Authority — Report for the year 2000–2001

Goulburn-Murray Rural Water Authority — Report for the year 2000–2001

Goulburn Valley Region Water Authority — Report for the year 2000–2001

Grampians Region Water Authority — Report for the year 2000–2001

Greyhound Racing Victoria — Report for the year 2000–2001

Harness Racing Board — Report for the year 2000–2001

Hastings Port (Holding) Corporation — Report for the year 2000–2001

Heritage Council Victoria — Report for the year 2000–2001

Human Services, Department of — Report for the year 2000–2001

Infrastructure, Department of — Report for the year 2000–2001

Justice, Department of — Report for the year 2000–2001

Legal Practitioners Liability Committee — Report for the year 2000–2001

Library Board of Victoria — Report for the year 2000–2001

Lower Murray Region Water Authority — Report for the year 2000–2001

Marine Board of Victoria — Report for the year 2000–2001

Melbourne 2006 Commonwealth Games Pty Ltd — Report for the year 2000–2001

Melbourne and Olympic Parks Trust — Report for the year 2000–2001

Melbourne City Link Authority — Report for the year 2000–2001

Melbourne Convention and Exhibition Trust — Report for the year 2000–2001

Melbourne Cricket Ground Trust — Report for the year 2000–2001

Melbourne Port Corporation — Report for the year 2000–2001 (two papers)

Melbourne Water Corporation — Report for the year 2000–2001

Museums Board of Victoria — Report for the year 2000–2001

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- Natural Resources and Environment, Department of — Report for the year 2000–2001
- North Central Catchment Management Authority — Report for the year 2000–2001
- North East Catchment Management Authority — Report for the year 2000–2001
- North East Region Water Authority — Report for the year 2000–2001
- Overseas Projects Corporation of Victoria Limited — Report for the year 2000–2001
- Parks Victoria — Report for the year 2000–2001
- Plumbing Industry Commission — Report for the year 2000–2001
- Portland Coast Region Water Authority — Report for the year 2000–2001
- Premier and Cabinet, Department of — Report for the year 2000–2001
- Public Advocate — Report of the Office for the year 2000–2001 — Ordered to be printed
- Public Employment Office — Report for the year 2000–2001
- Public Transport Corporation — Report for the year 2000–2001
- Regulator-General — Report of the Office for the year 2000–2001
- Residential Tenancies Bond Authority — Report for the year 2000–2001
- Roads Corporation (VicRoads) — Report for the year 2000–2001
- Royal Botanic Gardens Board — Report for the year 2000–2001
- Rural Finance Corporation — Report for the year 2000–2001
- South Gippsland Region Water Authority — Report for the year 2000–2001
- South West Water Authority — Report for the year 2000–2001
- Spencer Street Station Authority — Report for the year 2000–2001
- Stamps Act 1958* — Report of exemptions and partial exemptions approved and refunds made pursuant to s 137R for the year 2000–2001
- State and Regional Development, Department of — Report for the year 2000–2001
- State Sport Centres Trust — Report for the year 2000–2001
- State Trustees Limited — Report for the year 2000–2001 (together with Financial Statements of the Common Funds) (two papers)
- Sunraysia Rural Water Authority — Report for the year 2000–2001
- Tourism Victoria — Report for the year 2000–2001
- Treasury and Finance, Department of — Report for the year 2000–2001

- Treasury Corporation of Victoria — Report for the year 2000–2001
- Urban and Regional Land Corporation — Report for the year 2000–2001
- Victorian Catchment Management Council — Report for the year 2000–2001
- Victorian Channels Authority — Report for the year 2000–2001
- Victorian Curriculum and Assessment Authority — Report for the year 2000–2001
- Victorian Institute of Sport — Report for the year 2000–2001 (two papers)
- Victorian Learning and Employment Skills Commission — Report for the year 2000–2001
- Victorian Medical Consortium Pty Ltd — Report for the year 2000–2001
- Victorian Rail Track (VicTrack) — Report for the year 2000–2001
- Victorian Relief Committee — Report for the year 2000–2001
- V/Line Passenger Corporation — Report for the period ended 1 January 2001
- West Gippsland Catchment Management Authority — Report for the year 2000–2001 (two papers)
- Western Region Water Authority — Report for the year 2000–2001 (two papers)
- Westernport Region Water Authority — Report for the year 2000–2001
- Wimmera Catchment Management Authority — Report for the year 2000–2001
- Wimmera-Mallee Rural Water Authority — Report for the year 2000–2001
- Wonthaggi and District Hospital — Report for the year 2000–2001 (two papers)
- Yarram and District Health Service — Report for the year 2000–2001 (two papers)
- Young Farmers' Finance Council — Report for the year 2000–2001
- Zoological Parks and Gardens Board — Report for the year 2000–2001.

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

Unclaimed Moneys and Superannuation Legislation (Amendment) Bill  
 Classification (Publications, Films and Computer Games) (Enforcement) (Amendment) Bill  
 Statute Law Further Amendment (Relationships) Bill  
 Building (Amendment) Bill.

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

**6 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — HEALTH SERVICES IN VICTORIA** — The House was informed that Mr Doyle had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House condemns the Labor Government for two years of deterioration across key health indicators, while overspending the 2000/01 Department of Human Services budget by half a billion dollars without delivering better services for Victorians.'

Mr Doyle addressed the House — Discussion ensued.

- 7 **ROAD SAFETY (FURTHER AMENDMENT) BILL** — Mr Batchelor, after debate, obtained leave with Mr Pandazopoulos, to bring in a Bill '*to make miscellaneous amendments to the Road Safety Act 1986, to amend the Chattel Securities Act 1987, the Magistrates' Court Act 1989, the Road Safety (Drivers) Act 1991, the Road Safety (Further Amendment) Act 1991, the Melbourne City Link Act 1995 and the Road Safety (Alcohol and Drugs Enforcement Measures) Act 2001 and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 8 **MARINE (HIRE AND DRIVE VESSELS) BILL** — Mr Batchelor, after debate, obtained leave with Ms Kosky, to bring in a Bill '*to amend the Marine Act 1988 with respect to hire and drive vessels and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 9 **ANIMALS LEGISLATION (RESPONSIBLE OWNERSHIP) BILL** — Mr Hamilton obtained leave, with Mr Pandazopoulos, to bring in a Bill '*to amend the Prevention of Cruelty to Animals Act 1986 and the Domestic (Feral and Nuisance) Animals Act 1994 and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 10 **VICTORIAN INSTITUTE OF TEACHING BILL** — Ms Delahunty (*Northcote*) obtained leave, with Mr Pandazopoulos, to bring in a Bill '*to recognise, promote and regulate the profession of teaching and to establish the Victorian Institute of Teaching and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 11 **FILM BILL** — Ms Delahunty (*Northcote*), after debate, obtained leave with Mr Pandazopoulos, to bring in a Bill '*to establish Film Victoria and the Australian Centre for the Moving Image, to repeal the Cinemedia Corporation Act 1997 and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 12 **ACCIDENT COMPENSATION (AMENDMENT) BILL** — Mr Cameron obtained leave, with Mr Pandazopoulos, to bring in a Bill '*to amend the Accident Compensation Act 1985, the Dangerous Goods Act 1985, the Occupational Health and Safety Act 1985, the Mineral Resources Development Act 1990, the Pay-roll Tax Act 1971 and the Accident Compensation (WorkCover Insurance) Act 1993 and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 13 **HOUSE CONTRACTS GUARANTEE (HIH FURTHER AMENDMENT) BILL** — Ms Kosky obtained leave, with Mr Pandazopoulos, to bring in a Bill '*to further amend the House Contracts Guarantee Act 1987 in relation to the Domestic Building (HIH) Indemnity Scheme and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 14 **AUDIT (FURTHER AMENDMENT) BILL** — Ms Kosky obtained leave, with Mr Pandazopoulos, to bring in a Bill '*to make further amendments to the Audit Act 1994 with respect to the powers of the Auditor-General, to amend the Constitution Act 1975 to indemnify the Auditor-General and audit staff, to amend the Financial Management Act 1994 with respect to the tabling of financial reports and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.

- 15 **FAIR TRADING (UNCONSCIONABLE CONDUCT) BILL** — Mr Haermeyer, after debate, obtained leave with Mr Pandazopoulos, to bring in a Bill 'to amend the *Fair Trading Act 1999* and for other purposes'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 16 **LIQUOR CONTROL REFORM (PROHIBITED PRODUCTS) BILL** — Mr Haermeyer, after debate, obtained leave with Mr Pandazopoulos, to bring in a Bill 'to amend the *Liquor Control Reform Act 1998* to prohibit or restrict the sale of certain alcoholic products and for other purposes'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 17 **SECOND-HAND DEALERS AND PAWNBROKERS (AMENDMENT) BILL** — Mr Haermeyer, after debate, obtained leave with Mr Pandazopoulos, to bring in a Bill 'to amend the *Second-Hand Dealers and Pawnbrokers Act 1989* and for other purposes'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 18 **LEGAL AID (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm pursuant to Sessional Orders.*

- 19 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 20 **LEGAL AID (AMENDMENT) BILL** — Debate resumed on question — That this Bill be now read a second time.

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

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

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

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 22 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Mineral Resources Development (Further Amendment) Bill without amendment.

- 23 **FUNDRAISING APPEALS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

- 24 **WATER (IRRIGATION FARM DAMS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm pursuant to Sessional Orders.*

- 25 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.53 pm.

R W PURDEY  
Clerk of the Legislative Assembly

A ANDRIANOPOULOS  
Speaker

## No 115 — Thursday 1 November 2001

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:

**City of Latrobe Council** — Seeking that the Council of the City of Latrobe be suspended and that an administrator be appointed, bearing 7,663 signatures (*by Mr Ryan*).

Ordered to lie on the Table.

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

Ambulance Service Victoria-Metropolitan Region — Report for the year 2000–2001

Australian Food Industry Science Centre — Report for the year 2000–2001

Bairnsdale Regional Health Service — Report for the year 2000–2001 (two papers)

Bayside Health — Report for the year 2000–2001

Boort District Hospital — Report for the year 2000–2001

Caritas Christi Hospice Limited — Report for the year 2000–2001 (two papers)

Cohuna District Hospital — Report for the year 2000–2001

Country Fire Authority — Report for the year 2000–2001

Eastern Health — Report for the year 2000–2001 (three papers)

Echuca Regional Health — Report for the year 2000–2001

Equal Opportunity Commission — Report for the year 2000–2001 — Ordered to be printed

*Financial Management Act 1994:*

Report from the Minister for Agriculture that he had received the 2000–2001 annual report of the Victorian Strawberry Industry Development Committee

Reports from the Minister for Environment and Conservation that she had received the 2000–2001 annual reports of the:

Barwon Regional Waste Management Group  
 Calder Regional Waste Management Group  
 Central Murray Regional Waste Management Group  
 Eastern Regional Waste Management Group  
 Gippsland Regional Waste Management Group  
 Goulburn Regional Waste Management Group  
 Grampians Regional Waste Management Group  
 Highlands Regional Waste Management Group  
 Mornington Peninsula Regional Waste Management Group  
 North East Victorian Regional Waste Management Group  
 Northern Regional Waste Management Group  
 South Western Regional Waste Management Group  
 Western Regional Waste Management Group  
 Yarra Bend Park Trust

Report from the Minister for Health that he had received the 2000–2001 annual report of the South Gippsland Hospital

Fisheries Co-Management Council — Report for the year 2000–2001

Geelong Performing Arts Centre Trust — Report for the year 2000–2001

Infertility Treatment Authority — Report for the year 2000–2001

Kooweerup Regional Health Service — Report for the year 2000–2001 (two papers)

Kyabram and District Memorial Community Hospital — Report for the year 2000–2001

Legal Ombudsman — Report of the Office for the year 2000–2001 — Ordered to be printed

Legal Practice Board — Report for the year 2000–2001

Metropolitan Fire and Emergency Services Board — Report for the year 2000–2001

National Gallery of Victoria — Report for the year 2000–2001

Northern Health — Report for the year 2000–2001

Peninsula Health — Report for the year 2000–2001

Peter MacCallum Cancer Institute — Report for the year 2000–2001

Public Record Office Victoria — Report for the year 2000–2001

Radiation Advisory Committee — Report for year ended 30 September 2001

Royal Victorian Eye and Ear Hospital — Report for the year 2000–2001

Rural Ambulance Victoria — Report for the year 2000–2001

South Eastern Regional Waste Management Group — Report for the year 2000–2001

St Vincent's Hospital (Melbourne) Limited — Report for the year 2000–2001 (two papers)



Victorian Energy Networks Corporation — Report for the year 2000–2001

Victorian Institute of Forensic Medicine — Report for the year 2000–2001

Victoria Law Reform Commission — Report for the period 6 April 2001 to 30 June 2001 — Ordered to be printed

Victoria Legal Aid — Report for the year 2000–2001

Victoria Police — Report of the Office of the Chief Commissioner for the year 2000–2001 (two papers)

Victorian Health Promotion Foundation — Report for the year 2000–2001

West Gippsland Healthcare Group — Report for the year 2000–2001

Western Health — Report for the year 2000–2001 (two papers)

Women's and Children's Health Service — Report for the year 2000–2001.

- 4 **SITTING OF THE HOUSE** — Motion made and question — That so much of Sessional Orders be suspended to allow the House, at its rising, to adjourn until Wednesday, 7 November 2001 at 9.30 am (*Mr Batchelor*) — put and agreed to.

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

- 6 **WATER (IRRIGATION FARM DAMS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time.

*Business having been interrupted at 2.00 pm pursuant to Sessional Orders.*

- 7 **QUESTIONS** — (Pursuant to Standing Order No 124).

- 8 **WATER (IRRIGATION FARM DAMS) BILL** — Bill committed; considered in Committee.

Committee reported progress.

*Allocation of time — The Speaker advised that the time allocated for consideration of bills pursuant to resolution of the House on Tuesday 30 October 2001 had expired.*

- 9 **LEGAL AID (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 10 **HEALTH SERVICES (CONCILIATION AND REVIEW) (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 11 **FUNDRAISING APPEALS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.
- Question — That this Bill be now read a second and third time and a message be sent to the Legislative Council acquainting them that the Legislative Assembly has agreed to the Bill without amendment — put and agreed to.
- 12 **WATER (IRRIGATION FARM DAMS) BILL** — Further considered in Committee.
- Committee reported progress; to sit again tomorrow.
- 13 **ROAD SAFETY (FURTHER AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).
- Motion made and question — That the debate be now adjourned (*Mr Leigh*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 15 November 2001.
- 14 **MARINE (HIRE AND DRIVE VESSELS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).
- Motion made and question — That the debate be now adjourned (*Mr Leigh*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 15 November 2001.
- 15 **ANIMALS LEGISLATION (RESPONSIBLE OWNERSHIP) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hamilton*).
- Motion made and question — That the debate be now adjourned (*Mr McArthur*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 15 November 2001.
- 16 **VICTORIAN INSTITUTE OF TEACHING BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Delahunty, Northcote*).
- Motion made and question — That the debate be now adjourned (*Mr Honeywood*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 15 November 2001.
- 17 **FILM BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Delahunty, Northcote*).
- Motion made and question — That the debate be now adjourned (*Ms Asher*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 15 November 2001.
- 18 **ACCIDENT COMPENSATION (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Cameron*).

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

Ordered — That the debate be adjourned until Thursday 15 November 2001.

- 19 **HOUSE CONTRACTS GUARANTEE (HIH FURTHER AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Kosky*).

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

Ordered, after debate — That the debate be adjourned until Thursday 15 November 2001.

- 20 **AUDIT (FURTHER AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Kosky*).

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

Ordered — That the debate be adjourned until Thursday 15 November 2001.

- 21 **FAIR TRADING (UNCONSCIONABLE CONDUCT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Haermeyer*).

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

Ordered — That the debate be adjourned until Thursday 15 November 2001.

- 22 **LIQUOR CONTROL REFORM (PROHIBITED PRODUCTS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Haermeyer*).

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

Ordered — That the debate be adjourned until Thursday 15 November 2001.

- 23 **SECOND-HAND DEALERS AND PAWNBROKERS (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Haermeyer*).

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

Ordered — That the debate be adjourned until Thursday 15 November 2001.

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

25 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

And the House, at 8.53 pm, adjourned until Wednesday 7 November 2001.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

# LEGISLATIVE ASSEMBLY OF VICTORIA

## VOTES AND PROCEEDINGS Nos 116 and 117

### No 116 — Wednesday 7 November 2001

- 1 The House met pursuant to adjournment — The Speaker 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:

Alpine Health — Report for the year 2000–2001

Barwon Health — Report for the year 2000–2001

Beaufort and Skipton Health Service — Report for the year 2000–2001

Benalla and District Memorial Hospital — Report for the year 2000–2001 (two papers)

Colac Community Health Service — Report for the year 2000–2001

Cobram District Hospital — Report for the year 2000–2001

*Financial Management Act 1994:*

Reports from the Minister for Health that he had received the 2000–2001 annual reports of the:  
Nathalia District Hospital  
Tallangatta Health Service  
Upper Murray Health and Community Services  
Yea and District Memorial Hospital

Inglewood and Districts Health Service — Report for the year 2000–2001

Kyneton and District Health Service — Report for the year 2000–2001

McIvor Health and Community Services — Report for the year 2000–2001

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

Manningham Planning Scheme — No C22

Melbourne Planning Scheme — No C50

Mildura Planning Scheme — No C14

Portland and District Hospital — Report for the year 2000–2001

South West Healthcare — Report for the year 2000–2001

Statutory Rules under the following Acts:

*Administration and Probate Act 1958* — SR No 113

*Adoption Act 1984* — SR No 112

*Supreme Court Act 1986* — SR Nos 111, 112, 113

*Subordinate Legislation Act 1994* — Minister's exception certificates in relation to Statutory Rule Nos 111, 112, 113

Victoria Grants Commission — Report for the year ended 31 August 2001

Victorian Civil and Administrative Tribunal — Report for the year 2000–2001

Wangaratta District Base Hospital — Report for the year 2000–2001

Western District Health Service — Report for the year 2000–2001

Wodonga Regional Health Service — Report for the year 2000–2001 (three papers)

The following proclamations fixing operative dates were laid upon the Table by the Clerk pursuant to an Order of the House dated 3 November 1999:

*Environment Protection (Industrial Waste) Act 1985* — Remaining provisions on 1 November 2001 (*Gazette S183, 31 October 2001*)

*Environment Protection (General Amendment) Act 1989* — Section 9 on 1 November 2001 (*Gazette S183, 31 October 2001*).

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

Building (Amendment) Bill

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

Fundraising Appeals (Amendment) Bill

Mineral Resources Development (Further Amendment) Bill

Statute Law Further Amendment (Relationships) Bill

Unclaimed Moneys and Superannuation Legislation (Amendment) Bill.

- 4 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, pursuant to Sessional Order 6(3), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 8 November 2001:

Melbourne City Link (Further Amendment) Bill

Judicial Remuneration Tribunal (Amendment) Bill

Marine (Further Amendment) Bill

Water (Irrigation Farm Dams) Bill

Victorian Environmental Assessment Council Bill — Amendments of the Legislative Council.

(*Mr Batchelor*) — and, after debate —

Amendment proposed — That the words 'Marine (Further Amendment) Bill' be omitted with the view of inserting in place thereof the words 'Livestock Disease Control (Amendment) Bill' (*Mr McArthur*) — put, after debate, and negatived.

Original motion — put and agreed to.

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

6 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.

7 **SENTENCING (EMERGENCY SERVICE COSTS) BILL** — Mr Hulls obtained leave, with Ms Pike, to bring in a Bill 'to amend the *Sentencing Act 1991* to provide for the recovery of costs incurred by emergency services in certain circumstances, to amend the *Crimes Act 1958* and the *Summary Offences Act 1966* and for other purposes'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.

8 **WILDLIFE (AMENDMENT) BILL** — Ms Garbutt obtained leave, with Ms Pike, to bring in a Bill 'to amend the *Wildlife Act 1975* to make further provision for the conduct of whale tours and for other purposes'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.

*Business having been interrupted at 2.00 pm pursuant to Sessional Orders.*

9 **QUESTIONS** — (Pursuant to Standing Order No 124).

10 **MELBOURNE CITY LINK (FURTHER AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

11 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 2, be postponed until later this day.

12 **JUDICIAL REMUNERATION TRIBUNAL (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Dr Dean announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

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

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

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

- 13 **MARINE (FURTHER AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

- 14 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Marine Safety Legislation (Lakes Hume and Mulwala) Bill without amendment.

- 15 **WATER (IRRIGATION FARM DAMS) BILL** — Further considered in Committee.

Committee reported progress.

*Business having been interrupted at 10.03 pm pursuant to Sessional Orders.*

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

Further considered in Committee and reported with amendments; as amended, considered, and amendments agreed to; read a third time.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

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

- 17 **ADJOURNMENT** — Motion made and question proposed — That the House do now adjourn (*Mr Hamilton*) — and, after debate —

And the House having continued to sit after 12 midnight —

THURSDAY 8 NOVEMBER 2001

Question — put and agreed to.

And the House, at 12.19 am, adjourned until later this day.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

## No 117 — Thursday 8 November 2001

- 1 The Speaker 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:

Dental Health Services Victoria — Report for the year 2000–2001

*Financial Management Act 1994:*

Report from the Minister for Health that he had received the 2000–2001 annual report of the Tweddle Child and Family Health Service

Footy Consortium Pty Ltd — Report for the period 13 September 2000 to 30 June 2001

*Health Services Act 1988* — Report of the Community Visitors for the year 2000–2001 — Ordered to be printed

*Mental Health Act 1986* — Report of the Community Visitors for the year 2000–2001

Tattersall's Club Keno Pty Ltd — Report for the year 2000–2001

Tattersall's Sweeps Pty Ltd — Report for the year 2000–2001

Victorian Arts Centre Trust — Report for the year 2000–2001.

- 3 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourn until Tuesday 20 November 2001 (*Mr Batchelor*) — put and agreed to.

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

- 5 **VICTORIAN ENVIRONMENTAL ASSESSMENT COUNCIL BILL** — Order read for the consideration of the amendments made by the Legislative Council.

The said amendments were read a second time.

On the motion of Ms Garbutt and, after debate — Amendment No 1 agreed to.

On the motion of Ms Garbutt — Amendment No 2 disagreed with.

On the motion of Ms Garbutt — Amendment No 3 agreed to.

On the motion of Ms Garbutt and, after debate — Amendment No 4 disagreed with.

On the motion of Ms Garbutt — Amendment No 5 agreed to.

On motion of Ms Garbutt — Amendment No 6 agreed to.

On the motion of Ms Garbutt and, after debate — Amendment No 7 agreed to.

On the motion of Ms Garbutt and, after debate — Amendment No 8 disagreed with but an amendment made in the Bill.

On the motion of Ms Garbutt — Amendment No 9 disagreed with.

On the motion of Ms Garbutt and, after debate — Amendment No 10 disagreed with.

On the motion of Ms Garbutt and, after debate — Amendment No 11 disagreed with but an amendment made in the Bill.

On the motion of Ms Garbutt and, after debate — Amendment No 12 disagreed with but amendments made in the Bill.

On the motion of Ms Garbutt — Amendment No 13 agreed to.

On the motion of Ms Garbutt — Amendment No 14 agreed to.

On the motion of Ms Garbutt and, after debate — Amendment No 15 disagreed with.

On the motion of Ms Garbutt and, after debate — Amendment No 16 disagreed with but an amendment made in the Bill.

Ordered — That a message be sent to the Legislative Council acquainting them accordingly.

- 6 **MELBOURNE CITY LINK (FURTHER AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 7 **MARINE (FURTHER AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm pursuant to Sessional Orders.*

- 8 **QUESTIONS** — (Pursuant to Standing Order No 124).

- 9 **MARINE (FURTHER AMENDMENT) BILL** — Debate resumed on question — That this Bill be now read a second time.

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 10 **JUDICIAL REMUNERATION TRIBUNAL (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Allocation of time — The Speaker advised that the time allocated for consideration of bills pursuant to resolution of the House on Wednesday 7 November 2001 had expired.*

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

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 11 **SENTENCING (EMERGENCY SERVICE COSTS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Bracks*).

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

Ordered — That the debate be adjourned until Thursday 15 November 2001.

- 12 **WILDLIFE (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Garbutt*).

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

Ordered — That the debate be adjourned until Thursday 22 November 2001.

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

- 14 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

And the House, at 4.57 pm, adjourned until Tuesday 20 November 2001.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

## LEGISLATIVE ASSEMBLY OF VICTORIA

# VOTES AND PROCEEDINGS

## Nos 118, 119 and 120

### No 118 — Tuesday 20 November 2001

- 1 The House met pursuant to adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 3 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:

**Portland Bus Company** — Seeking that extra funding be provided to the Portland Bus Company by the Government to subsidise the transportation needs of the people of Portland and district, bearing 1,088 signatures (*by Dr Napthine*).

Ordered to lie on the Table.

- 4 **PAPERS** —

**HEALTH SERVICES COMMISSIONER** — Motion made, by leave, and question — That there be presented to this House the Report of the Health Services Commissioner for the year 2000–2001 (*Mr Thwaites*) — put and agreed to.

The said report was presented by Mr Thwaites and ordered to lie on the Table.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Ms Gillett, Chair, brought up a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 13 of 2001 on the:

Accident Compensation (Amendment) Bill  
Animals Legislation (Responsible Ownership) Bill  
Audit (Further Amendment) Bill  
Fair Trading (Unconscionable Conduct) Bill  
Film Bill  
House Contracts Guarantee (HIH Further Amendment) Bill  
Liquor Control Reform (Prohibited Products) Bill  
Marine (Hire and Drive Vessels) Bill  
Road Safety (Further Amendment) Bill  
Second-Hand Dealers and Pawnbrokers (Amendment) Bill  
Sentencing (Emergency Service Costs) Bill  
Victorian Institute of Teaching Bill  
Wildlife (Amendment) Bill

together with appendices.

Ordered to lie on the Table and to be printed.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Ms Gillett, Chair, brought up a report from the Scrutiny of Acts and Regulations Committee pursuant to the *Parliamentary Committees Act 1968*, s 4D(cb) concerning the intended declaration and proclamation of the *National Crime Authority (State Provisions) Act 1984* as a relevant State Act for the purposes of the *Co-operative Schemes (Administrative Actions) Act 2001*.

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:

Beechworth Hospital — Report for the year 2000–2001

Djerriwarrh Health Services — Report for the year 2000–2001 (two papers)

*Environment Protection Act 1970:*

Order varying State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No N-1 (*Gazette S183, 31 October 2001*)

Order declaring Industrial Waste Management Policy (Protection of the Ozone Layer) (*Gazette S193, 5 November 2001*)

*Financial Management Act 1994:*

Report from the Minister for Environment and Conservation that she had received the 2000–2001 annual report of Casey's Weir and Major Creek Rural Water Authority

Reports from the Minister for Health that he had received the 2000–2001 annual reports of the:  
Alexandra District Hospital

Otway Health and Community Services

Queen Elizabeth Centre

Report from the Premier that he had received the 2000–2001 annual report of the Victorian Interpreting and Translating Services

*Financial Management Act 1994* — Budget Sector — Quarterly Financial Report No 1 for the period ended 30 September 2001

Gippsland Southern Health Service — Report for the year 2000–2001

Hepburn Health Service — Report for the year 2000–2001

Kilmore and District Hospital — Report for the year 2000–2001

*Legal Practice Act 1996* — Notice of proposed appointments to the Legal Practice Board pursuant to s 352(4)

*Melbourne City Link Act 1995:*

City Link and Extension Projects Integration and Facilitation Agreement Seventh Amending Deed

Exhibition Street Extension Fourth Amending Deed

Melbourne City Link Fifteenth Amending Deed

Mental Health Review Board and Psychosurgery Review Board — Report for the year 2000–2001 (two papers)

Numurkah District Health Service — Report for the year 2000–2001

Ombudsman — Report of the Office for the year 2000–2001 — Ordered to be printed

*Parliamentary Committees Act 1968:*

Response of the Attorney-General on the action taken with respect to the recommendations made by the Law Reform Committee's Review of the *Theatres Act 1958*

Response of the Minister for Finance on the action taken with respect to the recommendations made by the Public Accounts and Estimates Committee's report on the 1999–2000 Budget Outcome

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

- Banyule Planning Scheme — No C16
- Boroondara Planning Scheme — No C15
- Brimbank Planning Scheme — No C37
- Cardinia Planning Scheme — No C21 Part 1
- Corangamite Planning Scheme — No C1
- Darebin Planning Scheme — Nos C29, C34
- Greater Geelong Planning Scheme — No C16
- Hobsons Bay Planning Scheme — Nos C12, C14
- Kingston Planning Scheme — No C13
- Loddon Planning Scheme — No C4
- Moonee Valley Planning Scheme — No C24
- Mornington Peninsula Planning Scheme — No C34
- Southern Grampians Planning Scheme — No C1
- Stonnington Planning Scheme — No C19
- Wellington Planning Scheme — No C3
- Whittlesea Planning Scheme — No C3

Seymour District Memorial Hospital — Report for the year 2000–2001

Statutory Rules under the following Acts:

- Adoption Act 1984* — SR No 116
- Agricultural Industry Development Act 1990* — SR No 114
- Credit (Administration) Act 1984* — SR No 117
- Environment Protection Act 1970* — SR No 119
- Fisheries Act 1995* — SR No 118
- Patriotic Funds Act 1958* — SR No 120
- Subordinate Legislation Act 1994* — SR No 115

*Subordinate Legislation Act 1994:*

Minister's exemption certificate in relation to Statutory Rule No 115

Ministers' exemption certificates in relation to Statutory Rule Nos 114, 116, 117, 120

*The Constitution Act Amendment Act 1958* — Statement of functions conferred on the Electoral Commissioner, dated 7 November 2001

Wimmera Health Care Group — Report for the year 2000–2001

Yarrawonga District Health Service — Report for the year 2000–2001

The following proclamations fixing operative dates were laid upon the Table by the Clerk pursuant to an Order of the House dated 3 November 1999:

*Health Records Act 2001* — Sections 1 to 6, Part 4, and sections 84, 87 (except paragraphs (c) to (j), (l), (p) and (s)), 88, 89, 90, 91, 94, 100, 105 (except paragraphs (a), (b), (e)(ii), (l) and (m)), 107 (except paragraphs (a) and (d)), 111 (2) (except paragraph (b)), 111(3) and 111(5) on 16 November 2001 (*Gazette G46, 15 November 2001*)

*Statute Law Amendment (Relationships) Act 2001* — Remaining provisions on 8 November 2001 (*Gazette G45, 8 November 2001*).

5 **MESSAGE FROM THE LIEUTENANT-GOVERNOR — ASSENT TO BILL** — Informing the Assembly that she had, on 14 November 2001, given the royal assent to the Marine Safety Legislation (Lakes Hume and Mulwala) Bill, presented to her by the Clerk of the Parliaments.

6 **MESSAGES FROM THE GOVERNOR** — The Speaker announced the presentation of messages from the Governor recommending appropriations for the purposes of the following bills:

Accident Compensation (Amendment) Bill  
 Animals Legislation (Responsible Ownership) Bill  
 Audit (Further Amendment) Bill  
 Film Bill  
 House Contracts Guarantee (HIH Further Amendment) Bill  
 Liquor Control Reform (Prohibited Products) Bill  
 Marine (Hire and Drive Vessels) Bill  
 Second-Hand Dealers and Pawnbrokers (Amendment) Bill  
 Victorian Institute of Teaching Bill.

7 **SUSPENSION OF STANDING AND SESSIONAL ORDERS** — Motion made, by leave, and question — That so much of Standing and Sessional Orders be suspended on Wednesday 21 November 2001 so as to allow, in substitution of a Matter of Public Importance pursuant to Sessional Order 9, Government Business to be considered after Statements by Members (*Mr Batchelor*) — put and agreed to.

8 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, pursuant to Sessional Order 6(3), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 22 November 2001:

Sentencing (Emergency Service Costs) Bill  
 Transport (Alcohol and Drug Controls) Bill  
 Petroleum (Submerged Lands) (Amendment) Bill  
 Road Safety (Further Amendment) Bill  
 Marine (Hire and Drive Vessels) Bill  
 Animals Legislation (Responsible Ownership) Bill  
 Victorian Institute of Teaching Bill  
 Film Bill  
 Accident Compensation (Amendment) Bill.

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

- 9 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 10 **SENTENCING (EMERGENCY SERVICE COSTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Motion made and question — That the debate be now adjourned *(Mr Leigh)* — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 11 **TRANSPORT (ALCOHOL AND DRUG CONTROLS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Motion made and question — That the debate be now adjourned *(Mrs Shardey)* — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 12 **PETROLEUM (SUBMERGED LANDS) (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Motion made and question — That the debate be now adjourned *(Ms Burke)* — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 13 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 4, be postponed until later this day.
- 14 **ROAD SAFETY (FURTHER AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.
- Pursuant to Sessional Orders, Mr Hamilton announced that it was proposed to move an amendment in Committee and requested that it be circulated. Amendment circulated.
- Pursuant to Sessional Orders, Mr Steggall announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.
- Debate resumed on question — That this Bill be now read a second time.
- Motion made and question — That the debate be now adjourned *(Mr Spry)* — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 15 **MARINE (HIRE AND DRIVE VESSELS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Business having been interrupted at 10.00 pm pursuant to Sessional Orders.*
- Motion made and question — That the sitting be continued *(Ms Delahunty, Northcote)* — put and agreed to.



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

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in place thereof the words 'this Bill be withdrawn and redrafted to provide for a powerboat licence to only be required when operating a vessel that is propelled by mechanical power capable of producing a speed of at least 10 knots, and to resolve the present border anomaly which exists with New South Wales' (*Mr Steggall*) — and, after debate —

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

Ordered — That the debate be adjourned until tomorrow.

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

State Taxation Legislation (Amendment) Bill  
Health Services (Conciliation and Review) (Amendment) Bill.

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

- 18 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

And the House, at 11.08 pm, adjourned until tomorrow.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

## No 119 — Wednesday 21 November 2001

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:

**Home Loan Schemes** — Seeking that the Government sponsored Home Loan Schemes under the flawed new lending instrument called Capital Indexed Loans sold since 1984/85 under the sub-headings — CAPIL, Deferred Interest Scheme (DIS), Indexed Repayment Loan (IRL), Home Opportunity Loan Scheme (HOLS) and Shared Home Opportunity Scheme (SHOS) — (a) be recalculated; (b) have payment and interest set at affordable levels; and (c) be amended in order to assist the low income bracket Victorians the loans were meant to assist, bearing 7 signatures (*by Mr Maughan*).

Ordered to lie on the Table.

3 PAPERS —

**PARLIAMENTARY DEPARTMENTS' REPORTS** — Motion made, by leave, and question — That there be presented to this House a copy of the Reports of the Department of the Legislative Assembly, Department of the Parliamentary Library, Department of Parliamentary Debates and Joint Services Department for the year 2000–2001 (*Mrs Maddigan*) — put and agreed to.

The said reports were presented by Mrs Maddigan and ordered to lie on the Table.

**ENVIRONMENT AND NATURAL RESOURCES COMMITTEE** — Mr Seitz, Chair, brought up a report from the Environment and Natural Resources Committee upon the Inquiry into the Allocation of Water Resources, together with appendices.

Ordered to lie on the Table and to be printed.

**PAPER BY COMMAND OF THE GOVERNOR** —

Mr Hulls presented by Command of the Governor:

Children's Court of Victoria — Report for the year 2000–2001

Ordered to lie on the Table.

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

Adult Parole Board — Report for the year 2000–2001

Auditor-General — Performance Audit Report — Teacher work force planning — Ordered to be printed

Glenelg-Hopkins Catchment Management Authority — Report for the year 2000–2001

Goulburn Valley Health — Report for the year 2000–2001

Housing Guarantee Fund Ltd — Report for the year 2000–2001

*Members of Parliament (Register of Interests) Act 1978* — Cumulative Summary of Returns September 2001 — Ordered to be printed

Victoria Law Foundation — Report for the year 2000–2001.

4 STATEMENTS BY MEMBERS — Statements by members were made.

5 **CRIMES (WORKPLACE DEATHS AND SERIOUS INJURIES) BILL** — Mr Hulls obtained leave, with Mr Haermeyer, to bring in a Bill 'to amend the *Crimes Act 1958* to create new offences of corporate manslaughter and negligently causing serious injury by a body corporate, to amend the *Dangerous Goods Act 1985*, the *Equipment (Public Safety) Act 1994*, the *Occupational Health and Safety Act 1985*, the *Magistrates' Court Act 1989* and the *Accident Compensation Act 1985* and for other purposes'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.

- 6 **VICTORIAN INSTITUTE OF TEACHING BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Pursuant to Sessional Orders, Mr Honeywood announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

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

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

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

- 7 **ANIMALS LEGISLATION (RESPONSIBLE OWNERSHIP) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Mr Hamilton announced that it was proposed to move an amendment in Committee and requested that it be circulated. Amendment circulated.

Pursuant to Sessional Orders, Mr McArthur announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

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

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

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

*Business having been interrupted at 2.00 pm pursuant to Sessional Orders.*

- 8 **QUESTIONS** — (Pursuant to Standing Order No 124).

- 9 **SENTENCING (EMERGENCY SERVICE COSTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

- 10 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Legal Aid (Amendment) Bill without amendment.

- 11 **PETROLEUM (SUBMERGED LANDS) (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 12 **VICTORIAN INSTITUTE OF TEACHING BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

- 13 **SENTENCING (EMERGENCY SERVICE COSTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 14 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Melbourne City Link (Further Amendment) Bill without amendment.

- 15 **VICTORIAN INSTITUTE OF TEACHING BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm pursuant to Sessional Orders.*

- 16 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.47 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

## No 120 — Thursday 22 November 2001

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Auditor-General — Report on the Finances of the State of Victoria for the year 2000–2001 — Ordered to be printed

Auditor-General — Report of the Office for the year 2000–2001

Bethlehem Hospital Inc — Report for the year 2000–2001

*Environment Protection Act 1970* — Order varying State Environment Protection Policy (Waters of Victoria) (*Gazette S192, 2 November 2001*)

Intellectual Disability Review Panel — Report for the year 2000–2001

*Members of Parliament (Register of Interests) Act 1978 — Cumulative Summary of Returns September 2001 (in lieu of Report previously tabled on Wednesday 21 November 2001) — Ordered to be printed*

Mercy Public Hospitals Incorporated — Report for the year 2000–2001 (three papers)

*Parliamentary Committees Act 1968:*

Response of the Minister for WorkCover on the action taken with respect to the recommendations made by the Economic Development Committee's Report into WorkCover Premiums for 2000–2001

Public Prosecutions — Report of the Director, Committee and Office for the year 2000–2001

Southern Health — Report for the year 2000–2001.

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

4 **FILM BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

5 **ACCIDENT COMPENSATION (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Mr Cameron announced that it was proposed to move an amendment in Committee and requested that it be circulated. Amendment circulated.

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

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

6 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 3 to 6 inclusive, be postponed until later this day.

7 **VICTORIAN INSTITUTE OF TEACHING BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Ms Delahunty (*Northcote*) announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

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

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

- 8 **ACCIDENT COMPENSATION (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm pursuant to Sessional Orders.*

- 9 **QUESTIONS** — (Pursuant to Standing Order No 124).

- 10 **ACCIDENT COMPENSATION (AMENDMENT) BILL** — Debate continued on question — That this Bill be now read a second time.

Bill read a second time and committed; considered in Committee and reported with an amendment; as amended, considered, and amendment agreed to; read a third time.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 11 **VICTORIAN INSTITUTE OF TEACHING BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and committed; considered in Committee.

*Allocation of time — The Acting Chairman of Committees advised that the time allocated for consideration of bills pursuant to resolution of the House on Tuesday 20 November 2001 had expired.*

Bill reported with amendments.

Question — That the House agrees to the amendments made by the Committee, the Bill be read a third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 12 **TRANSPORT (ALCOHOL AND DRUG CONTROLS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

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

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 13 **ANIMALS LEGISLATION (RESPONSIBLE OWNERSHIP) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time, the Government amendment be agreed to, the Bill be read a third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 14 **ROAD SAFETY (FURTHER AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time, the Government amendment be agreed to, the Bill be read a third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 15 **MARINE (HIRE AND DRIVE VESSELS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time — *and on the amendment* — That all the words after 'That' be omitted with the view of inserting in place thereof the words 'this Bill be withdrawn and redrafted to provide for a powerboat licence to only be required when operating a vessel that is propelled by mechanical power capable of producing a speed of at least 10 knots, and to resolve the present border anomaly which exists with New South Wales'.

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

The House divided.

AYES 80

Ms Allan (*Bendigo East*); Ms Allen (*Benalla*); Ms Asher; Mr Ashley; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Ms Burke; Mr Cameron; Ms Campbell; Mr Carli; Mr Clark; Mr Cooper; Ms Davies; Dr Dean; Ms Delahunty (*Northcote*); Mr Dixon; Mr Doyle; Ms Duncan; Ms Fyffe; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Hardman; Mr Helper; Mr Holding; Mr Honeywood; Mr Howard; Mr Hulls; Mr Ingram; Ms Kosky; Mr Kotsiras; Mr Languiller; Mr Leigh; Mr Leighton; Mr Lenders; Mr Lim; Ms Lindell; Mr Loney; Mr Lupton; Mr McArthur; Ms McCall; Mr McIntosh; Mr Maclellan; Mrs Maddigan; Mr Maxfield; Mr Mildenhall; Mr Mulder; Dr Napthine; Mr Nardella; Ms Overington; Mr Pandazopoulos; Mr Paterson; Mr Perton; Mrs Peulich; Mr Phillips; Ms Pike; Mr Plowman; Mr Richardson; Mr Robinson; Mr Rowe; Mr Savage; Mr Seitz; Mrs Shardey; Mr Spry; Mr Stensholt; Mr Thompson; Mr Thwaites; Mr Trezise; Mr Viney; Mr Vogels; Mr Wells; Mr Wilson; Mr Wynne. Tellers: Mr Langdon; Mr Smith.

NOES 6

Mr Jasper; Mr Kilgour; Mr Ryan; Mr Steggall. Tellers: Mr Delahunty (*Wimmera*); Mr Maughan.

And so it was resolved in the affirmative.

Question — That this Bill be now read a second and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 16 **CRIMES (WORKPLACE DEATHS AND SERIOUS INJURIES) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

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

Ordered — That the debate be adjourned until Thursday 6 December 2001.

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

18 ADJOURNMENT — Resolved, after debate — That the House do now adjourn.

And the House, at 5.40 pm, adjourned until Tuesday 27 November 2001.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*



# LEGISLATIVE ASSEMBLY OF VICTORIA

## VOTES AND PROCEEDINGS Nos 121, 122 and 123

### No 121 — Tuesday 27 November 2001

- 1 The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 3 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Leniency in Sentencing Offenders** — Seeking that the Government enacts one law which covers all perpetrators of crime, bearing 298 signatures (*by Mr Ingram*)

**Proposed Sale of 55 Palmers Road, Lakes Entrance** — Seeking that a deferment of 18 months be implemented to the proposed sale by the East Gippsland Shire of the property at 55 Palmers Road, Lakes Entrance so as to provide residents and community organisations the opportunity to fully explore and present options for community use of the property, bearing 1,709 signatures (*by Mr Ingram*)

**Park Road and the Eastern Freeway Extension to Ringwood** — Seeking that the Minister for Transport takes all necessary steps to ensure that there is no vehicle connectivity between Park Road and the Eastern Freeway extension to Ringwood, bearing 478 signatures (*by Mr Honeywood*)

**Landt Hostel, Warracknabeal** — Seeking that the Minister for Health intervenes and instructs the Board of Northwest Health to stop the removal of six beds from the Landt Hostel in Warracknabeal, bearing 552 signatures (*by Mr Delahunty, Wimmera*).

Severally ordered to lie on the Table.

- 4 **PETITION — LANDT HOSTEL, WARRACKNABEAL** — Motion made and question — That the petition presented by the Member for Wimmera relating to the Landt Hostel, Warracknabeal be taken into consideration tomorrow (*Mr Delahunty, Wimmera*) — put and agreed to.
- 5 **PAPERS** —

**NATIONAL ROAD TRANSPORT COMMISSION** — Motion made, by leave, and question — That there be presented to this House the Report of the National Road Transport Commission for the year 2000–2001 (*Mr Batchelor*) — put and agreed to.

The said report was presented by Mr Batchelor and ordered to lie on the Table.

**RESPONSE BY THE MINISTER FOR FINANCE TO THE AUDITOR-GENERAL'S REPORTS** — Motion made, by leave, and question — That there be presented to this House the Minister for Finance's Response to the Auditor-General's Reports issued during the year 2000–2001 (*Ms Kosky*) — put and agreed to.

The said response was presented by Ms Kosky and ordered to lie on the Table.

**DRUGS AND CRIME PREVENTION COMMITTEE** — Mr Wynne, brought up a report from the Drugs and Crime Prevention Committee entitled Reporting Crime in the Melbourne Central Business District, 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** — Mr Loney, Chair, brought up a report from the Public Accounts and Estimates Committee on the 2001–2002 Budget Estimates, together with appendices, extracts from the proceedings of the Committee, and minutes of evidence.

Ordered to lie on the Table and the report, appendices and extracts from the proceedings of the Committee to be printed.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Ms Gillett, Chair, brought up a report from the Scrutiny of Acts and Regulations Committee upon the Inquiry into the *Summary Offences Act 1966*, 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:

*Audit Act 1994* — Report of the Auditor-General on Public Sector Agencies — financial statement audits for the year 2000–2001 — Ordered to be printed

Ballarat Health Services — Report for the year 2000–2001

Consumer and Business Affairs Victoria — Report for the year 2000–2001 — Ordered to be printed

East Wimmera Health Service — Report for the year 2000–2001

Edenhope and District Memorial Hospital — Report for the year 2000–2001

*Financial Management Act 1994*:

Reports from the Minister for Health that he had received the 2000–2001 annual reports of the:  
Chiropractors Registration Board of Victoria  
Physiotherapists Registration Board of Victoria  
Podiatrists Registration Board of Victoria

*Legal Practice Act 1996* — Practitioner Remuneration Order pursuant to s 113

Mildura Cemetery Trust — Report for the year 2000

Nurses Board of Victoria — Report for the year 2000–2001

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

Banyule Planning Scheme — No C9  
 Horsham Planning Scheme — No C2  
 Victoria Planning Provisions — No VC14

Stawell Regional Health — Report for the year 2000–2001.

- 6 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Marine (Further Amendment) Bill without amendment.
- 7 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Judicial Remuneration Tribunal (Amendment) Bill with amendments.

Ordered — That the said amendments be printed and taken into consideration tomorrow.

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

Health Services (Conciliation and Review) (Amendment) Bill  
 Legal Aid (Amendment) Bill  
 Marine (Further Amendment) Bill  
 Melbourne City Link (Further Amendment) Bill  
 State Taxation Legislation (Amendment) Bill.

- 9 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, pursuant to Sessional Order 6(3), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 29 November 2001:

Energy Legislation (Miscellaneous Amendments) Bill  
 Fair Trading (Unconscionable Conduct) Bill  
 House Contracts Guarantee (HIH Further Amendment) Bill  
 Liquor Control Reform (Prohibited Products) Bill  
 Audit (Further Amendment) Bill  
 Second-Hand Dealers and Pawnbrokers (Amendment) Bill  
 Country Fire Authority (Miscellaneous Amendments) Bill  
 Livestock Disease Control (Amendment) Bill  
 Auction Sales (Repeal) Bill

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

- 10 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 11 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 1, be postponed until later this day.
- 12 **FAIR TRADING (UNCONSCIONABLE CONDUCT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

- 13 **HOUSE CONTRACTS GUARANTEE (HIH FURTHER AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Mr Clark announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

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

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

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

- 14 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 4, be postponed until later this day.

- 15 **AUDIT (FURTHER AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Mr Clark announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

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

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

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

- 16 **SECOND-HAND DEALERS AND PAWNBROKERS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

- 17 **COUNTRY FIRE AUTHORITY (MISCELLANEOUS AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Ms Delahunty (*Northcote*) announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

Pursuant to Sessional Orders, Mr Wells announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

Pursuant to Sessional Orders, Mr Kilgour announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

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

*Business having been interrupted at 10.00 pm pursuant to Sessional Orders.*

Motion made and question — That the sitting be continued (*Ms Delahunty, Northcote*) — put and agreed to.

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

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

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

- 18 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Water (Irrigation Farm Dams) Bill with amendments.

Ordered — That the said amendments be printed and taken into consideration tomorrow.

- 19 **LIVESTOCK DISEASE CONTROL (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Ordered — That the debate be adjourned until tomorrow.

- 20 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Not insisting on their amendments in the Victorian Environmental Assessment Council Bill and agreeing to the amendments made by the Legislative Assembly in the Bill.

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

- 22 **ADJOURNMENT** — Motion made and question proposed — That the House do now adjourn (*Mr Hamilton*) — and, after debate —

And the House having continued to sit after 12 midnight —

WEDNESDAY 28 NOVEMBER 2001

Question — put and agreed to.

And the House, at 12.23 am, adjourned until later this day.

## No 122 — Wednesday 28 November 2001

1 The Speaker took the Chair and read the Prayer.

2 **PAPERS —**

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — Mr Loney, Chair, brought up a report from the Public Accounts and Estimates Committee upon the Review of the Auditor-General's Special Report No 43 — Protecting Victoria's Children: The role of the Department of Human Services, together with appendices and minutes of evidence.

Ordered to lie on the Table and the report and appendices to be printed.

**PAPER BY COMMAND OF THE GOVERNOR —**

Mr Bracks presented by Command of the Governor:

Report of the Metropolitan Ambulance Service Royal Commission, Volumes 2 to 5, November 2001 and Summary Volume, November 2001.

Ordered to lie on the Table and to be printed.

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

Auditor-General — Performance Audit Reports:

Departmental performance management and reporting — Ordered to be printed

Management of claims by the Victorian WorkCover Authority — Ordered to be printed

Statutory Rule under the *Gaming Machine Control Act 1991* — SR No 121

Victorian Institute of Forensic Mental Health — Report for the year 2000–2001.

3 **SUSPENSION OF STANDING AND SESSIONAL ORDERS** — Motion made, by leave, and question — That so much of Standing and Sessional Orders be suspended on Wednesday 28 November 2001 so as to allow:

- (1) After statements by members, in lieu of part of the period of two-and-a-half hours provided by Sessional Order 9:
  - (a) General Business Order of the Day No 76 relating to the Scotch College Common Funds Bill (the Bill) to be considered; and
  - (b) Consideration of the remaining stages of the Bill.
- (2) In the balance of the period of two-and-a-half hours, a matter of public importance pursuant to Sessional Order 9 to be proposed and discussed.
- (3) In the event of General Business Order No 76 or discussion on any remaining stages of the Bill not being disposed with at the conclusion of the two-and-a-half hour period, the Bill shall be set down on the Notice Paper for the next sitting and any member speaking at the time of interruption may, upon the resumption of debate thereon, continue such speech.

(*Mr Batchelor*) — put and agreed to.

4 **SUSPENSION OF STANDING AND SESSIONAL ORDERS** — Motion made, by leave, and question — That so much of Standing and Sessional Orders be suspended today so as to allow:

- (1) A motion 'That the House takes note of the Report of the Metropolitan Ambulance Service Royal Commission, Volumes 2 to 5, November 2001 and Summary Volume, November 2001' to be moved immediately at the conclusion of Questions Without Notice today.
- (2) Debate on the motion shall not exceed two hours. The Speaker shall put the question forthwith at the expiration of that time period, or sooner if there be no further debate.
- (3) In the event of business being interrupted today pursuant to Sessional Order 3 at 2.00 pm and not disposed of, the House shall, at the conclusion of debate on the motion, immediately resume debate on such business. The member speaking at the time of interruption may, upon the resumption of debate thereon, continue such speech.

(*Mr Batchelor*) — put and agreed to.

5 **SUSPENSION OF STANDING AND SESSIONAL ORDERS** — Motion made, by leave, and question — That so much of Standing and Sessional Orders be suspended today so as to allow General Business, Notice of Motion, No 75, to be moved forthwith (*Ms Davies*) — put and agreed to.

6 **GAMING AND TOBACCO ACTS (AMENDMENT) BILL** — Ms Davies obtained leave, with Mr Savage, to bring in a Bill 'to amend the *Casino Control Act 1991*, the *Gaming Machine Control Act 1991* and the *Tobacco Act 1987* to further regulate gaming and prohibit smoking in places where gaming machines are played and for other purposes'; and the said Bill was read a first time, ordered to be printed and, by leave, read a second time forthwith.

7 **GAMING AND TOBACCO ACTS (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Davies*).

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

Ordered — That the debate be adjourned until Wednesday 12 December 2001.

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

9 **SCOTCH COLLEGE COMMON FUNDS BILL** — Mr Doyle obtained leave, with Mr Paterson, to bring in a Bill 'to enable Scotch College to establish investment common funds for the collective investment of trust funds and for other purposes'; and the said Bill was read a first time, ordered to be printed and, by leave, read a second time forthwith.

10 **SCOTCH COLLEGE COMMON FUNDS BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Doyle*).

The Deputy Speaker announced that the Speaker had ruled the Bill to be a private bill.

Motion made and question — That this Bill be treated as a public bill (*Mr Doyle*) — put and agreed to.

The Deputy Speaker advised the House that a deposit of \$1,000 had been paid to the Department of the Legislative Assembly, pursuant to Standing Order 168(d) to meet the expenses involved in the passage of the Bill.

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

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 11 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — COMMISSIONER OF ECOLOGICALLY SUSTAINABLE DEVELOPMENT** — The House was informed that Mr Perton had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House notes the Government's failure to meet its promise to establish the office of Commissioner of Ecologically Sustainable Development who would have produced a Victorian State of the Environment Report and provided an independent audit of the Government's compliance with environmental legislation including the *Flora and Fauna Guarantee Act*.'

Mr Perton addressed the House — Discussion ensued.

- 12 **ROAD SAFETY (ALCOHOL INTERLOCKS) BILL** — Mr Batchelor obtained leave, with Mr Thwaites, to bring in a Bill 'to amend the *Road Safety Act 1986* and the *Sentencing Act 1991* with respect to the use of alcohol interlocks as a condition of granting a driver licence or permit to certain disqualified drivers and for other purposes'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 13 **FORENSIC HEALTH LEGISLATION (AMENDMENT) BILL** — Mr Thwaites, after debate, obtained leave with Ms Pike, to bring in a Bill 'to amend the *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997*, the *Control of Weapons Act 1990*, the *Intellectually Disabled Persons' Services Act 1986* and the *Mental Health Act 1986* with respect to security patients and persons subject to supervision and for other purposes'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 14 **SENTENCING (AMENDMENT) BILL** — Mr Hulls obtained leave, with Ms Pike, to bring in a Bill 'to amend the *Sentencing Act 1991* to provide for a drug treatment order as a new sentencing order, to amend the *Magistrates' Court Act 1989* to establish a Drug Court Division of the Magistrates' Court, to amend the *Corrections Act 1986* with respect to the custody of a person subject to a drug treatment order and for other purposes'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 15 **CRIMES (DNA DATABASE) BILL** — Mr Hulls, after debate, obtained leave with Ms Pike, to bring in a Bill 'to amend the *Crimes Act 1958* with respect to forensic samples and for other purposes'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 16 **PARLIAMENTARY COMMITTEES REFERENCES** — Motion made and question — That pursuant to the *Parliamentary Committees Act 1968*, the following matters be referred to the undermentioned Joint Investigatory Committees:

- (1) To the Road Safety Committee — for inquiry, consideration and report by 30 April 2003 on:



- (a) The incidence, causes and appropriate means of addressing road crashes involving vehicles leaving the road and colliding with roadside objects;
- (b) The liability and accountability issues relating to roadside utility poles, trees and other fixed objects;
- (c) Appropriate risk management guidelines and practices for roadside hazard management in various speed zones; and
- (d) The need for change to legislation or statutory requirements to implement any recommendations made as a result of this Inquiry.

In conducting the Inquiry, the Committee is to seek information from Government and non-Government Agencies, motoring and environmental organisations, local government, utility companies, the community and any other body responsible for the placement or removal of roadside objects. In particular, the Committee is requested to examine practices in other jurisdictions.

- (2) To the Road Safety Committee — for inquiry, consideration and report by 31 October 2002 on the factors influencing the fluctuations in the number and severity of crashes involving death and serious injury on Victorian roads from 1988 until the present, and in particular to:
  - (a) Examine the death and serious injury rates amongst pedestrians, passengers, motorcyclists and over 50-year-olds from 1988 until the present;
  - (b) Examine the effect of public advertising campaigns on changing road user behaviour and reducing road trauma from 1988 until the present;
  - (c) Examine the impact on road safety of Government policy, and of legislative and regulatory changes, from 1988 until the present; and
  - (d) Investigate and consider measures that would improve driver behaviour, including enforcement activities.
- (3) To the Law Reform Committee — for inquiry, consideration and report by 30 September 2002 on industry sectors, in particular hairdressing, removalists, carpet cleaners and whitegood retailers, to see where mandatory codes should be introduced to protect consumers dealing with these industries.
- (4) To the Law Reform Committee — for inquiry, consideration and report by 30 September 2003 on the *Administration and Probate Act 1958* and in particular to have regard to issues including, but not limited to:
  - (a) The desirability of new legislation and procedures to deal with the administration of a deceased person's estate;
  - (b) Whether the Act should be amended to provide alternative mechanisms for the resolution of disputes that involve small estates;
  - (c) Whether the Magistrates' Court and the County Court should also be given jurisdiction to deal with grants of probate and administration and deal with disputes relating to wills; and

- 
- (d) Whether amendments are necessary in relation to the charges and commissions of solicitors who also act as executors.
- (5) To the Law Reform Committee — for inquiry, consideration and report by 30 September 2002 on the system of oaths and oath taking in Victorian courts and the making of statutory declarations and affidavits with reference to the multicultural community and in particular to have regard to issues including, but not limited to:
- (a) The significance of sacred texts to witnesses, other parties and jury members of particular faiths;
  - (b) The provision of a sufficient range of appropriate texts and minimum standards in this regard for all Victorian jurisdictions;
  - (c) The provision of cultural awareness training to all court staff and persons before whom affidavits are sworn and the development of appropriate and sensitive practice by all such persons; and
  - (d) Whether the classes or groups of people currently permitted to witness affidavits and statutory declarations are sufficiently accessible to, and reflective of, the diversity of the Victorian community.
- (6) To the Environment and Natural Resources Committee — for inquiry, consideration and report by 30 September 2002 on:
- (a) The impact of European Carp in Victorian waterways;
  - (b) The options for the long-term management and eradication of carp from Victorian waterways which support the protection of native flora, fauna and habitat; and
  - (c) The identification of new and emerging industries that can utilise carp, consistent with the protection of native flora, fauna and habitat.
- (7) To the Family and Community Development Committee — for inquiry, consideration and report by 30 September 2002 on:
- (a) The current conditions that clothing outworkers work under. Such examination should include, but is not limited to, consideration of:
    - (i) terms and conditions of engagement;
    - (ii) health and safety issues; and
    - (iii) social integration issues.
  - (b) Current forms of community engagement by Victorian Councils and ways to enhance and promote greater community engagement within existing Councils as part of their governance arrangements.
- (8) To the Drugs and Crime Prevention Committee — for inquiry, consideration and report by 30 September 2002 on:
- (a) The extent and nature of fraud and white-collar crime in Victoria;

- (b) The impact of new technology supporting e-commerce on the opportunities for fraud;
- (c) The current and proposed State, Commonwealth and international strategies and initiatives in relation to dealing with fraud and white-collar crime; and
- (d) The need for policy and legislative reform to combat fraud and white-collar crime in Victoria.

(*Mr Batchelor*) — put and agreed to.

*Business having been interrupted at 2.00 pm pursuant to Sessional Orders.*

17 **QUESTIONS** — (Pursuant to Standing Order No 124).

18 **METROPOLITAN AMBULANCE SERVICE ROYAL COMMISSION REPORT** — Motion made and question — That this House takes note of the Report of the Metropolitan Ambulance Service Royal Commission, Volumes 2 to 5, November 2001 and Summary Volume, November 2001 (*Mr Bracks*) — put, after debate, and agreed to.

19 **LIQUOR CONTROL REFORM (PROHIBITED PRODUCTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Mr Hamilton announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

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

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

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

20 **AUCTION SALES (REPEAL) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Mr Hamilton announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

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

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

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

21 **ENERGY LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

- 22 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Victorian Institute of Teaching Bill with amendments.

Ordered — That the said amendments be printed and taken into consideration tomorrow.

- 23 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 4, be postponed until later this day.

- 24 **JUDICIAL REMUNERATION TRIBUNAL (AMENDMENT) BILL** — Order read for the consideration of the amendments made by the Legislative Council.

The said amendments were read a second time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Motion made and question — That the amendments be disagreed with (*Mr Hulls*) — after debate, put.

The House divided.

AYES 46

Ms Allan (*Bendigo East*); Ms Allen (*Benalla*); Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Ms Davies; Ms Delahunty (*Northcote*); Ms Duncan; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Hardman; Mr Helper; Mr Howard; Mr Hulls; Mr Ingram; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lenders; Mr Lim; Ms Lindell; Mr Loney; Mrs Maddigan; Mr Maxfield; Mr Mildenhall; Mr Nardella; Ms Overington; Mr Pandazopoulos; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Viney; Mr Wynne. Tellers: Mr Holding; Mr Langdon.

NOES 38

Ms Asher; Mr Ashley; Mr Baillieu; Ms Burke; Mr Clark; Mr Cooper; Dr Dean; Mr Delahunty (*Wimmera*); Mr Dixon; Mr Doyle; Mrs Fyffe; Mr Honeywood; Mr Kilgour; Mr Kotsiras; Mr Leigh; Mr Lupton; Mr McArthur; Ms McCall; Mr McIntosh; Mr Maclellan; Mr Mulder; Dr Napthine; Mr Paterson; Mr Perton; Mrs Peulich; Mr Phillips; Mr Plowman; Mr Richardson; Mr Ryan; Mrs Shardey; Mr Spry; Mr Steggall; Mr Thompson; Mr Vogels; Mr Wells; Mr Wilson. Tellers: Mr Maughan; Mr Smith.

And so it was resolved in the affirmative.

Ordered — That a message be sent to the Legislative Council acquainting them that the Legislative Assembly has disagreed with the said amendments.

- 25 **FAIR TRADING (UNCONSCIONABLE CONDUCT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 26 **SECOND-HAND DEALERS AND PAWNBROKERS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 27 **LIVESTOCK DISEASE CONTROL (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Bill read a second time and, by leave, after debate, read a third time.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

*Business having been interrupted at 10.00 pm pursuant to Sessional Orders.*

- 28 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.37 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

## **No 123 — Thursday 29 November 2001**

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Park Road, Donvale and Eastern Freeway Extension** — Seeking that the Minister for Transport takes all necessary steps to ensure that vehicle ramp connectivity is provided at Park Road, Donvale for the Eastern Freeway extension, bearing 301 signatures (*by Mr Perton*)

**Clarendon House Nursing Home, Maryborough District** — Seeking that the House takes urgent action to — (a) provide initial funding this financial year to enable the Maryborough District Health Service to complete the design development stage of the Clarendon House Nursing Home; and (b) provide sufficient capital funding in the May 2002 budget to allow works to commence on the preparation and building of a 45 bed nursing home and acute hospital on the Maryborough Hospital site, bearing 1,662 signatures (*by Mr Helper*).

Severally ordered to lie on the Table.

- 3 **PETITION — PARK ROAD DONVALE AND EASTERN FREEWAY EXTENSION** — Motion made and question — That the petition presented by the Member for Doncaster relating to providing vehicle ramp connectivity at Park Road Donvale for the Eastern Freeway extension be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.

## 4 PAPERS —

**FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE** — Mr Lim, Chair, brought up a report from the Family and Community Development Committee upon the Inquiry into Marketplace Discrimination against Women Consumers, together with minutes of evidence.

Ordered to lie on the Table and the report to be printed.

**PAPER BY COMMAND OF THE GOVERNOR** —

Mr Hulls presented by Command of the Governor:

Supreme Court Judges — Report for the year 2000

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:

Dunmunkle Health Services — Report for the year 2000–2001

East Gippsland Region Water Authority — Report for the year 2000–2001

Far East Gippsland Health and Support Service — Report for the year 2000–2001 (three papers)

*Financial Management Act 1994* — Report from the Minister for Agriculture advising of the delay in tabling the 2000–2001 annual reports of the:

Murray Valley Citrus Marketing Board

Murray Valley Wine Grape Industry Development Committee

Northern Victorian Fresh Tomato Industry Development Committee

*Freedom of Information Act 1982* — Report of the Attorney-General on the operation of the Act for the year 2000–2001

Government Superannuation Office — Report for the year 2000–2001

*Intellectually Disabled Persons' Services Act 1986* — Report of the Community Visitors for the year 2000–2001

*Members of Parliament (Register of Interests) Act 1978* — Summary of Variations Notified between 1 October 2001 and 28 November 2001 — Ordered to be printed

*Parliamentary Committees Act 1968*:

Response of the Attorney-General on the action taken with respect to the recommendations made by the Drugs and Crime Prevention Committee's Inquiry into Public Drunkenness

Response of the Premier on the action taken with respect to the recommendations made by the Family and Community Development Committee's Inquiry into the Effects of Television and Multimedia on Children and Families in Victoria

Response of the Minister for Transport on the action taken with respect to the recommendations made by the Road Safety Committee's Inquiry into Victoria's Vehicle Roadworthiness System 2001

*Rural Finance Act 1988:*

Direction by the Treasurer to the Rural Finance Corporation to administer the Farm Business Improvement Program (FarmBis)

Direction by the Treasurer to the Rural Finance Corporation to establish, operate and administer a scheme of assistance for persons affected by changes in the regulation and management of the rock lobster fishing industry under the provisions of the *Fisheries Act 1995*.

- 5 **MESSAGE FROM THE GOVERNOR** — The Speaker announced the presentation of a message from the Governor recommending an appropriation for the purposes of the Crimes (Workplace Deaths and Serious Injuries) Bill.
- 6 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourn until a day and hour to be fixed by the Speaker, which time of meeting shall be notified in writing to each member of the House (*Mr Batchelor*) — put and agreed to.
- 7 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 8 **WATER (IRRIGATION FARM DAMS) BILL** — Order read for the consideration of the amendments made by the Legislative Council.

The said amendments were read a second time.

Motion made and question — That the amendments be disagreed with (*Ms Garbutt*) — after debate, put.

The House divided.

AYES 52

Ms Allan (*Bendigo East*); Ms Allen (*Benalla*); Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Ms Davies; Mr Delahunty (*Wimmera*); Ms Delahunty (*Northcote*); Ms Duncan; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Hardman; Mr Helper; Mr Holding; Mr Howard; Mr Hulls; Mr Ingram; Mr Jasper; Mr Kilgour; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lenders; Mr Lim; Ms Lindell; Mr Loney; Mrs Maddigan; Mr Maxfield; Mr Mildenhall; Mr Nardella; Ms Overington; Mr Pandazopoulos; Ms Pike; Mr Robinson; Mr Ryan; Mr Savage; Mr Seitz; Mr Steggall; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Viney; Mr Wynne. Tellers: Mr Langdon; Mr Maughan.

NOES 34

Ms Asher; Mr Ashley; Mr Baillieu; Ms Burke; Mr Clark; Mr Cooper; Dr Dean; Mr Dixon; Mr Doyle; Mrs Elliott; Mrs Fyffe; Mr Honeywood; Mr Kotsiras; Mr Leigh; Mr Lupton; Mr McArthur; Ms McCall; Mr McIntosh; Dr Naphthine; Mr Paterson; Mr Perton; Mrs Peulich; Mr Phillips; Mr Plowman; Mr Richardson; Mr Rowe; Mrs Shardey; Mr Spry; Mr Thompson; Mr Vogels; Mr Wells; Mr Wilson. Tellers: Mr Mulder; Mr Smith.

And so it was resolved in the affirmative.

Ordered — That a message be sent to the Legislative Council acquainting them that the Legislative Assembly has disagreed to the said amendments.

- 9 **MESSAGE FROM THE GOVERNOR** — The Speaker announced the presentation of a message from the Governor recommending a further appropriation for the purposes of the Victorian Institute of Teaching Bill.

10 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 2, be postponed until later this day.

11 **HOUSE CONTRACTS GUARANTEE (HIH FURTHER AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and committed; considered in Committee and reported without amendment; read a third time.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

12 **VICTORIAN INSTITUTE OF TEACHING BILL** — Order read for the consideration of the amendments made by the Legislative Council.

The said amendments were read a second time.

On the motion of Ms Delahunty (*Northcote*) and, after debate — Amendment No 1 agreed to with an amendment.

On the motion of Ms Delahunty (*Northcote*) and, after debate — Amendment No 2 agreed to with an amendment.

On the motion of Ms Delahunty (*Northcote*) and, after debate — Amendment Nos 3 to 9 disagreed with.

On the motion of Ms Delahunty (*Northcote*) — Amendment No 10 agreed to with an amendment.

On the motion of Ms Delahunty (*Northcote*) — Amendment No 11 agreed to.

On the motion of Ms Delahunty (*Northcote*) and, after debate — Amendment No 12 agreed to with an amendment.

On the motion of Ms Delahunty (*Northcote*) — Amendment Nos 13 to 15 agreed to.

On the motion of Ms Delahunty (*Northcote*) and, after debate — Amendment No 16 agreed to with an amendment.

On the motion of Ms Delahunty (*Northcote*) — Amendment Nos 17 to 19 agreed to.

On the motion of Ms Delahunty (*Northcote*) and, after debate — Amendment No 20 agreed to with an amendment.

On the motion of Ms Delahunty (*Northcote*) — Amendment Nos 21 to 25 disagreed with.

On the motion of Ms Delahunty (*Northcote*) — Amendment No 26 agreed to.

On the motion of Ms Delahunty (*Northcote*) — Amendment Nos 27 to 42 disagreed with.

On the motion of Ms Delahunty (*Northcote*) — Amendment No 43 agreed to with an amendment.



On the motion of Ms Delahunty (*Northcote*) and, after debate — Amendment Nos 44 to 49 disagreed with.

Ordered — That a message be sent to the Legislative Council acquainting them accordingly.

*Business having been interrupted at 2.00 pm pursuant to Sessional Orders.*

13 **QUESTIONS** — (Pursuant to Standing Order No 124).

14 **AUDIT (FURTHER AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Mr Savage announced that it was proposed to move an amendment in Committee and requested that it be circulated. Amendment circulated.

Pursuant to Sessional Orders, Mr Clark announced that it was proposed to move amendments in Committee to the amendment of Mr Savage and requested that they be circulated. Amendments circulated.

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

Bill read a second time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly and committed; considered in Committee.

*Allocation of time — The Chairman of Committees advised that the time allocated for consideration of bills pursuant to resolution of the House on Tuesday 27 November 2001 had expired.*

Bill reported with an amendment.

Question — That the House agrees to the amendment made by the Committee — put and agreed to.

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

15 **LIQUOR CONTROL REFORM (PROHIBITED PRODUCTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time, Government amendments Nos 1 and 2 be agreed to, the Bill be read a third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

16 **AUCTION SALES (REPEAL) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time, Government amendments Nos 1 and 2 be agreed to, the Bill be read a third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

17 **COUNTRY FIRE AUTHORITY (MISCELLANEOUS AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time, Government amendments Nos 1 to 6 inclusive be agreed to, the Bill be read a third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 18 **ENERGY LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 19 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Sentencing (Emergency Service Costs) Bill without amendment.
- 20 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Returning the House Contracts Guarantee (HIH Further Amendment) Bill and suggesting an amendment.

Ordered — That the suggested amendment be printed and taken into consideration forthwith.

- 21 **HOUSE CONTRACTS GUARANTEE (HIH FURTHER AMENDMENT) BILL** — Order read for the consideration of the suggested amendment made by the Legislative Council.

Motion made and question — That this House does not make the suggested amendment (*Ms Kosky*) — after debate, put.

The House divided.

#### AYES 52

Ms Allan (*Bendigo East*); Ms Allen (*Benalla*); Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Ms Davies; Mr Delahunty (*Wimmera*); Ms Delahunty (*Northcote*); Ms Duncan; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Hardman; Mr Helper; Mr Holding; Mr Howard; Mr Hulls; Mr Ingram; Mr Jasper; Mr Kilgour; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lenders; Mr Lim; Ms Lindell; Mr Loney; Mrs Maddigan; Mr Maxfield; Mr Mildenhall; Mr Nardella; Ms Overington; Mr Pandazopoulos; Ms Pike; Mr Robinson; Mr Ryan; Mr Savage; Mr Seitz; Mr Steggall; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Viney; Mr Wynne. Tellers: Mr Langdon; Mr Maughan.

#### NOES 33

Ms Asher; Mr Ashley; Mr Baillieu; Ms Burke; Mr Clark; Mr Cooper; Dr Dean; Mr Doyle; Mrs Elliott; Mrs Fyffe; Mr Honeywood; Mr Kotsiras; Mr Leigh; Mr Lupton; Mr McArthur; Ms McCall; Mr McIntosh; Dr Naphine; Mr Paterson; Mr Perton; Mrs Peulich; Mr Phillips; Mr Plowman; Mr Richardson; Mr Rowe; Mrs Shardey; Mr Spry; Mr Thompson; Mr Vogels; Mr Wells; Mr Wilson. Tellers: Mr Mulder; Mr Smith.

And so it was resolved in the affirmative.

Ordered — That the Bill be returned to the Legislative Council with a message acquainting them accordingly.

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

*Financial Management Act 1994* — Report from the Minister for Environment and Conservation advising of the delay in tabling the 2000–2001 annual reports of the:

Melbourne Parks and Waterways  
EcoRecycle  
Desert Fringe Regional Waste Management Group  
Mildura Regional Waste Management Group.

- 23 **ROAD SAFETY (ALCOHOL INTERLOCKS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).

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

Ordered, after debate — That the debate be adjourned until Thursday 13 December 2001.

- 24 **FORENSIC HEALTH LEGISLATION (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Thwaites*).

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

Ordered — That the debate be adjourned until Thursday 13 December 2001.

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

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

Ordered — That the debate be adjourned until Thursday 13 December 2001.

- 26 **CRIMES (DNA DATABASE) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

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

Ordered — That the debate be adjourned until Thursday 13 December 2001.

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

- 28 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

And the House, at 8.00 pm, adjourned until a day and hour to be fixed by the Speaker, which time of meeting shall be notified in writing to each member of the House.

R W PURDEY  
Clerk of the Legislative Assembly

A ANDRIANOPOULOS  
Speaker

## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 124, 125 and 126

#### No 124 — Tuesday 26 February 2002

- 1 The House met pursuant to the terms of the resolution of 29 November 2001, the Speaker having fixed this day at 2.00 pm as the time of meeting — The Speaker took the Chair and read the Prayer.
- 2 **DEATH OF JACK BRUCE HOLDEN** — The Speaker announced the death of Jack Bruce Holden, Member of the Legislative Assembly for the Electoral District of Moonee Ponds from 1955 to 1967; and, honourable members rose in their places as a mark of respect to the memory of the deceased.
- 3 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 4 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Steel-Jawed Traps** — Seeking that the House enacts legislation to totally ban the manufacture, sale and use of steel-jawed traps in all areas of the State, bearing 91 signatures (*by Mr Carli*)

**Police Presence in either Yarra Junction or Warburton** — Seeking that the House and the Minister for Police and Emergency Services take urgent action to protect the people of Upper Yarra by providing a 24 hour police station at either Yarra Junction or Warburton, bearing 1,394 signatures (*by Mrs Fyffe*)

**Intersection of Frankston-Flinders, Dandenong-Hastings and Denham Roads, Tyabb** — Seeking that urgent action is taken to make the intersection of Frankston-Flinders Road with Dandenong-Hastings Road and Denham Road in Tyabb safer before more lives are lost at the location, bearing 143 signatures (*by Mr Cooper*).

Severally ordered to lie on the Table.

- 5 **PETITION — INTERSECTION OF FRANKSTON-FLINDERS, DANDENONG-HASTINGS AND DENHAM ROADS, TYABB** — Motion made and question — That the petition presented by the Member for Mornington relating to the intersection of Frankston-Flinders Road with Dandenong-Hastings Road and Denham Road in Tyabb be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.
- 6 **PETITION — POLICE PRESENCE IN EITHER YARRA JUNCTION OR WARBURTON** — Motion made and question — That the petition presented by the Member for Evelyn relating to the provision of a 24 hour police station at either Yarra Junction or Warburton be taken into consideration tomorrow (*Mrs Fyffe*) — put and agreed to.

7 **PETITION — STEEL-JAWED TRAPS** — Motion made and question — That the petition presented by the Member for Coburg relating to the manufacture, sale and use of steel-jawed traps be taken into consideration tomorrow (*Mr Carli*) — put and agreed to.

8 **PAPERS —**

**ENVIRONMENT AND NATURAL RESOURCES COMMITTEE** — Mr Seitz, Chair, brought up a report from the Environment and Natural Resources Committee upon the Inquiries into Fisheries Management, 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** — Mr Loney, Chair, brought up the Annual Report for 2000–01 of the Public Accounts and Estimates Committee, together with appendices.

Ordered to lie on the Table and to be printed.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Ms Gillett, Chair, brought up a report from the Scrutiny of Acts and Regulations Committee pursuant to the *Parliamentary Committees Act 1968*, section 4D(cb) concerning the intended declaration and proclamation of the *Classification (Publications, Films and Computer Games) (Enforcement) Act 1995* as a relevant State Act for the purposes of the *Co-operative Schemes (Administrative Actions) Act 2001*.

Ordered to lie on the Table and to be printed.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Ms Gillett, Chair, brought up a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 1 of 2002 on the:

Building (Amendment) Bill  
 Crimes (DNA Database) Bill  
 Crimes (Workplace Deaths and Serious Injuries) Bill  
 Film Bill  
 Forensic Health Legislation (Amendment) Bill  
 Gaming and Tobacco Acts (Amendment) Bill  
 Infertility Treatment (Further Amendment) Bill  
 Marine (Further Amendment) Bill  
 Road Safety (Alcohol Interlocks) Bill  
 Scotch College Common Funds Act  
 Sentencing (Amendment) Bill

together with appendices.

Ordered to lie on the Table and to be printed.

**PAPERS PURSUANT TO STATUTE —**

The Speaker presented:

*BLF (De-recognition) Act 1985* — Fifty-Third Report of the Custodian

Ordered to lie on the Table and to be printed.

The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

*Coastal Management Act 1995* — Victorian Coastal Strategy 2002

*Drugs, Poisons and Controlled Substances Act 1981* — Documents pursuant to s 12H — Poisons Code:

Amendment No 2 to the Standard for the Uniform Scheduling of Drugs and Poisons No 16  
Notice regarding the amendment, commencement and availability of the Poisons Code

EcoRecycle Victoria — Report for the year 2000–01

*Environment Protection Act 1970:*

Order declaring Industrial Waste Management Policy (Movement of Controlled Waste between States and Territories) (*Gazette S222, 6 December 2001*)

Order declaring State Environment Protection Policy (Air Quality Management) (*Gazette S240, 21 December 2001*)

Order varying State Environment Protection Policy (Ambient Air Quality) (*Gazette S240, 21 December 2001*)

*Financial Management Act 1994* — Budget Update for the year 2001–02

*Financial Management Act 1994:*

Report from the Minister for Agriculture that he had received the 2000–01 annual report of the Murray Valley Wine Grape Industry Development Committee

Reports from the Minister for Environment and Conservation that she had not received the 2000–01 annual reports, together with an explanation for the delay in tabling, of the :

Falls Creek Alpine Resort Management Board  
Lake Mountain Alpine Resort Management Board  
Mount Baw Baw Alpine Resort Management Board  
Mount Buller Alpine Resort Management Board  
Mount Hotham Alpine Resort Management Board  
Mount Stirling Alpine Resort Management Board

Reports from the Minister for Health that he had received the 2000–01 annual reports of the:

Casterton Memorial Hospital  
Coleraine District Health Services  
Heywood and District Memorial Hospital  
Moyne Health Services  
O'Connell Family Centre  
Omeo District Hospital  
Optometrists Registration Board  
Terang and Mortlake Health Service

*Fundraising Appeals Act 1998* — Exemption Order pursuant to s 16A

Inner and Eastern Health Care Network — Report for the year 2000–01

*Melbourne City Link Act 1995:*

Order pursuant to s 8(4) decreasing the Project Area (two papers)  
Statement of Variation No 4/2001: Detailed Tolling Strategy

Melbourne Health — Report for the year 2000–01 (two papers)

Hesse Rural Health Service — Report for the year 2000–01

Pharmacy Board of Victoria — Report for the year 2000–01

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

Alpine Planning Scheme — No C6  
 Alpine Resorts Planning Scheme — No C10  
 Ballarat Planning Scheme — Nos C39 Part 1, C43 Part 1, C46  
 Banyule Planning Scheme — Nos C24, C26  
 Bayside Planning Scheme — Nos C1, C22  
 Boroondara Planning Scheme — No C22  
 Brimbank Planning Scheme — Nos C23 Part 1, C27  
 Buloke Planning Scheme — No C3  
 Cardinia Planning Scheme — Nos C6, C21 Part 2, C26  
 Casey Planning Scheme — Nos C17, C26, C33, C36, C40  
 Darebin Planning Scheme — Nos C21, C24, C32  
 Delatite Planning Scheme — No C12  
 East Gippsland Planning Scheme — Nos C4, C5, C10  
 Frankston Planning Scheme — No C14  
 Golden Plains Planning Scheme — No C9  
 Greater Dandenong Planning Scheme — Nos C20, C23, C28, C32  
 Greater Geelong Planning Scheme — Nos C30, C31, C33  
 Greater Shepparton Planning Scheme — Nos C15, C16  
 Hepburn Planning Scheme — Nos C2 Part 1, C10  
 Hobsons Bay Planning Scheme — No C25  
 Horsham Planning Scheme — No C11  
 Indigo Planning Scheme — No C11  
 Kingston Planning Scheme — Nos C15, C18  
 Knox Planning Scheme — No C18  
 La Trobe Planning Scheme — No C6  
 Macedon Ranges Planning Scheme — Nos C2 Part 1, C11  
 Manningham Planning Scheme — Nos C1, C7, C10  
 Maribyrnong Planning Scheme — Nos C5, C18, C19, C24, C25  
 Maroondah Planning Scheme — Nos C20, C24  
 Melbourne Planning Scheme — Nos C19 Part 1, C52, C53, C54, C55  
 Melton Planning Scheme — No C16  
 Mildura Planning Scheme — No C4  
 Mitchell Planning Scheme — Nos C22, C24  
 Moira Planning Scheme — No C5  
 Monash Planning Scheme — No C18  
 Moonee Valley Planning Scheme — No C27  
 Moreland Planning Scheme — Nos C1 Part 1, C10 Part 2, C19, C22  
 Mornington Peninsula Planning Scheme — Nos C18, C37, C38, C39, C41  
 Mornington Planning Scheme — No C19  
 Mount Alexander Planning Scheme — Nos C8 Part 1, C14

Nillumbik Planning Scheme — Nos C7, C8, C16  
Port of Melbourne Planning Scheme — No L33  
Port Phillip Planning Scheme — Nos C6, C33  
Queenscliffe Planning Scheme — Nos C7, C9  
Stonnington Planning Scheme — No C26  
Swan Hill Planning Scheme — Nos C3, C4, C5, C7  
Warrnambool Planning Scheme — No C14  
Wellington Planning Scheme — Nos C4, C5  
Whitehorse Planning Scheme — Nos C12, C16, C19, C26, C34, C39  
Whittlesea Planning Scheme — No C15  
Wodonga Planning Scheme — Nos C5, C10  
Wyndham Planning Scheme — Nos C25, C29  
Yarra Planning Scheme — Nos C22, C23, C32, C35, C38  
Yarra Ranges Planning Scheme — No C12

Statutory Rules under the following Acts:

*Administration and Probate Act 1958* — SR No 129  
*Agricultural and Veterinary Chemicals (Control of Use) Act 1992* — SR No 143  
*Alcoholics and Drug-dependent Persons Act 1968* — SR No 7/2002  
*Audit Act 1994* — SR No 148  
*Building Act 1993* — SR Nos 171, 176  
*Chinese Medicine Registration Act 2000* — SR No 133  
*Chiropractors Registration Act 1996* — SR No 138  
*Conservation, Forests and Lands Act 1987* — SR No 165  
*County Court Act 1958* — SR Nos 122, 123, 124, 157  
*Crown Proceedings Act 1958* — SR No 2/2002  
*Dental Practice Act 1999* — SR No 134  
*Essential Services Commission Act 2001* — SR No 166  
*Fair Trading Act 1999* — SR No 162  
*Fisheries Act 1995* — SR No 145  
*Flora and Fauna Guarantee Act 1988* — SR No 147  
*Food Act 1984* — SR Nos 149, 169  
*Freedom of Information Act 1982* — SR No 161  
*Fuel Prices Regulation Act 1981* — SR No 163  
*Fundraising Appeals Act 1998* — SR No 144  
*Gaming and Betting Act 1994* — SR No 167  
*Gaming Machine Control Act 1991* — SR No 168  
*Gas Safety Act 1997* — SR No 5/2002  
*Gene Technology Act 2001* — SR No 153  
*Health Act 1958* — SR Nos 150, 6/2002  
*Health Services Act 1988* — SR Nos 141, 170  
*Livestock Disease Control Act 1994* — SR No 156  
*Lotteries Gaming and Betting Act 1966* — SR Nos 126, 155  
*Magistrates' Court Act 1989* — SR Nos 131, 142, 4/2002  
*Marine Act 1988* — SR Nos 127, 8/2002  
*Medical Practice Act 1994* — SR No 139  
*Melbourne City Link Act 1995* — SR No 174  
*National Parks Act 1975* — SR No 146  
*Nurses Act 1993* — SR No 136  
*Optometrists Registration Act 1996* — SR No 140  
*Osteopaths Registration Act 1996* — SR No 137  
*Pharmacists Act 1974* — SR No 151



*Physiotherapists Registration Act 1998* — SR No 135  
*Road Safety Act 1986* — SR Nos 172, 173  
*Subordinate Legislation Act 1994* — SR Nos 154, 164, 3/2002  
*Supreme Court Act 1986* — SR Nos 129, 130, 159  
*Tobacco Act 1987* — SR No 152  
*Victorian Civil and Administrative Tribunal Act 1998* — SR Nos 160, 175, 1/2002  
*Victorian Qualifications Authority Act 2000* — SR No 128  
*Water Act 1989* — SR No 132  
*Water Industry Act 1994* — SR No 125  
*Whistleblowers Protection Act 2001* — SR No 158

*Subordinate Legislation Act 1994:*

Ministers' exception certificates in relation to Statutory Rule Nos 122, 123, 124, 129, 130, 142, 162, 175, 1/2002, 2/2002, 3/2002

Ministers' exemption certificates in relation to Statutory Rule Nos 121, 126, 127, 133, 134, 135, 136, 137, 138, 139, 140, 143, 144, 145, 147, 149, 151, 152, 153, 156, 163, 165, 169, 170, 172, 173, 174, 6/2002, 7/2002

*Victorian Environmental Assessment Council Act 2001* — Response of the Minister for Environment and Conservation to the Environment Conservation Council's Box-Ironbark Forests and Woodlands Investigation Final Report.

The following proclamations fixing operative dates were laid upon the Table by the Clerk pursuant to an Order of the House dated 3 November 1999:

*Auction Sales (Repeal) Act 2001* — Section 3(2) on 1 January 2002 (*Gazettes G51, 20 December 2001, S239, 21 December 2001*)

*Building (Amendment) Act 2001* — Sections 6 and 16 on 21 December 2001 (*Gazette S239, 21 December 2001*)

*Film Act 2001* — Remaining provisions on 1 January 2002 (*Gazette G50, 13 December 2001*)

*Fundraising Appeals (Amendment) Act 2001* — Remaining provisions on 1 January 2002 (*Gazette G50, 13 December 2001*)

*Livestock Disease Control (Amendment) Act 2001* — Whole Act (except sections 15 and 18(b)) on 1 January 2002 (*Gazette G51, 20 December 2001*)

*Marine (Amendment) Act 2000* — All provisions on 3 December 2001 (*Gazette G48, 29 November 2001*)

*Marine (Further Amendment) Act 2001* — Remaining provisions, other than Part 4 on 7 February 2002 (*Gazette G5, 31 January 2002*)

*Marine (Hire and Drive Vessels) Act 2001* — Remaining provisions on 1 February 2002 (*Gazette G5, 31 January 2002*)

*Marine Safety Legislation (Lakes Hume and Mulwala) Act 2001* — Whole Act on 1 December 2001 (*Gazette G48, 29 November 2001*)

*Melbourne City Link (Further Amendment) Act 2001* — Whole Act on 1 January 2002 (*Gazette S226, 11 December 2001*)

*Racing (Racing Victoria Ltd) Act 2001* — Remaining provisions on 19 December 2001 (*Gazette S233, 19 December 2001*)

*Road Safety (Alcohol and Drugs Enforcement Measures) Act 2001* — Section 9(1) on 21 December 2001 (*Gazette G50, 13 December 2001*)

*Road Safety (Further Amendment) Act 2001* — Remaining provisions (except for sections 4, 5(3), 7, 8, 10, 26, 29 and 30) on 21 December 2001 (*Gazette G50, 13 December 2001*)

*Statute Law Further Amendment (Relationships) Act 2001* — Remaining provisions on 20 December 2001 (*Gazette G51, 20 December 2001*)

*Transport (Further Amendment) Act 2001* — Part 5 on 31 December 2001 (*Gazette S226, 11 December 2001*).

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

Accident Compensation (Amendment) Bill  
 Animals Legislation (Responsible Ownership) Bill  
 Auction Sales (Repeal) Bill  
 Energy Legislation (Miscellaneous Amendments) Bill  
 Fair Trading (Unconscionable Conduct) Bill  
 Film Bill  
 Liquor Control Reform (Prohibited Products) Bill  
 Livestock Disease Control (Amendment) Bill  
 Marine (Hire and Drive Vessels) Bill  
 Petroleum (Submerged Lands) (Amendment) Bill  
 Road Safety (Further Amendment) Bill  
 Scotch College Common Funds Bill  
 Second-Hand Dealers and Pawnbrokers (Amendment) Bill  
 Transport (Alcohol and Drug Controls) Bill.

- 10 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Country Fire Authority (Miscellaneous Amendments) Bill with amendments.

Ordered — That the said amendments be printed and taken into consideration tomorrow.

- 11 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Returning the House Contracts Guarantee (HIH Further Amendment) Bill and, on the consideration of the report of the Committee, suggesting an amendment.

Ordered — That the suggested amendment be printed and taken into consideration tomorrow.

- 12 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Not insisting on their amendments in the Victorian Institute of Teaching Bill and agreeing to the amendments made by the Legislative Assembly to some of the amendments made by the Council in the Bill.

- 13 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Insisting on their amendments disagreed with by the Legislative Assembly in the Judicial Remuneration Tribunal (Amendment) Bill.

Ordered — That the message be taken into consideration tomorrow.

- 14 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Insisting on their amendments disagreed with by the Legislative Assembly in the Water (Irrigation Farm Dams) Bill.

Ordered — That the message be taken into consideration tomorrow.

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

On 4 December 2001:  
Sentencing (Emergency Service Costs) Bill  
Victorian Environmental Assessment Council Bill

On 11 December 2001:  
Accident Compensation (Amendment) Bill  
Animals Legislation (Responsible Ownership) Bill  
Auction Sales (Repeal) Bill  
Energy Legislation (Miscellaneous Amendments) Bill  
Fair Trading (Unconscionable Conduct) Bill  
Film Bill  
Liquor Control Reform (Prohibited Products) Bill  
Livestock Disease Control (Amendment) Bill  
Marine (Hire and Drive Vessels) Bill  
Petroleum (Submerged Lands) (Amendment) Bill  
Road Safety (Further Amendment) Bill  
Second-Hand Dealers and Pawnbrokers (Amendment) Bill  
Transport (Alcohol and Drug Controls) Bill

On 18 December 2001:  
Scotch College Common Funds Bill  
Victorian Institute of Teaching Bill.

- 16 **MESSAGE FROM THE GOVERNOR** — The Speaker announced the presentation of a message from the Governor recommending an appropriation for the purposes of the Sentencing (Amendment) Bill.
- 17 **ACTING PUBLIC ADVOCATE** — The Speaker announced that he had, on 31 January 2002, administered to David Petherick, Acting Public Advocate, the oath required by Schedule 3 of the *Guardianship and Administration Board Act 1986*.
- 18 **CORRECTION OF BILL TITLES** — Motion made, by leave, and question — That where a bill has passed through both Houses and the citation of the bill includes a reference to a calendar year earlier than that in which the passage of the bill was completed, the Clerk of the Parliaments be empowered to alter the calendar year reference in the citation of the bill and any corresponding reference within the bill itself to the year in which the passage of the bill was so completed (*Mr Batchelor*) — put and agreed to.
- 19 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, pursuant to Sessional Order 6(3), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 28 February 2002:
- Road Safety (Alcohol Interlocks) Bill  
Crimes (DNA Database) Bill  
Sentencing (Amendment) Bill  
Wildlife (Amendment) Bill.
- (*Mr Batchelor*) — put, after debate, and agreed to.
- 20 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 21 **ROAD SAFETY (ALCOHOL INTERLOCKS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Mr Batchelor announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

Pursuant to Sessional Orders, Ms Davies announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

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

*Business having been interrupted at 10.00 pm pursuant to Sessional Orders.*

- 22 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.54 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

## No 125 — Wednesday 27 February 2002

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Lake Mokoan** — Seeking that the House formally declares that Lake Mokoan situated approximately 8 km north of Benalla will not be decommissioned as it is too valuable an asset, bearing 4,745 signatures (*by Ms Allen, Benalla*)

**Funding Increase to Public Libraries** — Seeking that the Victorian Government — (a) immediately invests substantially more in public library services for the benefit of all Victorians by increased funding to public libraries for the purchase of books; and (b) increases funding for the purchase and maintenance of mobile library services to ensure the removal of the barrier to access by Victorians in rural and remote areas, bearing 599 signatures (*by Mr Lupton*).

Severally ordered to lie on the Table.

- 3 **PETITION — FUNDING INCREASE TO PUBLIC LIBRARIES** — Motion made and question — That the petition presented by the Member for Knox relating to the Government investing substantially more in public library services be taken into consideration tomorrow (*Mr Lupton*) — put and agreed to.
- 4 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 5 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.
- 6 **CONSTITUTION (GOVERNOR'S SALARY) BILL** — Mr Bracks obtained leave, with Mr Pandazopoulos, to bring in a Bill 'to amend section 7 of the *Constitution Act 1975*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.

- 7 **STATUTE LAW (FURTHER REVISION) BILL** — Mr Bracks obtained leave, with Mr Pandazopoulos, to bring in a Bill '*to revise further the Statute Law of Victoria*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 8 **CORPORATIONS (FINANCIAL SERVICES REFORM AMENDMENTS) BILL** — Mr Hulls, after debate, obtained leave with Mr Pandazopoulos, to bring in a Bill '*to amend the Corporations (Ancillary Provisions) Act 2001 and certain other Victorian Acts as a consequence of the enactment by the Parliament of the Commonwealth of the Financial Services Reform Act 2001 and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 9 **ELECTRICITY INDUSTRY (AMENDMENT) BILL** — Ms Garbutt obtained leave, with Mr Pandazopoulos, to bring in a Bill '*to amend the Electricity Industry Act 2000 to require holders of licences to sell electricity to disclose information about greenhouse gas emissions to consumers and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 10 **SENTENCING (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm pursuant to Sessional Orders.*

- 11 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 12 **SENTENCING (AMENDMENT) BILL** — Debate resumed on question — That this Bill be now read a second time.

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

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

- 13 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 2 and 3, be postponed until later this day.
- 14 **ROAD SAFETY (ALCOHOL INTERLOCKS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Mr Batchelor announced that it was proposed to move further amendments in Committee and requested that they be circulated. Further amendments circulated.

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

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

- 15 **CRIMES (DNA DATABASE) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Mr Hulls announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

Pursuant to Sessional Orders, Dr Dean announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

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

*Business having been interrupted at 10.00 pm pursuant to Sessional Orders.*

- 16 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.49 pm.

R W PURDEY  
Clerk of the Legislative Assembly

A ANDRIANOPOULOS  
Speaker

## No 126 — Thursday 28 February 2002

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Gordon Railway Station** — Seeking that train services be scheduled to provide a service at the Gordon Railway Station between Ballarat and Melbourne, bearing 312 signatures (*by Mr Howard*)

**University of the Third Age Glen Eira** — Seeking that — (a) the current site of the University of the Third Age Glen Eira situated on government owned Victorian Rail Track (Victrack) land not be sold; and (b) the land be retained in perpetuity for use by older citizens for their lifelong learning pursuits, bearing 422 signatures (*by Mrs Shardey*).

Severally ordered to lie on the Table.

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

*Drugs, Poisons and Controlled Substances Act 1981* — Documents pursuant to s 12H — Poisons Code:

Amendment No 3 to the Standard for the Uniform Scheduling of Drugs and Poisons No 16 Notice regarding the amendment, commencement and availability of the Poisons Code

Statutory Rules under the following Acts:

*Health Act 1958* — SR No 9

*Local Government Act 1989* — SR No 10

*Pollution of Waters by Oil and Noxious Substances Act 1986* — SR No 11

*Subordinate Legislation Act 1994* — Minister's exemption certificate in relation to Statutory Rule No 10.

- 4 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourn until Tuesday 19 March 2002 (*Mr Batchelor*) — put and agreed to.
- 5 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 6 **CONSTITUTION (GOVERNOR'S SALARY) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).
- Motion made and question — That the debate be now adjourned (*Mr McArthur*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 14 March 2002.
- 7 **STATUTE LAW (FURTHER REVISION) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).
- Motion made and question — That the debate be now adjourned (*Mr Rowe*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 14 March 2002.
- 8 **STATUTE LAW (FURTHER REVISION) BILL** — Motion made, by leave, and question — That the proposals contained in the Statute Law (Further Revision) Bill be referred to the Scrutiny of Acts and Regulations Committee for inquiry, consideration and report (*Mr Batchelor*) — put and agreed to.
- 9 **CORPORATIONS (FINANCIAL SERVICES REFORM AMENDMENTS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).
- Motion made and question — That the debate be now adjourned (*Mr McArthur*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 14 March 2002.
- 10 **ELECTRICITY INDUSTRY (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Garbutt*).
- Motion made and question — That the debate be now adjourned (*Mr McArthur*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 14 March 2002.
- 11 **WILDLIFE (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Business having been interrupted at 2.00 pm pursuant to Sessional Orders.*
- 12 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 13 **WILDLIFE (AMENDMENT) BILL** — Resumption of debate on question — That this Bill be now read a second time.

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

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

- 14 **CRIMES (DNA DATABASE) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Allocation of time — The Deputy Speaker advised that the time allocated for consideration of bills pursuant to resolution of the House on Tuesday 26 February 2002 had expired.*

Question — That this Bill be now read a second time, Government amendments Nos 1 to 14 inclusive be agreed to, the Bill be read a third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 15 **SENTENCING (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 16 **ROAD SAFETY (ALCOHOL INTERLOCKS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time, Government amendments Nos 1 to 7 inclusive and Government further amendments Nos 1 to 14 inclusive be agreed to, the Bill be read a third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 17 **WILDLIFE (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

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

- 19 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

, And the House, at 4.38 pm, adjourned until Tuesday 19 March 2002.

R W PURDEY  
Clerk of the Legislative Assembly

A ANDRIANOPOULOS  
Speaker



## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 127, 128 and 129

#### No 127 — Tuesday 19 March 2002

- 1 The House met pursuant to adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 3 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Amalgamation of Wodonga and Albury City Councils** — Seeking that the Government conducts a compulsory referendum of the citizens of Wodonga enrolled on the State Electoral Roll, to vote on whether or not the amalgamation of Wodonga City Council (Victoria) and Albury City Council (New South Wales) takes place, bearing 6,751 signatures (*by Mr Plowman*)

**Leongatha Police Station** — Seeking that the Government will, as a matter of urgency, make sufficient funds, resources and support available to enable the Leongatha Police Station to be operational 24 hours per day, seven days per week, bearing 2,519 signatures (*by Mr Ryan*)

**Two-lane road over the railbridge on the Bena-Kongwak Road** — Seeking that sufficient funding be allocated to allow the construction of a new two-lane road over the railbridge on the Bena-Kongwak Road within the South Gippsland Shire, bearing 380 signatures (*by Ms Davies*).

Severally ordered to lie on the Table.

- 4 **PETITION — AMALGAMATION OF WODONGA AND ALBURY CITY COUNCILS** — Motion made and question — That the petition presented by the Member for Benambra relating to the call for a compulsory referendum on whether or not the amalgamation of Wodonga City Council (Victoria) and Albury City Council (New South Wales) takes place be taken into consideration tomorrow (*Mr Plowman*) — put and agreed to.
- 5 **PETITION — TWO-LANE ROAD OVER THE RAILBRIDGE ON THE BENA-KONGWAK ROAD** — Motion made and question — That the petition presented by the Member for Gippsland West relating to a two-lane road over the railbridge on the Bena-Kongwak Road within the South Gippsland Shire be taken into consideration tomorrow (*Ms Davies*) — put and agreed to.
- 6 **PETITION — LEONGATHA POLICE STATION** — Motion made and question — That the petition presented by the Member for Gippsland South relating to the Leongatha Police Station to be operational 24 hours per day, seven days per week be taken into consideration tomorrow (*Mr Ryan*) — put and agreed to.

## 7 PAPERS —

**ROAD SAFETY COMMITTEE** — Mr Langdon, brought up a report from the Road Safety Committee upon the Inquiry into Rural Road Safety and Infrastructure, 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** — Ms Gillett, Chair, brought up a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 2 of 2002 on the:

Constitution (Governor's Salary) Bill  
 Corporations (Financial Services Reform Amendments) Bill  
 Electricity Industry (Amendment) Bill  
 Statute Law (Further Revision) Bill

together with appendices.

Ordered to lie on the Table and to be printed.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Ms Gillett, Chair, brought up a report from the Scrutiny of Acts and Regulations Committee concerning the Statute Law (Further Revision) Bill, together with an appendix.

Ordered to lie on the Table and to be printed.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Ms Gillett, Chair, brought up a report from the Scrutiny of Acts and Regulations Committee being the Annual Review 2001, together with appendices.

Ordered to lie on the Table and to be printed.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, brought up a report from the Scrutiny of Acts and Regulations Committee on a Privacy Code of Conduct for Members of the Victorian Parliament, together with appendices and minutes of evidence.

Ordered to lie on the Table and the report and appendices to be printed.

## **PAPER BY COMMAND OF THE GOVERNOR —**

Mr Hulls presented by Command of the Governor:

Council of Magistrates — Report for year 2000–01

Ordered to lie on the Table.

## **PAPERS PURSUANT TO STATUTE —**

The Speaker presented:

*BLF (De-recognition) Act 1985* — Fifty-Fourth Report of the Custodian

Ordered to lie on the Table and to be printed.

The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

East Grampians Health Service — Report for the year 2000–01 (two papers)

*Financial Management Act 1994* — Budget Sector — Mid Year Financial Report incorporating the Quarterly Financial Report for the period ended 31 December 2001

Municipal Association of Victoria and Civic Mutual Plus — Report for the year 2000–01 (two papers)

National Environment Protection Council — Report for the year 2000–01

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

Cardinia Planning Scheme — No C19

Delatite Planning Scheme — No C17

Greater Geelong Planning Scheme — No C39

Kingston Planning Scheme — No C23

Loddon Planning Scheme — No C7

Manningham Planning Scheme — Nos C4, C23

Maribyrnong Planning Scheme — No C26

Mitchell Planning Scheme — Nos C21, C23

Monash Planning Scheme — No C30

Moreland Planning Scheme — No C5

Wyndham Planning Scheme — No C33

Yarra Planning Scheme — No C33

*Prevention of Cruelty to Animals Act 1986* — Code of Practice for the Welfare of Horses at Horse Hire Establishments

Statutory Rules under the following Acts:

*Cancer Act 1958* — SR No 16

*Evidence Act 1958* — SR No 13

*Health Services Act 1988* — SR No 15

*Reference Areas Act 1978* — SR No 14

*Road Safety Act 1986* — SR No 12

*Subordinate Legislation Act 1994*:

Minister's exception certificate in relation to Statutory Rule No 13

Ministers' exemption certificates in relation to Statutory Rule Nos 12, 14, 15, 16

The following proclamations fixing operative dates were laid upon the Table by the Clerk pursuant to an Order of the House dated 3 November 1999:

*Health Records Act 2001* — Sections 7, 8, 13 to 17, 19, 85, 86 (except sub-section (1)), 93, 95 to 99, 103(1), 103(2) (except paragraphs (a) and (c)), 109, 111 (1) and Schedule 1 on 1 March 2002 (*Gazette G9, 28 February 2002*)

*Melbourne City Link (Miscellaneous Amendments) Act 2000* — Sections 4(2), 14, 22, 23, 33, 34, 38, 39 and 40 on 1 March 2002 (*Gazette S37, 26 February 2002*)

*Wildlife (Amendment) Act 1990* — Remaining provisions on 28 February 2002 (*Gazette G9, 28 February 2002*).

8 **MESSAGE FROM THE GOVERNOR** — The Speaker announced the presentation of a message from the Governor recommending an appropriation for the purposes of the Constitution (Governor's Salary) Bill.

9 **NATIONAL POPULATION SUMMIT 2002** — Motion made, by leave, and question — That so much of Standing Orders and Sessional Orders be suspended on Wednesday 20 March 2002 so as to allow —

(1) This House to invite Mr Steve Vizard, Dr John Schubert, Mr Michael Krockenberger and Councillor Ann Cox to attend on the floor of the House on Wednesday 20 March 2002 at 9.30 am immediately after the Prayer and address the House on the issues raised at the National Population Summit 2002 and to remain on the floor of the House, save in the event of a division, until the conclusion of all addresses.

(2) Mr Steve Vizard to address the House for a maximum of 20 minutes and the remaining guest speakers for a maximum of 10 minutes each.

(3) At the conclusion of all such addresses there shall be debate on the motion 'That this House takes note of the comments made by the expert panel'.

(4) The Speaker to put the question at 12 noon (or sooner if there be no further debate) and the time limits for the lead speakers from the Government, Opposition and Third Party will be 15 minutes each and, for all other speakers, 5 minutes. No amendment to the motion to be accepted by the Speaker.

(5) After such question has been resolved the House will proceed with business as set out in Sessional Orders, save that the debate will be in lieu of the time for discussion of a Matter of Public Importance due to be proposed by the Government under Sessional Order 9. The order of business will be formal business, statements by members, oral questions (at the set time provided by Sessional Orders) and Government business as set down on the Notice Paper (*Mr Bracks*) — put and agreed to.

10 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, pursuant to Sessional Order 6(3), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 21 March 2002:

Forensic Health Legislation (Amendment) Bill

Country Fire Authority (Miscellaneous Amendments) Bill — Amendments of the Legislative Council

House Contracts Guarantee (HIH Further Amendment) Bill — Suggested amendment of the Legislative Council

Judicial Remuneration Tribunal (Amendment) Bill — Message from the Legislative Council

Water (Irrigation Farm Dams) Bill — Message from the Legislative Council.

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

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

- 12 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 1 to 3 inclusive, be postponed until later this day.
- 13 **HOUSE CONTRACTS GUARANTEE (HIH FURTHER AMENDMENT) BILL** — Order read for the consideration of the amendment suggested by the Legislative Council.
- Motion made and question — That this House does not make the suggested amendment (*Mr Lenders*) — after debate, put and agreed to.
- Ordered — That the Bill be returned to the Legislative Council with a message acquainting them accordingly.
- 14 **COUNTRY FIRE AUTHORITY (MISCELLANEOUS AMENDMENTS) BILL** — Order read for the consideration of the amendments made by the Legislative Council.
- The said amendments were read a second time.
- Motion made and question — That the amendments be disagreed with (*Ms Pike*) — and, after debate —
- Business having been interrupted at 10.00 pm pursuant to Sessional Orders.*
- 15 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.49 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

## No 128 — Wednesday 20 March 2002

- 1 The Speaker took the Chair and read the Prayer.
- 2 **NATIONAL POPULATION SUMMIT 2002 DEBATE — ADDRESSES BY MR STEVE VIZARD AND OTHER EXPERTS** — Pursuant to the resolution of the House on 19 March 2002 Mr Steve Vizard, Dr John Schubert, Mr Michael Krockenberger and Councillor Ann Cox addressed the House on the National Population Summit 2002 and, at the conclusion of the addresses, were escorted from the Chamber by the Serjeant-at-Arms.
- 3 **NATIONAL POPULATION SUMMIT 2002 DEBATE** — Motion made and question — That this House takes note of the comments made by the expert panel (*Mr Bracks*) — put, after debate, and agreed to.
- 4 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

*Financial Management Act 1994* — Report from the Minister for Health that he had received the 2000–01 Annual Report of the Alexander and District Ambulance Service

Property Leasing Limited — Financial Statements for the period ended 6 December 2001 (two papers)

*Wildlife Act 1975* — Wildlife (Control of Hunting) Notices Nos 1, 2/2002.

- 5 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Audit (Further Amendment) Bill with amendments.

Ordered — That the said amendments be printed and taken into consideration tomorrow.

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

- 7 **FORENSIC HEALTH LEGISLATION (AMENDMENT) BILL** — Motion made and question — That it be an instruction to the Committee that they have power to consider amendments and new clauses to the Forensic Health Legislation (Amendment) Bill which —

- (1) Under the *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997* provide for the arrest of persons absconding to Victoria from interstate and the powers of courts to deal with such persons.
- (2) Under the *Mental Health Act 1986* provide for —
  - (a) the issue of warrants to arrest security patients absent without leave who leave Victoria;
  - (b) a change in the conditions for transfer of involuntary patients to and from Victoria;
  - (c) a change in the procedure for the apprehension of persons absent without leave from interstate mental health facilities and the escort of such persons apprehended interstate;
  - (d) the arrest of interstate security patients absconding to Victoria and the powers of the courts to deal with such persons.

(Mr Hulls) — put and agreed to.

- 8 **BUILDING AND CONSTRUCTION INDUSTRY SECURITY OF PAYMENT BILL** — Ms Delahunty (*Northcote*), pursuant to a motion moved on her behalf by Mr Hulls, obtained leave, with Mr Thwaites, to bring in a Bill 'to provide for entitlements to progress payments for persons who carry out construction work or who supply related goods and services under construction contracts and for other purposes'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.

- 9 **ELECTORAL BILL** — Mr Hulls, after debate, obtained leave with Mr Pandazopoulos, to bring in a Bill 'to re-enact with amendments the law relating to Victorian elections, to amend *The Constitution Act Amendment Act 1958* and consequentially amend certain other Acts and for other purposes'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.

10 **HEALTH PRACTITIONER ACTS (FURTHER AMENDMENTS) BILL** — Mr Thwaites, after debate, obtained leave with Mr Pandazopoulos, to bring in a Bill 'to amend the *Medical Practice Act 1994*, the *Nurses Act 1993* and other Acts relating to health practitioners and for other purposes'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.

11 **WATER (IRRIGATION FARM DAMS) (AMENDMENT) BILL** — Ms Garbutt, pursuant to a motion moved on her behalf by Mr Hulls, obtained leave, with Mr Pandazopoulos, to bring in a Bill 'to amend the *Water (Irrigation Farm Dams) Act 2002* to change the dates of operation of various provisions of that Act'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.

12 **JUDICIAL REMUNERATION TRIBUNAL (AMENDMENT) BILL** — Order read for the consideration of the message from the Legislative Council.

Motion made and question proposed — That this House does not insist on disagreeing with amendment No 1 but agrees to the amendment with an amendment (*Mr Hulls*) — and, after debate —

*Business having been interrupted at 2.00 pm pursuant to Sessional Orders.*

13 **QUESTIONS** — (Pursuant to Standing Order No 124).

14 **JUDICIAL REMUNERATION TRIBUNAL (AMENDMENT) BILL** — Debate continued on consideration of the message from the Legislative Council.

Disagreement with amendment No 1 not insisted on but amendment agreed to with an amendment, with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

On the motion of Mr Hulls — Disagreement with amendment No 2 not insisted on but amendment agreed to with an amendment, with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

On the motion of Mr Hulls — Disagreement with amendment No 3 not insisted on but amendment agreed to with an amendment, with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Ordered — That a message be sent to the Legislative Council acquainting them accordingly.

15 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 2, be postponed until later this day.

16 **COUNTRY FIRE AUTHORITY (MISCELLANEOUS AMENDMENTS) BILL** — Order read for the further consideration of the amendments made by the Legislative Council; debate resumed.

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

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

17 **WATER (IRRIGATION FARM DAMS) BILL** — Order read for the consideration of the message from the Legislative Council.

Motion made and question proposed — That this House insists on disagreeing with amendment Nos 1 to 15 (*Ms Garbutt*) — and, after debate —

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

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

- 18 **COUNTRY FIRE AUTHORITY (MISCELLANEOUS AMENDMENTS) BILL** — Order read for the further consideration of the amendments made by the Legislative Council; debate resumed.

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

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

- 19 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Requesting that the Legislative Assembly grant leave to the Honourable S P Bracks MP, Premier of Victoria, the Honourable J W Thwaites MP, Deputy Premier of Victoria and Minister for Health, and the Honourable J M Brumby MP, Treasurer, to attend, if they think fit, to be examined as witnesses, and give evidence before the Select Committee of the Legislative Council on the Urban and Regional Land Corporation Managing Director and answer questions in relation to the Committee's terms of reference.

Ordered — That the message be taken into consideration forthwith.

- 20 **ATTENDANCE OF MINISTERS BEFORE SELECT COMMITTEE OF THE LEGISLATIVE COUNCIL** — Order read for the consideration of the message from the Legislative Council.

Motion made and question — That this House refuses to consent to the Honourable Ministers appearing before the Select Committee of the Legislative Council on the Urban and Regional Land Corporation Managing Director (*Mr Hulls*) — and, after debate —

Amendment proposed — That all the words after 'House' be omitted with a view to inserting in place thereof the words, 'consents to the Honourable Ministers appearing before the Select Committee of the Legislative Council on the Urban and Regional Land Corporation Managing Director, if they think fit' (*Mr Baillieu*) — and, after debate —

*Business having been interrupted at 10.00 pm pursuant to Sessional Orders.*

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

Debate continued on question — That this House refuses to consent to the Honourable Ministers appearing before the Select Committee of the Legislative Council on the Urban and Regional Land Corporation Managing Director — *and on the amendment* — That all the words after 'House' be omitted with a view to inserting in place thereof the words, 'consents to the Honourable Ministers appearing before the Select Committee of the Legislative Council on the Urban and Regional Land Corporation Managing Director, if they think fit'.

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



The House divided.

AYES 46

Ms Allan (*Bendigo East*); Ms Allen (*Benalla*); Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Ms Davies; Ms Delahunty (*Northcote*); Ms Duncan; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Hardman; Mr Helper; Mr Howard; Mr Hulls; Mr Ingram; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lenders; Mr Lim; Ms Lindell; Mr Loney; Mrs Maddigan; Mr Maxfield; Mr Mildenhall; Mr Nardella; Ms Overington; Mr Pandazopoulos; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Viney; Mr Wynne. Tellers: Mr Holding; Mr Langdon.

NOES 40

Ms Asher; Mr Baillieu; Ms Burke; Mr Clark; Mr Cooper; Dr Dean; Mr Delahunty (*Wimmera*); Mr Dixon; Mr Doyle; Mrs Elliott; Mrs Fyffe; Mr Honeywood; Mr Jasper; Mr Kilgour; Mr Kotsiras; Mr Leigh; Mr Lupton; Mr McArthur; Ms McCall; Mr McIntosh; Mr Maclellan; Mr Mulder; Dr Napthine; Mr Paterson; Mr Perton; Mrs Peulich; Mr Phillips; Mr Plowman; Mr Richardson; Mr Rowe; Mr Ryan; Mrs Shardey; Mr Spry; Mr Steggall; Mr Thompson; Mr Vogels; Mr Wells; Mr Wilson. Tellers: Mr Maughan; Mr Smith.

And so it was resolved in the affirmative.

Original motion — put.

The House divided.

AYES 46

Ms Allan (*Bendigo East*); Ms Allen (*Benalla*); Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Ms Davies; Ms Delahunty (*Northcote*); Ms Duncan; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Hardman; Mr Helper; Mr Howard; Mr Hulls; Mr Ingram; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lenders; Mr Lim; Ms Lindell; Mr Loney; Mrs Maddigan; Mr Maxfield; Mr Mildenhall; Mr Nardella; Ms Overington; Mr Pandazopoulos; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Viney; Mr Wynne. Tellers: Mr Holding; Mr Langdon.

NOES 41

Ms Asher; Mr Ashley; Mr Baillieu; Ms Burke; Mr Clark; Mr Cooper; Dr Dean; Mr Delahunty (*Wimmera*); Mr Dixon; Mr Doyle; Mrs Elliott; Mrs Fyffe; Mr Honeywood; Mr Jasper; Mr Kilgour; Mr Kotsiras; Mr Leigh; Mr Lupton; Mr McArthur; Ms McCall; Mr McIntosh; Mr Maclellan; Mr Mulder; Dr Napthine; Mr Paterson; Mr Perton; Mrs Peulich; Mr Phillips; Mr Plowman; Mr Richardson; Mr Rowe; Mr Ryan; Mrs Shardey; Mr Spry; Mr Steggall; Mr Thompson; Mr Vogels; Mr Wells; Mr Wilson. Tellers: Mr Maughan; Mr Smith.

And so it was resolved in the affirmative.

Ordered — That a message be sent to the Legislative Council acquainting them accordingly.

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

Wildlife (Amendment) Bill  
Sentencing (Amendment) Bill

- 22 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Batchelor*) — put and agreed to.
- 23 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

And the House, at 11.56 pm, adjourned until tomorrow.

R W PURDEY  
Clerk of the Legislative Assembly

A ANDRIANOPOULOS  
Speaker

## No 129 — Thursday 21 March 2002

- 1 The Speaker took the Chair and read the Prayer.
- 2 **VICTORIAN HEALTH PROMOTION FOUNDATION** — The Speaker announced that he had received the following communication:

The Honourable Alex Andrianopoulos, MP  
Speaker of the Legislative Assembly  
Parliament House  
Spring Street  
MELBOURNE VIC 3000

Dear Mr Andrianopoulos

### **MEMBERSHIP — VICTORIAN HEALTH PROMOTION FOUNDATION**

The Victorian Health Promotion Foundation is established under section 16 of the Tobacco Act 1987 ("the Act") to promote good health and disease prevention in the community.

Under section 21(1)(f) of the Act, three members of the foundation are members of either the Legislative Assembly or Legislative Council and elected by both Houses jointly. The term of the Hon Gerald Ashman MLC, Member for Koonung, is due to expire on 22 May 2002.

I would be grateful if you could place this matter on the agenda for a Joint Sitting of both Houses in the Autumn Sitting of Parliament 2002. In order to maintain the membership of the Foundation at the optimum number I would appreciate if this matter could be resolved before Mr Ashman's term expires.

I have forwarded a similar request to the President of the Legislative Council.

Yours sincerely

Hon John Thwaites MP  
Minister for Health

Motion made and question — That this House meets the Legislative Council for the purpose of sitting and voting together to elect one member of the Parliament to the Victorian Health Promotion Foundation and proposes that the time and place of such meeting be the Legislative Assembly Chamber on Wednesday 27 March 2002, at 6.15 pm (*Mr Batchelor*) — put and agreed to.

Ordered — That a message be sent to the Legislative Council acquainting them of the resolution and seeking their concurrence therein.

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

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

*Mr Hulls made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.*

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

Ordered — That the debate be adjourned until Thursday 4 April 2002.

5 **HEALTH PRACTITIONERS ACTS (FURTHER AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Thwaites*).

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

Ordered — That the debate be adjourned until Thursday 4 April 2002.

6 **BUILDING AND CONSTRUCTION INDUSTRY SECURITY OF PAYMENT BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Delahunty, Northcote*).

*Ms Delahunty (Northcote) made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.*

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

Ordered — That the debate be adjourned until Thursday 4 April 2002.

7 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 4 to 6 inclusive, be postponed until later this day.

8 **FORENSIC HEALTH LEGISLATION (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Mr Hulls announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

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

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

- 9 **WATER (IRRIGATION FARM DAMS) (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Garbutt*).

Bill read a second time, after debate, and, by leave, read a third time forthwith.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 10 **WATER (IRRIGATION FARM DAMS) BILL** — Order read for the further consideration of the message from the Legislative Council; debate resumed.

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

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

- 11 **FORENSIC HEALTH LEGISLATION (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

- 12 **WATER (IRRIGATION FARM DAMS) BILL** — Order read for the further consideration of the message from the Legislative Council; debate resumed.

Question — That this House insists on disagreeing with amendment Nos 1 to 15 — put and agreed to.

On the motion of Ms Garbutt — Disagreement with amendment Nos 16 to 19, insisted on by the Council, not insisted on.

On the motion of Ms Garbutt — Disagreement with amendment Nos 20 to 22 insisted on.

Ordered — That a message be sent to the Legislative Council acquainting them accordingly.

*Business having been interrupted at 2.00 pm pursuant to Sessional Orders.*

- 13 **QUESTIONS** — (Pursuant to Standing Order No 124).

- 14 **MINISTERIAL STATEMENT — LONGFORD GAS PLANT** — Mr Bracks made a ministerial statement relating to the Longford Gas Plant.

Motion made, by leave, and question proposed — That this House takes note of the ministerial statement (*Mr Bracks*) — and, after debate —

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

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

- 15 **FORENSIC HEALTH LEGISLATION (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Allocation of time* — *The Deputy Speaker advised that the time allocated for consideration of bills pursuant to resolution of the House on Tuesday 19 March 2002 had expired.*

Question — That this Bill be now read a second time, Government amendment Nos 1 to 30 inclusive be agreed to, the Bill be read a third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 16 **COUNTRY FIRE AUTHORITY (MISCELLANEOUS AMENDMENTS) BILL** — Order read for the further consideration of the amendments made by the Legislative Council.

Question — That amendment Nos 1 to 6 inclusive be disagreed with and the Bill be returned to the Legislative Council with a message acquainting them accordingly — put.

The House divided.

AYES 45

Ms Allan (*Bendigo East*); Ms Allen (*Benalla*); Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Cameron; Ms Campbell; Mr Carli; Ms Davies; Ms Delahunty (*Northcote*); Ms Duncan; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Hardman; Mr Helper; Mr Holding; Mr Howard; Mr Hulls; Mr Ingram; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lenders; Mr Lim; Mr Loney; Mrs Maddigan; Mr Maxfield; Mr Mildenhall; Mr Nardella; Ms Overington; Mr Pandazopoulos; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Viney; Mr Wynne. Tellers: Mr Langdon; Ms Lindell.

NOES 40

Ms Asher; Mr Ashley; Mr Baillieu; Ms Burke; Mr Clark; Mr Cooper; Dr Dean; Mr Delahunty (*Wimmera*); Mr Dixon; Mr Doyle; Mrs Elliott; Mrs Fyffe; Mr Honeywood; Mr Jasper; Mr Kilgour; Mr Kotsiras; Mr Leigh; Mr Lupton; Ms McCall; Mr McIntosh; Mr Maclellan; Mr Mulder; Dr Napthine; Mr Paterson; Mr Perton; Mrs Peulich; Mr Phillips; Mr Plowman; Mr Richardson; Mr Rowe; Mr Ryan; Mrs Shardey; Mr Spry; Mr Steggall; Mr Thompson; Mr Vogels; Mr Wells; Mr Wilson. Tellers: Mr Maughan; Mr Smith.

And so it was resolved in the affirmative.

- 17 **MINISTERIAL STATEMENT — LONGFORD GAS PLANT** — Order read for resuming debate on question — That this House takes note of the Ministerial Statement.

Question — put and agreed to.

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

19 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

And the House, at 5.03 pm, adjourned until Tuesday 26 March 2002.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

## LEGISLATIVE ASSEMBLY OF VICTORIA

# VOTES AND PROCEEDINGS

### Nos 130, 131 and 132

## No 130 — Tuesday 26 March 2002

- 1 The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 3 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Lake Mokoan** — Seeking that the House formally declares that Lake Mokoan situated approximately 8 km north of Benalla will not be decommissioned as it is too valuable an asset, bearing 546 signatures (*by Ms Allen, Benalla*)

**Intersection of Frankston-Flinders, Dandenong-Hastings and Denham Roads, Tyabb** — Seeking that urgent action is taken to make the intersection of Frankston-Flinders Road with Dandenong-Hastings Road and Denham Road in Tyabb safer before more lives are lost at the location, bearing 103 signatures (*by Mr Cooper*).

Severally ordered to lie on the Table.

- 4 **PETITION — INTERSECTION OF FRANKSTON-FLINDERS, DANDENONG-HASTINGS AND DENHAM ROADS, TYABB** — Motion made and question — That the petition presented by the Member for Mornington relating to the intersection of Frankston-Flinders Road with Dandenong-Hastings Road and Denham Road in Tyabb be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.
- 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:

Border Groundwaters Agreement Review Committee — Report for the year 2000–01

Desert Fringe Regional Waste Management Group — Report for the year 2000–01, together with an explanation for the delay in tabling

Melbourne Parks and Waterways — Report for the year 2000–01

Mildura Regional Waste Management Group — Report for the year 2000–01, together with an explanation for the delay in tabling

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

Banyule Planning Scheme — No C25  
 Cardinia Planning Scheme — No C25  
 Glenelg Planning Scheme — No C6  
 Golden Plains Planning Scheme — No C8  
 Greater Geelong Planning Scheme — No C15  
 Hepburn Planning Scheme — No C6  
 Indigo Planning Scheme — No C13  
 Melbourne Planning Scheme — No C40  
 Mitchell Planning Scheme — No C26  
 Mornington Peninsula Planning Scheme — No C36  
 Nillumbik Planning Scheme — No C3 Part 2

Statutory Rules under the following Acts:

*Conservation, Forests and Lands Act 1987*— SR No 18  
*Victorian Civil and Administrative Tribunal Act 1998* — SR No 17

*Subordinate Legislation Act 1994*:

Ministers' exemption certificates in relation to Statutory Rule Nos 17, 18

The following proclamation fixing an operative date was laid upon the Table by the Clerk pursuant to an Order of the House dated 3 November 1999:

*Health Services (Conciliation and Review) (Amendment) Act 2001* — Whole Act on 25 March 2002  
*(Gazette G12, 21 March 2002).*

- 6 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Road Safety (Alcohol Interlocks) Bill without amendment.
- 7 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the amendments made by the Legislative Assembly to the amendments of the Council in the Judicial Remuneration Tribunal (Amendment) Bill.
- 8 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Acquainting the Legislative Assembly that they have agreed to meet the Assembly for the purpose of sitting and voting together to elect a member of Parliament to the Victorian Health Promotion Foundation as proposed by the Assembly.
- 9 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, that day, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:
  - Road Safety (Alcohol Interlocks) Bill
  - Sentencing (Amendment) Bill
  - Wildlife (Amendment) Bill.
- 10 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, pursuant to Sessional Order 6(3), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 28 March 2002:
  - Constitution (Governor's Salary) Bill
  - Corporations (Financial Services Reform Amendments) Bill
  - Electricity Industry (Amendment) Bill



Statute Law (Further Revision) Bill  
 Audit (Further Amendment) Bill — Amendments of the Legislative Council.

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

- 11 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 12 **MINISTERIAL STATEMENT — PUBLIC LIABILITY INSURANCE** — Mr Lenders made a ministerial statement relating to Public Liability Insurance.
- Motion made, by leave, and question proposed — That this House takes note of the ministerial statement *(Mr Lenders)* — put, after debate, and agreed to.
- 13 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Water (Irrigation Farm Dams) (Amendment) Bill without amendment.
- 14 **CONSTITUTION (GOVERNOR'S SALARY) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Business having been interrupted at 10.00 pm pursuant to Sessional Orders.*
- 15 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.55 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

## No 131 — Wednesday 27 March 2002

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:
- Parks and Reserves in the Box and Ironbark Region** — Seeking that the Government gives urgent attention to conducting an independent review of the effectiveness, social implications and full costs of extensive parks and reserves in the box and ironbark region prior to the implementation of the recommendations of the Environment Conservation Council, bearing 20 signatures *(by Mr Kilgour)*.

Ordered to lie on the Table.

## 3 PAPERS —

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — Mr Loney, Chair, brought up a report from the Public Accounts and Estimates Committee being the Final Report on Environmental Accounting and Reporting, together with appendices and minutes of evidence.

Ordered to lie on the Table and the report and appendices 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:

Goulburn-Murray Rural Water Authority — Report for the year 2000–01 (*in lieu of Report previously tabled on Wednesday 31 October 2001*).

4 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Crimes (DNA Database) Bill with amendments.

Ordered — That the said amendments be printed and taken into consideration tomorrow.

5 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Not now insisting on their amendments with which the Legislative Assembly insists on disagreeing in the Water (Irrigation Farm Dams) Bill.6 **STANDING ORDERS COMMITTEE — MEMBERSHIP** — Motion made, by leave, and question — That Mr Lenders be discharged from attendance on the Standing Orders Committee and that Ms Barker be appointed in his stead (*Mr Batchelor*) — put and agreed to.7 **STATEMENTS BY MEMBERS** — Statements by members were made.8 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — FRANKSTON CENTRAL ACTIVITIES DISTRICT DEVELOPMENT** — The House was informed that Dr Napthine had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House notes the serious public concern about the corrupt tender process for the development of the Frankston Central Activities District which has led, inter alia, to the standing aside of the Member for Frankston East from his duties as Parliamentary Secretary and, in the light of the Premier's commitment to "restore decency and accountability to government in Victoria", the House calls on the Premier to immediately commission an independent Judicial Review to thoroughly investigate the tender process.'

Dr Napthine addressed the House — Discussion ensued.

9 **MELBOURNE CITY LINK (FURTHER MISCELLANEOUS AMENDMENTS) BILL** — Mr Batchelor obtained leave, with Mr Pandazopoulos, to bring in a Bill '*to amend the Melbourne City Link Act 1995 and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.10 **JEWISH CARE (VICTORIA) BILL** — Mr Hulls obtained leave, with Mr Pandazopoulos, to bring in a Bill '*relating to Jewish Care (Victoria) Inc. and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.

- 11 **ELECTRICITY INDUSTRY (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm pursuant to Sessional Orders.*

- 12 **QUESTIONS** — (Pursuant to Standing Order No 124).

- 13 **ELECTRICITY INDUSTRY (AMENDMENT) BILL** — Debate resumed on question — That this Bill be now read a second time.

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

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

- 14 **STATUTE LAW (FURTHER REVISION) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

- 15 **CORPORATIONS (FINANCIAL SERVICES REFORM AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

- 16 **VACANCY IN THE MEMBERSHIP OF THE VICTORIAN HEALTH PROMOTION FOUNDATION** — The Acting Speaker reported that, that day, this House met with the Legislative Council in the Legislative Assembly Chamber for the purpose of sitting and voting together to elect one Member of Parliament to the Victorian Health Promotion Foundation, and that —

Honourable Gerald Barry Ashman, JP, MLC —

was elected to the Victorian Health Promotion Foundation.

- 17 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Insisting on their amendments disagreed with by the Legislative Assembly in the Country Fire Authority (Miscellaneous Amendments) Bill.

Ordered — That the message be taken into consideration tomorrow.

- 18 **AUDIT (FURTHER AMENDMENT) BILL** — Order read for the consideration of the amendments made by the Legislative Council.

The said amendments were read a second time.

Motion made and question — That the amendments be disagreed with (*Ms Campbell*) — after debate, put.

The House divided.

AYES 46

Ms Allan (*Bendigo East*); Ms Allen (*Benalla*); Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Ms Davies; Ms Delahunty (*Northcote*); Ms Duncan; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Hardman; Mr Helper; Mr Holding; Mr Howard; Mr Hulls; Mr Ingram; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lenders; Mr Lim; Ms Lindell; Mr Loney; Mrs Maddigan; Mr Mildenhall; Mr Nardella; Ms Overington; Mr Pandazopoulos; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Viney; Mr Wynne. Tellers: Mr Langdon; Mr Maxfield.

NOES 40

Ms Asher; Mr Ashley; Mr Baillieu; Ms Burke; Mr Clark; Mr Cooper; Dr Dean; Mr Delahunty (*Wimmera*); Mr Dixon; Mr Doyle; Mrs Elliott; Mrs Fyffe; Mr Jasper; Mr Kilgour; Mr Kotsiras; Mr Leigh; Mr Lupton; Mr McArthur; Ms McCall; Mr McIntosh; Mr Maclellan; Mr Mulder; Dr Napthine; Mr Paterson; Mr Perton; Mrs Peulich; Mr Phillips; Mr Plowman; Mr Richardson; Mr Rowe; Mr Ryan; Mrs Shardey; Mr Spry; Mr Steggall; Mr Thompson; Mr Vogels; Mr Wells; Mr Wilson. Tellers: Mr Maughan; Mr Smith.

And so it was resolved in the affirmative.

Ordered — That a message be sent to the Legislative Council acquainting them that the Legislative Assembly has disagreed to the said amendments.

- 19 **CONSTITUTION (GOVERNOR'S SALARY) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 20 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Forensic Health Legislation (Amendment) Bill without amendment.

- 21 **ELECTRICITY INDUSTRY (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm pursuant to Sessional Orders.*

- 22 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.51 pm.

## No 132 — Thursday 28 March 2002

- 1 The Speaker 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:  
  
Austin and Repatriation Medical Centre — Report for the year 2000–01 (two papers).
- 3 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourn until Tuesday 16 April 2002 (*Mr Cameron*) — put and agreed to.
- 4 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 5 **JEWISH CARE (VICTORIA) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*) — and, after debate —  
  
Motion made and question — That the debate be now adjourned (*Mr Batchelor*) — put and agreed to.  
  
Ordered — That the debate be adjourned until Thursday 11 April 2002.
- 6 **MELBOURNE CITY LINK (FURTHER MISCELLANEOUS AMENDMENTS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).  
  
Motion made and question — That the debate be now adjourned (*Mr Leigh*) — put and agreed to.  
  
Ordered, after debate — That the debate be adjourned until Thursday 11 April 2002.
- 7 **ELECTRICITY INDUSTRY (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.  
  
Bill read a second time and, by leave, read a third time forthwith.  
  
Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.
- 8 **CORPORATIONS (FINANCIAL SERVICES REFORM AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.  
  
Bill read a second time and, by leave, read a third time forthwith.  
  
Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.
- 9 **MESSAGE FROM THE GOVERNOR** — The Acting Speaker announced the presentation of a message from the Governor recommending an appropriation for the purposes of the Electoral Bill.
- 10 **STATUTE LAW (FURTHER REVISION) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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*Business having been interrupted at 2.00 pm pursuant to Sessional Orders.*

- 11 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 12 **STATUTE LAW (FURTHER REVISION) BILL** — Debate continued on question — That this Bill be now read a second time.

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 13 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Batchelor*) — put and agreed to.
- 14 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

And the House, at 4.06 pm, adjourned until Tuesday 16 April 2002.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 133, 134 and 135

#### No 133 — Tuesday 16 April 2002

- 1 The House met pursuant to adjournment — The Speaker took the Chair and read the Prayer.
- 2 **DEATH OF HER MAJESTY QUEEN ELIZABETH THE QUEEN MOTHER** — Motion made, by leave, and question — That the following resolution be agreed to by this House —

TO HER MAJESTY QUEEN ELIZABETH II:

MOST GRACIOUS SOVEREIGN

We, the Legislative Assembly of Victoria, in Parliament assembled, express our sympathy with Your Majesty, His Royal Highness the Duke of Edinburgh and members of the Royal Family, in your sorrow at the death of Her Majesty Queen Elizabeth The Queen Mother.

We acknowledge her as a much-loved member of the Royal Family and pay tribute to her long years of devoted service which she carried out with charm, dignity and resilience throughout her life.

*(Mr Bracks)* — put, and, after Dr Napthine and Mr Ryan had addressed the House in support of the motion, honourable members rising in their places to signify their assent, agreed to unanimously and in silence.

Motion made, by leave, and question — That the following Address to the Governor be agreed to by this House —

Sir:

We, the Members of the Parliament of Victoria, in Parliament assembled, respectfully request that you will be pleased to communicate to the Governor-General the accompanying resolution for transmission to Her Majesty the Queen.

*(Mr Bracks)* — put and agreed to.

- 3 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 4 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Burwood Highway, Belgrave** — Seeking that a second set of pedestrian crossing lights be installed on Burwood Highway in Belgrave and the speed limit reduced from 60 km/h to 50 km/h with lit signs to advertise this on the Burwood Highway approach to Belgrave in

consideration of the constant and increasing traffic flow, heavy rush-hour traffic, several blind corners through the business area and the increasing use of the area for evening and late night entertainment, bearing 1,423 signatures (*by Mr McArthur*)

**Intersection of Frankston-Flinders, Dandenong-Hastings and Denham Roads, Tyabb** — Seeking that urgent action is taken to make the intersection of Frankston-Flinders Road with Dandenong-Hastings Road and Denham Road in Tyabb safer before more lives are lost at the location, bearing 850 signatures (*by Mr Cooper*).

Severally ordered to lie on the Table.

- 5 **PETITION — BURWOOD HIGHWAY, BELGRAVE** — Motion made and question — That the petition presented by the Member for Monbulk relating to a second set of pedestrian crossing lights being installed and the speed limit reduced on Burwood Highway in Belgrave be taken into consideration tomorrow (*Mr McArthur*) — put and agreed to.
- 6 **PETITION — INTERSECTION OF FRANKSTON-FLINDERS, DANDENONG-HASTINGS AND DENHAM ROADS, TYABB** — Motion made and question — That the petition presented by the Member for Mornington relating to the intersection of Frankston-Flinders, Dandenong-Hastings and Denham Roads, Tyabb be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.
- 7 **PAPERS** —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Ms Gillett, Chair, brought up a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 3 of 2002 on the:

Building and Construction Industry Security of Payment Bill  
 Electoral Bill  
 Forensic Health Legislation (Amendment) Bill  
 Health Practitioner Acts (Further Amendments) Bill  
 Jewish Care (Victoria) Bill  
 Melbourne City Link (Further Miscellaneous Amendments) Bill  
 Road Safety (Alcohol Interlocks) Bill  
 Water (Irrigation Farm Dams) (Amendment) Bill

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:

*Crown Land (Reserves) Act 1978* — Section 17DA Order granting under s 17D a lease by Cheltenham Golf Club Incorporated

*Financial Management Act 1994* — Report from the Minister for Agriculture that he had received the 2000–01 annual report of the Northern Victoria Fresh Tomato Industry Development Committee

Lake Mountain Alpine Resort Management Board — Report for the year ended 31 October 2001

Latrobe Regional Hospital — Report for the year 2000–01 (two papers)



Mansfield District Hospital — Report for the period 1 December 2000 to 30 June 2001 (three papers)

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

Alpine Planning Scheme — No C5  
 Brimbank Planning Scheme — Nos C34, C39  
 Cardinia Planning Scheme — No C13 Part 1  
 Gannawarra Planning Scheme — No C3  
 Greater Bendigo Planning Scheme — No C25  
 Greater Shepparton Planning Scheme — No C22  
 Kingston Planning Scheme — Nos C21, C24  
 Manningham Planning Scheme — No C12  
 Melbourne Planning Scheme — No C18  
 Mildura Planning Scheme — No C6  
 Mitchell Planning Scheme — No C9  
 Monash Planning Scheme — No C14  
 Moonee Valley Planning Scheme — Nos C25, C32  
 Moreland Planning Scheme — No C17  
 Towong Planning Scheme — No C3 Part 1  
 Wyndham Planning Scheme — No C32  
 Yarra Planning Scheme — No C36

Statutory Rules under the following Acts:

*Dangerous Goods Act 1985* — SR No 20  
*Fisheries Act 1995* — SR No 19  
*Occupational Health and Safety Act 1985* — SR No 20

*Subordinate Legislation Act 1994*:

Minister's exception certificate in relation to Statutory Rule No 19

The following proclamation fixing an operative date was laid upon the Table by the Clerk pursuant to an Order of the House dated 3 November 1999:

*Second-Hand Dealers and Pawnbrokers (Amendment) Act 2001* — Remaining provisions (except sections 30(3), 31, 36, 37, and 38) on 8 April 2002 (*Gazette G13, 28 March 2002*).

- 8 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Assembly that he had, on 3 April 2002, given the royal assent to the following bills, presented to him by the Deputy Clerk of the Legislative Council for and in the absence of the Clerk of the Parliaments:

Judicial Remuneration Tribunal (Amendment) Bill  
 Water (Irrigation Farm Dams) Bill  
 Water (Irrigation Farm Dams) (Amendment) Bill.

- 9 **MESSAGE FROM THE LIEUTENANT-GOVERNOR — ASSENT TO BILL** — Informing the Assembly that she had, on 9 April 2002, given the royal assent to the Forensic Health Legislation (Amendment) Bill, presented to her by the Clerk of the Parliaments.

- 10 **MESSAGE FROM THE GOVERNOR** — The Speaker announced the presentation of a message from the Governor recommending an appropriation for the purposes of the Melbourne City Link (Further Miscellaneous Amendments) Bill.
- 11 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, pursuant to Sessional Order 6(3), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 18 April 2002:
- Melbourne City Link (Further Miscellaneous Amendments) Bill  
 Jewish Care (Victoria) Bill  
 Crimes (DNA Database) Bill — Amendments of the Legislative Council  
 Health Practitioner Acts (Further Amendments) Bill
- (*Mr Batchelor*) — put, after debate, and agreed to.
- 12 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 13 **MELBOURNE CITY LINK (FURTHER MISCELLANEOUS AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Business having been interrupted at 10.00 pm pursuant to Sessional Orders.*
- 14 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.57 pm.

R W PURDEY  
 Clerk of the Legislative Assembly

A ANDRIANOPOULOS  
 Speaker

## No 134 — Wednesday 17 April 2002

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:
- Funding Increase to Public Libraries** — Seeking that the Victorian Government — (a) immediately invests substantially more in public library services for the benefit of all Victorians by increased funding to public libraries for the purchase of books; and (b) increases funding for the purchase and maintenance of mobile library services to ensure the removal of the barrier to access by Victorians in rural and remote areas, bearing 444 signatures (*by Mr Lupton*).
- Ordered to lie on the table.
- 3 **CONSTITUTION (PARLIAMENTARY TERMS) BILL** — Mr Ingram, by leave, obtained leave, with Mr Savage, to bring in a Bill 'to amend the *Constitution Act 1975* with respect to the

*length of Parliamentary terms and for other purposes'*; and the said Bill was read a first time, ordered to be printed and, by leave, read a second time forthwith.

- 4 **CONSTITUTION (PARLIAMENTARY TERMS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Ingram*).

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

Ordered — That the debate be adjourned until Wednesday 1 May 2002.

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

- 6 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.

- 7 **RAIL CORPORATIONS (AMENDMENT) BILL** — Mr Batchelor, pursuant to a motion moved on his behalf by Mr Hulls, obtained leave, with Mr Pandazopoulos, to bring in a Bill '*to amend the Rail Corporations Act 1996 in relation to the rail access regime and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.

- 8 **STATE TAXATION LEGISLATION (FURTHER AMENDMENT) BILL** — Mr Brumby, pursuant to a motion moved on his behalf by Mr Hulls, after debate, obtained leave with Mr Pandazopoulos, to bring in a Bill '*to make further miscellaneous amendments to the Duties Act 2000, the Land Tax Act 1958 and the Pay-roll Tax Act 1971 and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.

- 9 **GUARDIANSHIP AND ADMINISTRATION (AMENDMENT) BILL** — Mr Hulls, after debate, obtained leave with Mr Pandazopoulos, to bring in a Bill '*to amend the Guardianship and Administration Act 1986, the Mental Health Act 1986 and the Victorian Civil and Administrative Tribunal Act 1998 and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.

- 10 **FISHERIES (FURTHER AMENDMENT) BILL** — Ms Garbutt, pursuant to a motion moved on her behalf by Mr Hulls, after debate, obtained leave with Mr Pandazopoulos, to bring in a Bill '*to amend the Fisheries Act 1995 and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.

- 11 **JEWISH CARE (VICTORIA) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

The Acting Speaker announced that the Speaker had ruled the Bill to be a private bill.

Motion made and question — That this Bill be treated as a public bill and that fees be dispensed with (*Mr Hulls*) — put and agreed to.

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

*Business having been interrupted at 2.00 pm pursuant to Sessional Orders.*

- 12 **QUESTIONS** — (Pursuant to Standing Order No 124).

- 13 **JEWISH CARE (VICTORIA) BILL** — Debate continued on question — That this Bill be now read a second time.

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

14 **CRIMES (DNA DATABASE) BILL** — Order read for the consideration of the amendments made by the Legislative Council.

The said amendments were read a second time.

On the motion of Mr Hulls and, after debate — Amendment No 1 agreed to with an amendment.

On the motion of Mr Hulls — Amendment No 2 agreed to with an amendment.

On the motion of Mr Hulls — Amendment Nos 3 and 4 disagreed with.

On the motion of Mr Hulls — Amendment Nos 5 to 11 agreed to.

On the motion of Mr Hulls — Amendment No 12 disagreed with.

On the motion of Mr Hulls — Amendment No 13 agreed to with an amendment.

On the motion of Mr Hulls — Amendment No 14 disagreed with.

On the motion of Mr Hulls — Amendment No 15 agreed to with an amendment.

On the motion of Mr Hulls — Amendment Nos 16 to 19 disagreed with.

On the motion of Mr Hulls — Amendment No 20 agreed to with an amendment.

On the motion of Mr Hulls — Amendment No 21 agreed to with an amendment.

On the motion of Mr Hulls — Amendment No 22 disagreed with.

On the motion of Mr Hulls — Amendment No 23 agreed to with an amendment.

On the motion of Mr Hulls — Amendment No 24 disagreed with.

On the motion of Mr Hulls — Amendment No 25 agreed to with an amendment.

On the motion of Mr Hulls — Amendment No 26 agreed to with an amendment.

On the motion of Mr Hulls — Amendment No 27 disagreed with.

On the motion of Mr Hulls — Amendment No 28 agreed to with an amendment.

On the motion of Mr Hulls — Amendment No 29 agreed to with an amendment.

On the motion of Mr Hulls — Amendment Nos 30 and 31 disagreed with.

On the motion of Mr Hulls — Amendment No 32 agreed to with an amendment.

Motion made and question — That Amendment No 33 be disagreed with (*Mr Hulls*) — put.

The House divided.

AYES 46

Ms Allan (*Bendigo East*); Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Ms Davies; Ms Delahunty (*Northcote*); Ms Duncan; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Hardman; Mr Helper; Mr Holding; Mr Howard; Mr Hulls; Mr Ingram; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lenders; Mr Lim; Ms Lindell; Mr Loney; Mrs Maddigan; Mr Maxfield; Mr Mildenhall; Mr Nardella; Ms Overington; Mr Pandazopoulos; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Viney; Mr Wynne. Tellers: Ms Allen (*Benalla*); Mr Langdon.

NOES 40

Ms Asher; Mr Ashley; Mr Baillieu; Ms Burke; Mr Clark; Mr Cooper; Dr Dean; Mr Delahunty (*Wimmera*); Mr Dixon; Mr Doyle; Mrs Elliott; Mrs Fyffe; Mr Honeywood; Mr Jasper; Mr Kilgour; Mr Kotsiras; Mr Leigh; Mr Lupton; Mr McArthur; Ms McCall; Mr McIntosh; Mr Maclellan; Mr Mulder; Dr Naphthine; Mr Paterson; Mr Perton; Mrs Peulich; Mr Phillips; Mr Plowman; Mr Richardson; Mr Rowe; Mr Ryan; Mrs Shardey; Mr Spry; Mr Steggall; Mr Thompson; Mr Wells; Mr Wilson. Tellers: Mr Maughan; Mr Smith.

And so it was resolved in the affirmative.

On the motion of Mr Hulls — Amendment No 34 disagreed with but an amendment made in the Bill.

On the motion of Mr Hulls — Amendment Nos 35 and 36 disagreed with.

Ordered — That a message be sent to the Legislative Council acquainting them accordingly.

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

Statute Law (Further Revision) Bill  
 Constitution (Governor's Salary) Bill.

- 16 **MELBOURNE CITY LINK (FURTHER MISCELLANEOUS AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and committed; considered in Committee.

Committee reported progress; to sit again tomorrow.

*Business having been interrupted at 10.02 pm pursuant to Sessional Orders.*

- 17 **ADJOURNMENT** — The Speaker announced that the time for the adjournment of the House had arrived and, after debate, the Acting Speaker left the Chair at 11.10 pm.

## No 135 — Thursday 18 April 2002

1 The Speaker took the Chair and read the Prayer.

2 **PAPERS —**

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — Ms Barker, brought up a report from the Public Accounts and Estimates Committee on the Department of Human Services — Service Agreements for Community, Health and Welfare Services, 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:

Auditor-General — Performance Audit Report — International students in Victorian universities — Ordered to be printed

Central Gippsland Health Service — Report for the year 2000–01 (two papers)

Lorne Community Hospital — Report for the year 2000–01

Statutory Rules under the following Acts:

*Building Act 1993* — SR No 27

*Gaming Machine Control Act 1991* — SR Nos 23, 24, 25

*Magistrates' Court Act 1989* — SR No 22

*Sentencing Act 1991* — SR No 21

*Subdivision Act 1988* — SR No 26

*Subordinate Legislation Act 1994:*

Minister's exemption certificates in relation to Statutory Rule Nos 21, 22.

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

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

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

Ordered, after debate — That the debate be adjourned until Thursday 2 May 2002.

5 **STATE TAXATION LEGISLATION (FURTHER AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).

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

Ordered — That the debate be adjourned until Thursday 2 May 2002.

- 6 **GUARDIANSHIP AND ADMINISTRATION (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).
- Motion made and question — That the debate be now adjourned (*Dr Dean*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 2 May 2002.
- 7 **FISHERIES (FURTHER AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Garbutt*).
- Motion made and question — That the debate be now adjourned (*Mr Baillieu*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 2 May 2002.
- 8 **HEALTH PRACTITIONER ACTS (FURTHER AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Motion made and question — That the debate be now adjourned (*Mr Seitz*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- Business having been interrupted at 2.00 pm pursuant to Sessional Orders.*
- 9 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 10 **MINISTERIAL STATEMENT — JUSTICE SYSTEM** — Mr Hulls made a ministerial statement relating to a fair, accessible and understandable justice system.
- Motion made, by leave, and question proposed — That this House takes note of the ministerial statement (*Mr Hulls*) — and, after debate —
- Motion made and question — That the debate be now adjourned (*Mr Ryan*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 11 **HEALTH PRACTITIONER ACTS (FURTHER AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Allocation of time — The Acting Speaker advised that the time allocated for consideration of bills pursuant to resolution of the House on Tuesday 16 April 2002 had expired.*
- Question — That this Bill be now read a second and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.
- 12 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 6, be postponed until tomorrow.
- 13 **MELBOURNE CITY LINK (FURTHER MISCELLANEOUS AMENDMENTS) BILL** — Order read for the further consideration of the Bill in Committee.

Question — That clauses 1 to 15 inclusive and the Schedule be agreed to, the Bill be read a third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 14 **COUNTRY FIRE AUTHORITY (MISCELLANEOUS AMENDMENTS) BILL** — Order read for the consideration of the message from the Legislative Council.

Motion made and question — That this Bill be now laid aside (*Mr Haermeyer*) — put and agreed to.

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

- 16 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

And the House, at 4.55 pm, adjourned until Tuesday 23 April 2002.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*



## LEGISLATIVE ASSEMBLY OF VICTORIA

# VOTES AND PROCEEDINGS

## Nos 136 and 137

### No 136 — Tuesday 23 April 2002

- 1 The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 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 amendments to the following planning schemes:

Baw Baw Planning Scheme — No C17  
Bayside Planning Scheme — No C20  
Boroondara Planning Scheme — No C26  
Cardinia Planning Scheme — No C27  
Colac Otway Planning Scheme — No C10  
Glen Eira Planning Scheme — No C13  
Hume Planning Scheme — No C27  
Melbourne Planning Scheme — No C62  
Towong Planning Scheme — Nos C4, C7

*Surveillance Devices Act 1999* — Reports pursuant to s 37 from the National Crime Authority, Chief Commissioner of Police and Department of Natural Resources and Environment

The following proclamation fixing an operative date was laid upon the Table by the Clerk pursuant to an Order of the House dated 3 November 1999:

*Road Safety (Further Amendment) Act 2001* — Sections 4, 5(3), 7, 8, 10, 26, 29 and 30 on 1 May 2002 (*Gazette G16, 18 April 2002*).

- 4 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:  
  
Electricity Industry (Amendment) Bill  
Corporations (Financial Services Reform Amendments) Bill  
Jewish Care (Victoria) Bill.
- 5 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Insisting on their amendments disagreed with by the Legislative Assembly and disagreeing with the amendments made by the Assembly to the amendments made by the Council in the Crimes (DNA Database) Bill.

Ordered — That the message be taken into consideration forthwith.

6 **CRIMES (DNA DATABASE) BILL** — Order read for the consideration of the message from the Legislative Council.

Motion made and question — That this House insists on the amendment made to each of amendment Nos 1 and 2 (*Mr Hulls*) — after debate, put.

The House divided.

AYES 45

Ms Allan (*Bendigo East*); Ms Allen (*Benalla*); Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Ms Davies; Ms Delahunty (*Northcote*); Ms Duncan; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Hardman; Mr Helper; Mr Holding; Mr Hulls; Mr Ingram; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lenders; Mr Lim; Ms Lindell; Mr Loney; Mrs Maddigan; Mr Maxfield; Mr Mildenhall; Mr Nardella; Ms Overington; Mr Pandazopoulos; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Trezise; Mr Viney; Mr Wynne. Tellers: Mr Howard; Mr Langdon.

NOES 40

Ms Asher; Mr Ashley; Mr Baillieu; Ms Burke; Mr Clark; Mr Cooper; Dr Dean; Mr Dixon; Mr Doyle; Mrs Elliott; Mrs Fyffe; Mr Honeywood; Mr Jasper; Mr Kilgour; Mr Kotsiras; Mr Leigh; Mr Lupton; Mr McArthur; Ms McCall; Mr McIntosh; Mr Maclellan; Mr Mulder; Dr Napthine; Mr Paterson; Mr Perton; Mrs Peulich; Mr Phillips; Mr Plowman; Mr Richardson; Mr Rowe; Mr Ryan; Mrs Shardey; Mr Spry; Mr Steggall; Mr Thompson; Mr Vogels; Mr Wells; Mr Wilson. Tellers: Mr Maughan; Mr Smith.

And so it was resolved in the affirmative.

On the motion of Mr Hulls — Disagreement with amendment Nos 3 and 4 insisted on.

On the motion of Mr Hulls — Disagreement with amendment No 12 insisted on.

On the motion of Mr Hulls — Amendment made to amendment No 13 insisted on.

On the motion of Mr Hulls — Disagreement with amendment No 14 insisted on.

On the motion of Mr Hulls — Amendment made to amendment No 15 insisted on.

On the motion of Mr Hulls — Disagreement with amendment Nos 16 to 19 insisted on.

On the motion of Mr Hulls — Amendment made to amendment Nos 20 and 21 insisted on.

On the motion of Mr Hulls — Disagreement with amendment No 22 insisted on.

On the motion of Mr Hulls — Amendment made to amendment No 23 insisted on.

On the motion of Mr Hulls — Disagreement with amendment No 24 insisted on.

On the motion of Mr Hulls — Amendment made to amendment Nos 25 and 26 insisted on.

On the motion of Mr Hulls — Disagreement with amendment No 27 insisted on.

On the motion of Mr Hulls — Amendment made to amendment Nos 28 and 29 insisted on.

On the motion of Mr Hulls — Disagreement with amendment Nos 30 and 31 insisted on.

On the motion of Mr Hulls — Amendment made to amendment No 32 insisted on.

On the motion of Mr Hulls — Disagreement with amendment No 33 insisted on.

On the motion of Mr Hulls — Disagreement with amendment No 34 and the amendment made by the Legislative Assembly insisted on.

On the motion of Mr Hulls — Disagreement with amendment Nos 35 and 36 insisted on.

Ordered — That a message be sent to the Legislative Council acquainting them accordingly.

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

Constitution (Governor's Salary) Bill  
 Corporations (Financial Services Reform Amendments) Bill  
 Electricity Industry (Amendment) Bill  
 Statute Law (Further Revision) Bill.

- 8 **MESSAGES FROM THE GOVERNOR** — The Speaker announced the presentation of messages from the Governor recommending appropriations for the purposes of the following bills:

Fisheries (Further Amendment) Bill  
 State Taxation Legislation (Further Amendment) Bill.

- 9 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, pursuant to Sessional Order 6(3), the Order of the Day, Government Business, relating to the Building and Construction Industry Security of Payment Bill be considered and completed by 3.30 pm on Wednesday 24 April 2002 (*Mr Batchelor*) — put, after debate, and agreed to.

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

- 11 **NATIONAL CRIME AUTHORITY (STATE PROVISIONS) (AMENDMENT) BILL** — Mr Haermeyer obtained leave, with Mr Hulls, to bring in a Bill '*to amend the National Crime Authority (State Provisions) Act 1984 so that it more closely reflects the National Crime Authority Act 1984 of the Commonwealth and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.

- 12 **MAGISTRATES' COURT (KOORI COURT) BILL** — Mr Hulls obtained leave, with Ms Garbutt, to bring in a Bill '*to amend the Magistrates' Court Act 1989 to establish a Koori Court Division of the Magistrates' Court, to provide for the jurisdiction and procedure of that Division and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.

- 13 **THEATRES (REPEAL) BILL** — Mr Hulls, after debate, obtained leave with Ms Campbell, to bring in a Bill '*to repeal the Theatres Act 1958, to amend the Anzac Day Act 1958 and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.

- 14 **RACING ACTS (AMENDMENT) BILL** — Mr Hulls obtained leave, with Ms Campbell, to bring in a Bill 'to amend the *Racing Act 1958* to provide for the approval of the entering into of certain classes of partnerships by bookmakers and the approval of certain classes of companies acting as bookmakers, to make other amendments to that Act, to amend the *Lotteries Gaming and Betting Act 1966*, to amend *The Victoria Racing Club Act 1871* to remove the borrowing restriction on the Victoria Racing Club and for other purposes'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 15 **ENERGY LEGISLATION (FURTHER MISCELLANEOUS AMENDMENTS) BILL** — Ms Garbutt, after debate, obtained leave with Ms Campbell, to bring in a Bill 'to amend the *Electricity Safety Act 1998*, the *Gas Safety Act 1997*, the *Electricity Industry Act 2000* and the *Gas Industry Act 2001* and for other purposes'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 16 **BUILDING AND CONSTRUCTION INDUSTRY SECURITY OF PAYMENT BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Business having been interrupted at 10.00 pm pursuant to Sessional Orders.*
- 17 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 11.09 pm.

R W PURDEY  
Clerk of the Legislative Assembly

A ANDRIANOPOULOS  
Speaker

## No 137 — Wednesday 24 April 2002

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Scoresby Transport Corridor — Funding Review** — Seeking that the Government reviews the funding decision for the Scoresby transport corridor, bearing 306 signatures (*by Mr Ashley*)

**Scoresby Freeway** — Seeking that the Government, as a matter of extreme urgency, makes an immediate unequivocal commitment to fund 50 per cent of the Scoresby Freeway and associated public transport infrastructure costs thereby expediting commencement of the project, bearing 258 signatures (*by Mr Ashley*).

Severally ordered to lie on the Table.

- 3 **PETITION — SCORESBY TRANSPORT CORRIDOR — FUNDING REVIEW** — Motion made and question — That the petition presented by the Member for Bayswater relating to reviewing the funding decision for the Scoresby transport corridor be taken into consideration tomorrow (*Mr Ashley*) — put and agreed to.

4 **PETITION — SCORESBY FREEWAY** — Motion made and question — That the petition presented by the Member for Bayswater relating to funding for the Scoresby Freeway and associated public transport infrastructure costs be taken into consideration tomorrow (*Mr Ashley*) — put and agreed to.

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:

Statutory Rules under the following Acts:

*Heritage Act 1995* — SR No 28

*Road Safety Act 1986* — SR No 29

*Victorian Law Reform Commission Act 2000* — Report on Disputes Between Co-owners — Ordered to be printed.

6 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Melbourne City Link (Further Miscellaneous Amendments) Bill with an amendment.

Ordered — That the said amendment be printed and taken into consideration forthwith.

7 **MELBOURNE CITY LINK (FURTHER MISCELLANEOUS AMENDMENTS) BILL** — Order read for the consideration of the amendment made by the Legislative Council.

The said amendment was read a second time and, after debate, agreed to by the House.

Ordered — That a message be sent to the Legislative Council acquainting them that the Legislative Assembly has agreed to the said amendment.

8 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourn until Tuesday 7 May 2002 (*Mr Batchelor*) — put and agreed to.

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

10 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — GOVERNMENT BUSINESS STATEMENT** — The House was informed that Mr Brumby had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House commends the Bracks Government on its Business Statement, *Building Tomorrow's Businesses Today*, that will grow businesses and jobs across Victoria, and will secure Victoria's future as an innovative, competitive and connected economy.'

Mr Brumby addressed the House — Discussion ensued.

11 **NATIONAL CRIME AUTHORITY (STATE PROVISIONS) (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Haermeyer*).

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

Ordered — That the debate be adjourned until Wednesday 8 May 2002.

*Business having been interrupted at 2.00 pm pursuant to Sessional Orders.*

- 12 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 13 **MAGISTRATES' COURT (KOORI COURT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).
- Motion made and question — That the debate be now adjourned (*Dr Dean*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 8 May 2002.
- 14 **THEATRES (REPEAL) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).
- Motion made and question — That the debate be now adjourned (*Dr Dean*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 8 May 2002.
- 15 **RACING ACTS (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).
- Motion made and question — That the debate be now adjourned (*Mr Mulder*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 8 May 2002.
- Allocation of time — The Acting Speaker advised that the time allocated for consideration of the bill pursuant to resolution of the House on Tuesday 23 April 2002 had expired.*
- 16 **BUILDING AND CONSTRUCTION INDUSTRY SECURITY OF PAYMENT BILL** — Order read for resuming debate on question — That this Bill be now read a second time.
- Bill read a second time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.
- Bill read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.
- Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.
- 17 **ENERGY LEGISLATION (FURTHER MISCELLANEOUS AMENDMENTS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Garbutt*).
- Motion made and question — That the debate be now adjourned (*Mr McArthur*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 8 May 2002.
- 18 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Lenders*) — put and agreed to.

19 ADJOURNMENT — Resolved, after debate — That the House do now adjourn.

And the House, at 4.40 pm, adjourned until Tuesday 7 May 2002.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 138, 139 and 140

#### No 138 — Tuesday 7 May 2002

- 1 The House met pursuant to adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 3 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:

**Intersection of Frankston-Flinders, Dandenong-Hastings and Denham Roads, Tyabb** — Seeking that urgent action is taken to make the intersection of Frankston-Flinders Road with Dandenong-Hastings Road and Denham Road in Tyabb safer before more lives are lost at the location, bearing 2,473 signatures (*by Mr Batchelor*).

Ordered to lie on the Table.

- 4 **PETITION — INTERSECTION OF FRANKSTON-FLINDERS, DANDENONG-HASTINGS AND DENHAM ROADS, TYABB** — Motion made and question — That the petition presented by the Member for Thomastown relating to the intersection of Frankston-Flinders with Dandenong-Hastings and Denham Roads in Tyabb be taken into consideration tomorrow (*Mr Viney*) — put and agreed to.
- 5 **PAPERS** —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Ms Gillett, Chair, brought up a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 4 of 2002 on the:

Constitution (Parliamentary Terms) Bill  
Crimes (Workplace Deaths and Serious Injuries) Bill  
Energy Legislation (Further Miscellaneous Amendments) Bill  
Fisheries (Further Amendment) Bill  
Guardianship and Administration (Amendment) Bill  
Magistrates' Court (Koori Court) Bill  
National Crime Authority (State Provisions) (Amendment) Bill  
Racing Acts (Amendment) Bill  
Rail Corporations (Amendment) Bill  
State Taxation Legislation (Further Amendment) Bill  
Summary Offences (Spray Cans) Bill  
Theatres (Repeal) Bill

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 Multicultural Education Services — Report for the period 1 March 2001 to 31 December 2001

Ballarat University — Report for the year 2001 (two papers)

Bendigo Regional Institute of TAFE — Report for the year 2001

Box Hill Institute of TAFE — Report for the year 2001

Central Gippsland Institute of TAFE — Report for the year 2001

Centre for Adult Education — Report for the year 2001

Chisholm Institute of TAFE — Report for the year 2001

Cinemia Corporation — Report for the period 1 July 2001 to 31 December 2001

*Crown Land (Reserves) Act 1978* — Section 17DA Orders granting under s 17D leases to Powercor Australia Limited (two orders)

Deakin University — Report for the year 2001

Driver Education Centre of Australia Limited (DECA) — Report for the year 2001

East Gippsland Institute of TAFE — Report for the year 2001

*Financial Management Act 1994:*

Budget Paper No 2 — 2002/2003 Budget Statement

Report from the Minister for Agriculture that he had not received the 2001 annual report of the Veterinary Practitioners Registration Board of Victoria, together with an explanation for the delay in tabling

Gordon Institute of TAFE — Report for the year 2001

Goulburn Ovens Institute of TAFE — Report for the year 2001

Holmesglen Institute of TAFE — Report for the year 2001

Kangan Batman Institute of TAFE — Report for the year 2001

La Trobe University — Report for the year 2001

Melbourne University — Report for the year 2001

Monash University — Report for the year 2001

Mount Stirling Alpine Resort Management Board — Report for the year ended 31 October 2001

Northern Melbourne Institute of TAFE — Report for the year 2001

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

East Gippsland Planning Scheme — No C3 Part 1  
 Hume Planning Scheme — Nos C32, C34, C35  
 Maribyrnong Planning Scheme — Nos C8, C27  
 Maroondah Planning Scheme — No C26  
 Melbourne Planning Scheme — No C64  
 Monash Planning Scheme — No C6  
 Moyne Planning Scheme — No C1  
 South Gippsland Planning Scheme — No C7  
 Whittlesea Planning Scheme — No C33  
 Wodonga Planning Scheme — No C11  
 Yarra Planning Scheme — No C31

RMIT — Report for the year 2001

South West Institute of TAFE — Report for the year 2001

Statutory Rule under the *Subordinate Legislation Act 1994* — SR No 30

*Subordinate Legislation Act 1994* — Minister's exception certificate in relation to Statutory Rule No 30

Sunraysia Institute of TAFE — Report for the year 2001

Swinburne University of Technology — Report for the year 2001

Victims of Crime Assistance Tribunal — Report for the year 2000–01

Victoria University of Technology — Report for the year 2001

*Victorian Law Reform Commission Act 2000* — Report on Criminal Liability for Workplace Death and Serious Injury in the Public Sector — Ordered to be printed

William Angliss Institute of TAFE — Report for the year 2001

Wodonga Institute of TAFE — Report for the year 2001

The following proclamations fixing operative dates were laid upon the Table by the Clerk pursuant to an Order of the House dated 3 November 1999:

*Post Compulsory Education Acts (Amendment) Act 2001* — Remaining provisions on 3 May 2002 (*Gazette G18, 2 May 2002*)

*Road Safety (Alcohol Interlocks) Act 2002* — Remaining provisions on 13 May 2002 (*Gazette G18, 2 May 2002*)

*Sentencing (Amendment) Act 2002* — Remaining provisions (except for sections 8, 9, 11 and 14) on 2 May 2002 (*Gazette G18, 2 May 2002*).

6 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Health Practitioner Acts (Further Amendments) Bill without amendment.

- 7 **MESSAGES FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:
- On 30 April 2002:  
 Jewish Care (Victoria) Bill  
 Melbourne City Link (Further Miscellaneous Amendments) Bill
- On 7 May 2002:  
 Health Practitioner Acts (Further Amendments) Bill.
- 8 **MESSAGE FROM THE GOVERNOR — CONDOLENCE MOTION — QUEEN MOTHER** — Informing the Legislative Assembly that he has transmitted to the Governor-General of the Commonwealth of Australia, for presentation to Her Majesty the Queen, the joint condolence motion passed by both Houses of the Parliament of Victoria, on the death of Her Majesty Queen Elizabeth, The Queen Mother.
- 9 **MESSAGES FROM THE GOVERNOR** — The Speaker announced the presentation of messages from the Governor recommending appropriations for the purposes of the following bills:
- Magistrates' Court (Koori Court) Bill  
 National Crime Authority (State Provisions) (Amendment) Bill  
 Racing Acts (Amendment) Bill.
- 10 **MESSAGE FROM THE GOVERNOR** — The Speaker announced the presentation of a message from the Governor recommending an appropriation for the purposes of the Appropriation (2002/2003) Bill, and accompanying Estimates of Expenditure requiring annual appropriation in the financial year 2002/2003.
- Estimates ordered to lie on the Table.
- 11 **APPROPRIATION (2002/2003) BILL** — Mr Brumby, pursuant to Standing Order No 169(a), obtained leave, with Mr Bracks, to bring in a Bill *'for the appropriation of certain sums out of the Consolidated Fund in respect of the financial year 2002/2003 and for other purposes'*; and the said Bill was read a first time, ordered to be printed and read a second time forthwith.
- Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).
- Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 16 May 2002.
- 12 **MESSAGE FROM THE GOVERNOR** — The Speaker announced the presentation of a message from the Governor recommending an appropriation for the purposes of the Appropriation (Parliament 2002/2003) Bill, and accompanying Estimates of Expenditure for Parliament requiring annual appropriation in the financial year 2002/2003.
- Estimates ordered to lie on the Table.

- 13 **APPROPRIATION (PARLIAMENT 2002/2003) BILL** — Mr Brumby, pursuant to Standing Order No 169(a), obtained leave, with Mr Bracks, to bring in a Bill 'for the appropriation of certain sums out of the Consolidated Fund for the Parliament in respect of the financial year 2002/2003 and for other purposes'; and the said Bill was read a first time, ordered to be printed and read a second time forthwith.

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

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

Ordered — That the debate be adjourned until Thursday 16 May 2002.

- 14 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, pursuant to Sessional Order 6(3), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 9 May 2002:

Rail Corporations (Amendment) Bill  
 Guardianship and Administration (Amendment) Bill  
 Fisheries (Further Amendment) Bill  
 National Crime Authority (State Provisions) (Amendment) Bill  
 Theatres (Repeal) Bill  
 Racing Acts (Amendment) Bill

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

- 15 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 16 **RAIL CORPORATIONS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 17 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Building and Construction Industry Security of Payment Bill without amendment.

- 18 **GUARDIANSHIP AND ADMINISTRATION (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm pursuant to Sessional Orders.*

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

## No 139 — Wednesday 8 May 2002

- 1 The Speaker 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:  
*Financial Management Act 1994* — Budget Paper No 3 — 2002/2003 Budget Estimates.
- 3 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 4 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — NATURAL RESOURCE MANAGEMENT** — The House was informed that Mr Steggall had proposed that a definite matter of public importance be submitted to the House for discussion, namely —  
  
'That this House condemns the Government for its lack of public policy in the area of natural resource management, particularly as it relates to timber, fishing, public land, water management and land use.'  
  
Mr Steggall addressed the House — Discussion ensued.
- 5 **TRANSPORT (FURTHER MISCELLANEOUS AMENDMENTS) BILL** — Mr Batchelor, after debate, obtained leave with Mr Pandazopoulos, to bring in a Bill '*to amend the Transport Act 1983, the Essential Services Commission Act 2001 and the Melbourne City Link (Further Miscellaneous Amendments) Act 2002 and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 6 **ENVIRONMENT PROTECTION (RESOURCE EFFICIENCY) BILL** — Ms Garbutt obtained leave, with Mr Pandazopoulos, to bring in a Bill '*to amend the Environment Protection Act 1970, the Local Government Act 1989 and the Magistrates' Court Act 1989, to repeal the Litter Act 1987 and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 7 **CASINO (MANAGEMENT AGREEMENT) (AMENDMENT) BILL** — Mr Pandazopoulos, after debate, obtained leave with Mr Brumby, to bring in a Bill '*to amend the Casino (Management Agreement) Act 1993 and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 8 **TRAVEL AGENTS (AMENDMENT) BILL** — Ms Campbell obtained leave, with Mr Brumby, to bring in a Bill '*to amend the Travel Agents Act 1986 to make further provision for the Travel Compensation Fund and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 9 **JURIES (AMENDMENT) BILL** — Mr Hulls obtained leave, with Mr Brumby, to bring in a Bill '*to amend the Juries Act 2000 and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 10 **CRIMINAL JUSTICE LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Mr Hulls obtained leave, with Mr Brumby, to bring in a Bill '*to amend the Crimes Act 1958, the Corrections Act 1986, the Police Regulation Act 1958, the Magistrates' Court Act 1989, the Confiscation Act 1997, the Sentencing Act 1991, the Bail Act 1977, the Children and Young Persons Act 1989, the Interpretation of Legislation Act 1984, the Surveillance Devices Act*

*1999, the Transport Act 1983 and the Appeal Costs Act 1998 and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.

- 11 **ALBURY-WODONGA AGREEMENT (REPEAL) BILL** — Mr Brumby, after debate, obtained leave with Mr Hulls, to bring in a Bill '*to repeal the **Albury-Wodonga Agreement Act 1973** and the **Wodonga Area Land Acquisition Act 1973**, to dissolve the Albury-Wodonga (Victoria) Corporation, to provide for the transfer of assets, contractual rights and obligations, and liabilities of that Corporation to the Albury-Wodonga Development Corporation and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 12 **STATE TAXATION ACTS (FURTHER TAX REFORM) BILL** — Mr Brumby, after debate, obtained leave with Mr Hulls, to bring in a Bill '*to amend the **Duties Act 2000**, the **Land Tax Act 1958** and the **Pay-roll Tax Act 1971** to implement further tax reform and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 13 **AGRICULTURE LEGISLATION (AMENDMENTS AND REPEALS) BILL** — Mr Hamilton, after debate, obtained leave with Ms Pike, to bring in a Bill '*to amend the **Plant Health and Plant Products Act 1995** and the **Sale of Land Act 1962** and to repeal the **Wheat Marketing Act 1989** and the **Egg Industry (Deregulation) Act 1993** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 14 **FISHERIES (FURTHER AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Ms Garbutt announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

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

*Business having been interrupted at 2.00 pm pursuant to Sessional Orders.*

- 15 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 16 **FISHERIES (FURTHER AMENDMENT) BILL** — Debate continued on question — That this Bill be now read a second time.
- Motion made and question — That the debate be now adjourned (*Mr Mulder*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 17 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 2, be postponed until later this day.
- 18 **RACING ACTS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Motion made and question — That the debate be now adjourned (*Mr Maughan*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 19 **THEATRES (REPEAL) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

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

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

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

- 21 **NATIONAL CRIME AUTHORITY (STATE PROVISIONS) (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm pursuant to Sessional Orders.*

- 22 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.40 pm.

R W PURDEY  
Clerk of the Legislative Assembly

A ANDRIANOPOULOS  
Speaker

## No 140 — Thursday 9 May 2002

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

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

*Planning and Environment Act 1987* — Amendment No 114 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan

*Subordinate Legislation Act 1994* — Minister's exemption certificate in relation to Statutory Rule No 20.

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

- 4 **TOBACCO (MISCELLANEOUS AMENDMENTS) BILL** — Mr Thwaites, pursuant to a motion moved on his behalf by Ms Pike, after debate, obtained leave with Mr Pandazopoulos, to bring in a Bill 'to make miscellaneous amendments to the *Tobacco Act 1987*, to amend the *Gaming Machine Control Act 1991* and for other purposes'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.

- 5 **RESIDENTIAL TENANCIES (AMENDMENT) BILL** — Ms Pike, after debate, obtained leave with Mr Pandazopoulos, to bring in a Bill '*to make various amendments to the **Residential Tenancies Act 1997** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 6 **BUILDING (FURTHER AMENDMENT) BILL** — Ms Delahunty (*Northcote*), after debate, obtained leave with Mr Pandazopoulos, to bring in a Bill '*to further amend the **Building Act 1993** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 7 **VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL (PLANNING PROCEEDINGS) BILL** — Mr Hulls obtained leave, with Mr Pandazopoulos, to bring in a Bill '*to amend the **Victorian Civil and Administrative Tribunal Act 1998** in relation to the constitution of the Tribunal for the purposes of proceedings under a planning enactment, to validate certain things done by the Tribunal and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 8 **SPORTS EVENT TICKETING (FAIR ACCESS) BILL** — Mr Pandazopoulos obtained leave, with Mr Hamilton, to bring in a Bill '*to regulate the sale and distribution of tickets to certain sports events to ensure fair access to tickets and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 9 **GAMING LEGISLATION (AMENDMENT) BILL** — Mr Pandazopoulos obtained leave, with Mr Hamilton, to bring in a Bill '*to amend the **Casino Control Act 1991**, the **Gaming and Betting Act 1994**, the **Gaming Machine Control Act 1991**, the **Gaming No. 2 Act 1997**, the **Interactive Gaming (Player Protection) Act 1999** and the **Public Lotteries Act 2000** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 10 **UTILITY METERS (METROLOGICAL CONTROLS) BILL** — Ms Garbutt obtained leave, with Mr Hamilton, to bring in a Bill '*to enact trade measurement legislation in respect of utility meters, to consequentially amend the **Water Act 1989** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 11 **TRANSPORT (FURTHER MISCELLANEOUS AMENDMENTS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).
- Mr Batchelor made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.*
- Motion made and question — That the debate be now adjourned (*Mr Leigh*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 23 May 2002.
- 12 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 2, be postponed until later this day.
- 13 **CASINO (MANAGEMENT AGREEMENT) (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Pandazopoulos*).
- Motion made and question — That the debate be now adjourned (*Mr Baillieu*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 23 May 2002.



- 14 **ENVIRONMENT PROTECTION (RESOURCE EFFICIENCY) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Garbutt*).
- Motion made and question — That the debate be now adjourned (*Mr Perton*) — put and agreed to.
- Ordered, after debate — That the debate be adjourned until Thursday 23 May 2002.
- 15 **TRAVEL AGENTS (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Campbell*).
- Motion made and question — That the debate be now adjourned (*Mr Wells*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 23 May 2002.
- 16 **JURIES (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).
- Motion made and question — That the debate be now adjourned (*Dr Dean*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 23 May 2002.
- 17 **CRIMINAL JUSTICE LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).
- Mr Hulls made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.*
- Motion made and question — That the debate be now adjourned (*Dr Dean*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 23 May 2002.
- 18 **AGRICULTURE LEGISLATION (AMENDMENTS AND REPEALS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hamilton*).
- Motion made and question — That the debate be now adjourned (*Mr McArthur*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 23 May 2002.
- 19 **STATE TAXATION ACTS (FURTHER TAX REFORM) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).
- Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 23 May 2002.
- 20 **ALBURY-WODONGA AGREEMENT (REPEAL) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).

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

Ordered — That the debate be adjourned until Thursday 23 May 2002.

- 21 **GUARDIANSHIP AND ADMINISTRATION (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 22 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 11 and 12, be postponed until later this day.

- 23 **FISHERIES (FURTHER AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm pursuant to Sessional Orders.*

- 24 **QUESTIONS** — (Pursuant to Standing Order No 124).

- 25 **FISHERIES (FURTHER AMENDMENT) BILL** — Debate resumed on question — That this Bill be now read a second time.

*Allocation of time — The Deputy Speaker advised that the time allocated for consideration of bills pursuant to resolution of the House on Tuesday 7 May 2002 had expired.*

Question — That this Bill be now read a second time, Government amendments Nos 1 to 3 inclusive be agreed to, the Bill be read a third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 26 **RACING ACTS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 27 **NATIONAL CRIME AUTHORITY (STATE PROVISIONS) (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

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

29 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

And the House, at 5.13 pm, adjourned until Tuesday 14 May 2002.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 141, 142 and 143

#### No 141 — Tuesday 14 May 2002

- 1 The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 3 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Naval and Maritime Museum** — Seeking that the Government fosters and supports the establishment of a Naval and Maritime Museum, preferably in the Melbourne metropolitan area, bearing 70 signatures (*by Mrs Peulich*)

**Melbourne Maritime Museum** — Seeking that the Government — (a) reaffirms its strong support for the efforts of the National Trust of Victoria in the development of the Melbourne Maritime Museum; and (b) makes sufficient land and finance available for the construction and furnishing of a world class Maritime Museum, worthy of the maritime heritage of Melbourne, adjacent to the award winning Barque Polly Woodside, for the benefit and education of future generations, bearing 488 signatures (*by Mr Langdon*).

Severally ordered to lie on Table.

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

*Financial Management Act 1994* — Budget Sector — Quarterly Financial Report for the period ended 31 March 2002

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

Baw Baw Planning Scheme — No C15  
Casey Planning Scheme — No C43  
Gannawarra Planning Scheme — No C2  
Queenscliffe Planning Scheme — No C11  
South Gippsland Planning Scheme — No C4  
Yarra Planning Scheme — No C29.

- 5 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILL** — Informing the Assembly that he had, that day, given the royal assent to the Building and Construction Industry Security of Payment Bill, presented to him by the Clerk of the Parliaments.

- 6 **MESSAGES FROM THE GOVERNOR** — The Speaker announced the presentation of messages from the Governor recommending appropriations for the purposes of the following bills:

Agriculture Legislation (Amendments and Repeals) Bill  
 Albury-Wodonga Agreement (Repeal) Bill  
 Casino (Management Agreement) (Amendment) Bill  
 Environment Protection (Resource Efficiency) Bill  
 Juries (Amendment) Bill  
 State Taxation Acts (Further Tax Reform) Bill  
 Transport (Further Miscellaneous Amendments) Bill.

- 7 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, pursuant to Sessional Order 6(3), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 16 May 2002:

Crimes (Workplace Deaths and Serious Injuries) Bill  
 State Taxation Legislation (Further Amendment) Bill

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

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

- 9 **UPPER YARRA VALLEY AND DANDENONG RANGES REGIONAL STRATEGY PLAN** — Motion made and question — That pursuant to section 46D(1)(c) of the *Planning and Environment Act 1987*, Amendment No 114 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan be approved (*Ms Delahunty, Northcote*) — put, after debate, and agreed to.

- 10 **TOBACCO (MISCELLANEOUS AMENDMENTS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Thwaites*).

*Mr Thwaites made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.*

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

Ordered — That the debate be adjourned until Tuesday 28 May 2002.

- 11 **RESIDENTIAL TENANCIES (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Pike*).

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

Ordered — That the debate be adjourned until Tuesday 28 May 2002.

- 12 **BUILDING (FURTHER AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Delahunty, Northcote*).

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

Ordered — That the debate be adjourned until Tuesday 28 May 2002.

- 13 **VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL (PLANNING PROCEEDINGS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).
- Motion made and question — That the debate be now adjourned (*Dr Dean*) — put and agreed to.
- Ordered — That the debate be adjourned until Tuesday 28 May 2002.
- 14 **SPORTS EVENT TICKETING (FAIR ACCESS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Pandazopoulos*).
- Motion made and question — That the debate be now adjourned (*Mr Baillieu*) — put and agreed to.
- Ordered — That the debate be adjourned until Tuesday 28 May 2002.
- 15 **GAMING LEGISLATION (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Pandazopoulos*).
- Motion made and question — That the debate be now adjourned (*Mr Baillieu*) — put and agreed to.
- Ordered — That the debate be adjourned until Tuesday 28 May 2002.
- 16 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 7, be postponed until later this day.
- 17 **CRIMES (WORKPLACE DEATHS AND SERIOUS INJURIES) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.
- Pursuant to Sessional Orders, Mr Hulls announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.
- Debate resumed on question — That this Bill be now read a second time.
- Pursuant to Sessional Orders, Ms Davies announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.
- Debate resumed on question — That this Bill be now read a second time.
- Motion made and question — That the debate be now adjourned (*Ms Davies*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 18 **HANSARD RECORD EXPUNGED — STANDING ORDERS SUSPENDED** — Motion made, by leave, and question —
- (1) That the proceedings of the Legislative Assembly immediately following the calling of the Order of the Day for the second reading of the Building (Further Amendment) Bill up to the completion of the second reading speech and subsequent adjournment of debate be expunged from the Hansard record; and

- (2) That so much of Standing Orders be suspended so as to allow the motion for the second reading of the Building (Further Amendment) Bill and for the adjournment of the debate on the Bill to be moved again.

(*Ms Delahunty, Northcote*) — put, after debate, and agreed to.

- 19 **BUILDING (FURTHER AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Delahunty, Northcote*).

*Business having been interrupted at 10.00 pm pursuant to Sessional Orders.*

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

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

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

Ordered — That the debate be adjourned until Tuesday 28 May 2002.

- 20 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Rail Corporations (Amendment) Bill without amendment.

- 21 **CRIMES (WORKPLACE DEATHS AND SERIOUS INJURIES) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Question — put.

The House divided.

AYES 44

Ms Allan (*Bendigo East*); Ms Allen (*Benalla*); Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Ms Davies; Ms Delahunty (*Northcote*); Ms Duncan; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Hardman; Mr Holding; Mr Howard; Mr Hulls; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lenders; Mr Lim; Ms Lindell; Mr Loney; Mrs Maddigan; Mr Maxfield; Mr Mildenhall; Mr Nardella; Ms Overington; Mr Pandazopoulos; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Viney; Mr Wynne. Tellers: Mr Helper; Mr Langdon;

NOES 43

Ms Asher; Mr Ashley; Mr Baillieu; Ms Burke; Mr Clark; Mr Cooper; Dr Dean; Mr Delahunty (*Wimmera*); Mr Dixon; Mr Doyle; Mrs Elliott; Mrs Fyffe; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kilgour; Mr Kotsiras; Mr Leigh; Mr Lupton; Mr McArthur; Ms McCall; Mr McIntosh; Mr Maclellan; Mr Mulder; Dr Naphthine; Mr Paterson; Mr Perton; Mrs Peulich; Mr Phillips; Mr Plowman; Mr Richardson; Mr Rowe; Mr Ryan; Mr Savage; Mrs Shardey; Mr Spry; Mr Steggall; Mr Thompson; Mr Vogels; Mr Wells; Mr Wilson. Tellers: Mr Maughan; Mr Smith.

And so it was resolved in the affirmative.

Bill read a second time and committed.

And the House having continued to sit after 12 midnight —

WEDNESDAY 15 MAY 2002

Bill considered in Committee and reported with amendments; as amended, considered, and amendments agreed to.

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

The House divided.

AYES 44

Ms Allan (*Bendigo East*); Ms Allen (*Benalla*); Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Ms Davies; Ms Delahunty (*Northcote*); Ms Duncan; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Hardman; Mr Holding; Mr Howard; Mr Hulls; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lenders; Mr Lim; Ms Lindell; Mr Loney; Mrs Maddigan; Mr Maxfield; Mr Mildenhall; Mr Nardella; Ms Overington; Mr Pandazopoulos; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Viney; Mr Wynne. Tellers: Mr Helper; Mr Langdon.

NOES 43

Ms Asher; Mr Ashley; Mr Baillieu; Ms Burke; Mr Clark; Mr Cooper; Dr Dean; Mr Delahunty (*Wimmera*); Mr Dixon; Mr Doyle; Mrs Elliott; Mrs Fyffe; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kilgour; Mr Kotsiras; Mr Leigh; Mr Lupton; Mr McArthur; Ms McCall; Mr McIntosh; Mr Maclellan; Mr Mulder; Dr Naphthine; Mr Paterson; Mr Perton; Mrs Peulich; Mr Phillips; Mr Plowman; Mr Richardson; Mr Rowe; Mr Ryan; Mr Savage; Mrs Shardey; Mr Spry; Mr Steggall; Mr Thompson; Mr Vogels; Mr Wells; Mr Wilson. Tellers: Mr Maughan; Mr Smith.

And so it was resolved in the affirmative.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 22 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Insisting on some of their amendments disagreed with by the Legislative Assembly, not insisting on another amendment disagreed with by the Assembly, and making an amendment in the Audit (Further Amendment) Bill.

Ordered — That the message be taken into consideration tomorrow.

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

- 24 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

And the House, at 1.40 am, adjourned until later this day.



## No 142 — Wednesday 15 May 2002

- 1 The Speaker took the Chair and read the Prayer.
- 2 **DEATH OF GORDON STANLEY HOCKLEY** — The Speaker announced, by leave, the death of Gordon Stanley Hockley, Member of the Legislative Assembly for the Electoral District of Bentleigh from 1979 to 1988; and, honourable members rose in their places as a mark of respect to the memory of the deceased.
- 3 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:
 

**2006 Commonwealth Games Village** — Seeking that — (a) the 2006 Commonwealth Games Village be located on an appropriate site, not in Parkville; (b) the former Royal Park Psychiatric Hospital and adjacent sites revert to public parkland and the heritage hospital buildings restored for community use and/or mental health services, bearing 1,007 signatures (*by Mr Langdon*).

Ordered to lie on the Table.
- 4 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the direction of an Act of Parliament, were laid upon the Table by the Clerk:
 

Altona Memorial Park — Report for the year 2001

Geelong Cemeteries Trust — Report for the year 2001.
- 5 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 6 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.
- 7 **PATHOLOGY SERVICES ACCREDITATION (AMENDMENT) BILL** — Mr Thwaites obtained leave, with Ms Delahunty (*Northcote*), to bring in a Bill 'to amend the *Pathology Services Accreditation Act 1984* to make further provision for the accreditation of pathology services and for other purposes'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 8 **LIQUOR CONTROL REFORM (PACKAGED LIQUOR LICENCES) BILL** — Mr Brumby obtained leave, with Mr Pandazopoulos, to bring in a Bill 'to amend the *Liquor Control Reform Act 1998* with respect to packaged liquor licences and for other purposes'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 9 **DOMESTIC BUILDING CONTRACTS (CONCILIATION AND DISPUTE RESOLUTION) BILL** — Ms Delahunty (*Northcote*) obtained leave, with Mr Pandazopoulos, to bring in a Bill 'to amend the *Domestic Building Contracts Act 1995* to provide for the conciliation of domestic building disputes, to amend the *Building Act 1993* to increase the building permit levy and to further regulate domestic builders, to amend the *Victorian Civil and Administrative Tribunal Act 1998* and for other purposes'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.

- 10 **BUSINESS LICENSING LEGISLATION (AMENDMENT) BILL** — Ms Campbell, after debate, obtained leave with Mr Pandazopoulos, to bring in a Bill '*to amend the **Associations Incorporation Act 1981**, the **Business Names Act 1962**, the **Estate Agents Act 1980**, the **Motor Car Traders Act 1986** and the **Travel Agents Act 1986** to facilitate electronic transactions under those Acts and to make further provision for registers under those Acts and to amend the **Business Licensing Authority Act 1998** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 11 **CORRECTIONS (INTERSTATE LEAVE OF ABSENCE) BILL** — Mr Haermeyer, after debate, obtained leave with Mr Pandazopoulos, to bring in a Bill '*to amend the **Corrections Act 1986** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 12 **NATIONAL PARKS (MARINE NATIONAL PARKS AND MARINE SANCTUARIES) (NO 2) BILL** — Ms Garbutt obtained leave, with Mr Pandazopoulos, to bring in a Bill '*to amend the **National Parks Act 1975**, the **Fisheries Act 1995** and other Acts to provide for marine national parks and marine sanctuaries, to make further amendments to the **National Parks Act 1975** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 13 **STATE TAXATION LEGISLATION (FURTHER AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Business having been interrupted at 2.00 pm pursuant to Sessional Orders.*
- 14 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 15 **STATE TAXATION LEGISLATION (FURTHER AMENDMENT) BILL** — Debate continued on question — That this Bill be now read a second time.
- Motion made and question — That the debate be now adjourned (*Mr Robinson*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 16 **ELECTORAL BILL** — Order read for resuming debate on question — That this Bill be now read a second time.
- Motion made and question — That the debate be now adjourned (*Mr Hulls*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 17 **STATE TAXATION LEGISLATION (FURTHER AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Motion made and question — That the debate be now adjourned (*Mr Langdon*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.

- 18 **ELECTORAL BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Mr Hulls, by leave, announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

Mr Savage, by leave, announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

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

*(As there were voices cast for the 'Noes', Members supporting the motion were requested to stand in their places) —*

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

Bill considered in Committee and reported with amendments.

Question — That the amendments made by the Committee be agreed to — put.

The House divided.

AYES 80

Ms Allan (*Bendigo East*); Ms Allen (*Benalla*); Ms Asher; Mr Ashley; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Ms Burke; Mr Cameron; Ms Campbell; Mr Carli; Mr Clark; Mr Cooper; Mr Delahunty (*Wimmera*); Ms Delahunty (*Northcote*); Mr Dixon; Mr Doyle; Ms Duncan; Mrs Elliott; Ms Fyffe; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Hardman; Mr Helper; Mr Holding; Mr Honeywood; Mr Howard; Mr Hulls; Mr Jasper; Mr Kilgour; Ms Kosky; Mr Kotsiras; Mr Languiller; Mr Leigh; Mr Leighton; Mr Lenders; Mr Lim; Ms Lindell; Mr Loney; Mr Lupton; Mr McArthur; Ms McCall; Mr McIntosh; Mrs Maddigan; Mr Maughan; Mr Maxfield; Mr Mildenhall; Mr Mulder; Dr Naphthine; Mr Nardella; Ms Overington; Mr Pandazopoulos; Mr Paterson; Mr Perton; Mrs Peulich; Ms Pike; Mr Plowman; Mr Richardson; Mr Robinson; Mr Ryan; Mr Seitz; Mrs Shardey; Mr Spry; Mr Steggall; Mr Stensholt; Mr Thompson; Mr Thwaites; Mr Trezise; Mr Viney; Mr Vogels; Mr Wells; Mr Wilson; Mr Wynne. Tellers: Mr Langdon; Mr Smith.

NOES 3

Mr Savage. Tellers: Ms Davies; Mr Ingram.

And so it was resolved in the affirmative.

*Business having been interrupted at 10.01 pm pursuant to Sessional Orders.*

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

*(As there were voices cast for the 'Noes', Members supporting the motion were requested to stand in their places) —*

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 19 **SUMMARY OFFENCES (SPRAY CANS) BILL** – The Speaker announced the receipt of a message from the Legislative Council transmitting a Bill ‘for the purpose of limiting the sale of certain spray cans to minors, to amend the Summary Offences Act 1966 and for other purposes’ and desiring the concurrence of the Legislative Assembly therein.

On the motion of Dr Napthine, the Bill transmitted by the foregoing message was read a first time, ordered to be printed and read a second time tomorrow.

- 20 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Theatres (Repeal) Bill without amendment.
- 21 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the amendments made and insisted on by the Legislative Assembly to the amendments of the Council, not now insisting on their amendments with which the Assembly insisted on disagreeing and agreeing to the amendment made and insisted on by the Assembly in the Crimes (DNA Database) Bill.
- 22 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Hulls*) — put and agreed to.
- 23 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

And the House, at 10.56 pm, adjourned until tomorrow.

R W PURDEY  
Clerk of the Legislative Assembly

A ANDRIANOPOULOS  
Speaker

## No 143 — Thursday 16 May 2002

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

- 2 **PAPERS** —

**NATIONAL CRIME AUTHORITY** — Motion made, by leave, and question — That there be presented to this House the Report of the National Crime Authority for the year 2000–01 (*Mr Haermeyer*) — put and agreed to.

The said report was presented by Mr Haermeyer and ordered to lie on the Table.

**PRIVILEGES COMMITTEE** — Mr Loney, Chair, brought up a report from the Privileges Committee on the right of reply for Mr Alan Malcolm, a person referred to in the Legislative Assembly, together with an appendix.

Ordered to lie on the Table and to be printed.

**PRIVILEGES COMMITTEE** — Mr Loney, Chair, brought up a report from the Privileges Committee on the right of reply for Mr Tom Love, a person referred to in the Legislative Assembly, together with an appendix.

Ordered to lie on the Table and to be printed.

**PRIVILEGES COMMITTEE** — Mr Loney, Chair, brought up a report from the Privileges Committee on the right of reply for Mr Kenneth E Jarvis, a person referred to in the Legislative Assembly, 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:

*National Parks Act 1975* — Advice of the National Parks Advisory Council pursuant to s 11(1)(aa)

*Parliamentary Committees Act 1968* — Response of the Minister for Community Services and Housing on the action taken with respect to the recommendations made by the Public Accounts and Estimates Committee's Report on the Review of the Auditor-General's Special Report No 43 — Protecting Victoria's Children: The role of the Department of Human Services

Robinvale District Health Services — Report for the year 2000–01

Rochester and Elmore District Hospital — Report for the year 2000–01.

- 3 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Guardianship and Administration (Amendment) Bill with amendments.

Ordered — That the said amendments be printed and taken into consideration tomorrow.

- 4 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourn until Tuesday 28 May 2002 (*Mr Bracks*) — put and agreed to.

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

- 6 **APPROPRIATION (2002/2003) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm pursuant to Sessional Orders.*

- 7 **QUESTIONS** — (Pursuant to Standing Order No 124).

- 8 **APPROPRIATION (2002/2003) BILL** — Debate resumed on question — That this Bill be now read a second time.

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

Ordered — That the debate be adjourned until tomorrow.

- 9 **STATE TAXATION LEGISLATION (FURTHER AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Allocation of time — The Deputy Speaker advised that the time allocated for consideration of bills pursuant to resolution of the House on Tuesday 14 May 2002 had expired.*

Question — That this Bill be now read a second and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

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

- 11 **PATHOLOGY SERVICES ACCREDITATION (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Thwaites*).

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

Ordered, after debate — That the debate be adjourned until Thursday 23 May 2002.

- 12 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 5, be postponed until later this day.

- 13 **DOMESTIC BUILDING CONTRACTS (CONCILIATION AND DISPUTE RESOLUTION) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Delahunty, Northcote*).

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

Ordered — That the debate be adjourned until Thursday 30 May 2002.

- 14 **BUSINESS LICENSING LEGISLATION (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Campbell*).

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

Ordered — That the debate be adjourned until Thursday 30 May 2002.

- 15 **CORRECTIONS (INTERSTATE LEAVE OF ABSENCE) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Haermeyer*).

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

Ordered — That the debate be adjourned until Thursday 30 May 2002.

- 16 **NATIONAL PARKS (MARINE NATIONAL PARKS AND MARINE SANCTUARIES) (NO 2) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Garbutt*).

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

Ordered, after debate — That the debate be adjourned until Thursday 30 May 2002.

- 17 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 10 to 12 inclusive, be postponed until later this day.

- 18 **UTILITY METERS (METROLOGICAL CONTROLS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).

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

Ordered — That the debate be adjourned until Thursday 30 May 2002.

- 19 **LIQUOR CONTROL REFORM (PACKAGED LIQUOR LICENCES) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).

*Mr Brumby made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.*

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

Ordered — That the debate be adjourned until Thursday 30 May 2002.

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

National Crime Authority (State Provisions) (Amendment) Bill  
Racing Acts (Amendment) Bill.

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

- 22 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

And the House, at 6.05 pm, adjourned until Tuesday 28 May 2002.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 144, 145 and 146

#### No 144 — Tuesday 28 May 2002

- 1 The House met pursuant to adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 3 **PAPERS** —

**FRANKSTON CITY COUNCIL INVESTIGATION** — Motion made, by leave, and question — That there be presented to this House the Report of the Inspectors of Municipal Administration into an Investigation at Frankston City Council concerning confidential information relating to the Central Activities District Development Project (*Mr Cameron*) — put and agreed to.

The said report was presented by Mr Cameron and ordered to lie on the Table and to be printed.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Ms Gillett, Chair, brought up a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 5 of 2002 on the:

Adventure Activities Protection Bill  
Agriculture Legislation (Amendments and Repeals) Bill  
Albury-Wodonga Agreement (Repeal) Bill  
Appropriation (2002/2003) Bill  
Appropriation (Parliament 2002/2003) Bill  
Building (Further Amendment) Bill  
Business Licensing Legislation (Amendment) Bill  
Casino (Management Agreement) (Amendment) Bill  
Corrections (Interstate Leave of Absence) Bill  
Criminal Justice Legislation (Miscellaneous Amendments) Bill  
Domestic Building Contracts (Conciliation and Dispute Resolution) Bill  
Environment Protection (Resource Efficiency) Bill  
Gaming Legislation (Amendment) Bill  
Juries (Amendment) Bill  
Liquor Control Reform (Packaged Liquor Licences) Bill  
Local Government (Update) Bill  
National Parks (Marine National Parks and Marine Sanctuaries) (No 2) Bill  
Pathology Services Accreditation (Amendment) Bill  
Residential Tenancies (Amendment) Bill  
Sports Event Ticketing (Fair Access) Bill  
State Taxation Acts (Further Tax Reform) Bill



Tobacco (Miscellaneous Amendments) Bill  
 Transport (Further Miscellaneous Amendments) Bill  
 Travel Agents (Amendment) Bill  
 Utility Meters (Metrological Controls) Bill  
 Victorian Civil and Administrative Tribunal (Planning Proceedings) Bill

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:

*Casino (Management Agreement) Act 1993* — Authorised changes to drawings of the Crown Limited's Second Hotel Tower pursuant to s 16 (21 papers)

*Environment Protection Act 1970* — Neighbourhood Environment Improvement Plan Guideline pursuant to s 19AE

*Financial Management Act 1994* — Report from the Minister for Education and Training that she had received the 2001 annual report of the International Fibre Centre Ltd

Murray-Darling Basin Commission — Report for the year 2000-01

Medical Practitioners Board of Victoria — Report for the year ended 30 September 2001

*Parliamentary Committees Act 1968*:

Response of the Minister for Consumer Affairs on the action taken with respect to the recommendations made by the Family and Community Development Committee's Inquiry into marketplace discrimination against women consumers

Response of the Minister for Finance on the action taken with respect to the recommendations made by the Public Accounts and Estimates Committee's Report on the 2001-02 Budget Estimates

Response of the Attorney-General on the action taken with respect to the recommendations made by the Scrutiny of Acts and Regulations Committee's Inquiry into the *Summary Offences Act 1966*

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

Ballarat Planning Scheme — No C44

Bayside Planning Scheme — No C21

Cardinia Planning Scheme — No C29

Casey Planning Scheme — No C42

Greater Bendigo Planning Scheme — No C9

Greater Geelong Planning Scheme — No C34

Kingston Planning Scheme — No C28

Melbourne Planning Scheme — No C63

Moonee Valley Planning Scheme — No C30

Southern Grampians Planning Scheme — No C4

Wyndham Planning Scheme — No C16

Statutory Rules under the following Acts:

*Business Names Act 1962* — SR No 31  
*Subordinate Legislation Act 1994* — SR Nos 33, 34, 35  
*Zoological Parks and Gardens Act 1995* — SR No 32

*Subordinate Legislation Act 1994*:

Minister's exception certificates in relation to Statutory Rule Nos 32, 33, 34, 35  
 Minister's exemption certificate in relation to Statutory Rule No 31.

4 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Fisheries (Further Amendment) Bill without amendment.

5 **MESSAGE FROM THE LIEUTENANT-GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that she had, on 21 May 2002, given the royal assent to the following bills, presented to her by the Deputy Clerk of the Legislative Council for and in the absence of the Clerk of the Parliaments:

Crimes (DNA Database) Bill  
 Fisheries (Further Amendment) Bill  
 National Crime Authority (State Provisions) (Amendment) Bill  
 Racing Acts (Amendment) Bill  
 Rail Corporations (Amendment) Bill  
 Theatres (Repeal) Bill.

6 **MESSAGES FROM THE GOVERNOR** — The Speaker announced the presentation of messages from the Governor recommending appropriations for the purposes of the following bills:

Business Licensing Legislation (Amendment) Bill  
 Corrections (Interstate Leave of Absence) Bill  
 Domestic Building Contracts (Conciliation and Dispute Resolution) Bill  
 National Parks (Marine National Parks and Marine Sanctuaries) (No 2) Bill  
 Residential Tenancies (Amendment) Bill  
 Sports Event Ticketing (Fair Access) Bill  
 Tobacco (Miscellaneous Amendments) Bill  
 Utility Meters (Metrological Controls) Bill.

7 **SUSPENSION OF STANDING AND SESSIONAL ORDERS** — Motion made, by leave, and question — That so much of Standing and Sessional Orders be suspended on Wednesday 29 May 2002 so as to allow:

- (1) In substitution of a discussion of a Matter of Public Importance due to be proposed by the Government pursuant to Sessional Order 9, consideration of General Business Order of the Day No 51 relating to the Constitution (Parliamentary Terms) Bill.
- (2) In relation to debate on the question 'that this Bill be now read a second time' the number of speakers and length of speeches shall be limited to:
  - (a) the lead speakers for each of the Government, Opposition and Third Party who may each speak for a maximum of 15 minutes; and
  - (b) any other members who may each speak for a maximum of 10 minutes; and

- (c) the Member for Gippsland East who may reply for a maximum of 15 minutes — provided that the overall time for members to speak pursuant to sub-paragraphs (a) and (b) shall not exceed 1 hour 45 minutes.
- (3) At the conclusion of all speeches permitted by paragraph (2), the Chair shall immediately put the question or questions required to dispose of the second reading of the bill.
- (4) If the Bill is read a second time by an absolute majority of the whole number of the Members of the Legislative Assembly, the Chair shall immediately put the questions required by Standing Order No 138 to commit the Bill to the Committee of the Whole House.
- (5) At the expiration of the two and a half hour period provided under Sessional Order 9(7):
- (a) unless a division is taking place, the Chair will interrupt the business before the House or Committee;
  - (b) if a division is taking place it will be completed without interruption and the result announced and the Chair will then interrupt business.
- (6) If the Bill is before the House at the time of the interruption:
- (a) the Chair will immediately put the question on any amendment or motion already proposed from the Chair; and
  - (b) except for the question relating to the third reading of the Bill which must be put separately, the remaining questions necessary for the passage of the Bill through the House and transmission to the Legislative Council shall be combined.
- (7) If the Bill is being considered in Committee at the time of the interruption:
- (a) the Chairman will immediately put the question on any amendment or motion proposed from the Chair; and
  - (b) immediately after resolution of any question put under paragraph (a), the Chairman will put a combined question or a number of questions, the form and number being at the discretion of the Chairman, disposing of any amendments, new clauses and schedules desired by the Government which have been circulated during the Committee stage — no other amendments, new clauses or schedules will be proposed; and
  - (c) the Chairman will then report to the House without a question being put; and
  - (d) after receiving the report, except for the question relating to the third reading of the Bill which must be put separately, the Chair will combine any remaining questions necessary for the Bill to be passed and transmitted to the Legislative Council.
- (8) At the conclusion of the consideration of the Bill, whether following the interruption pursuant to paragraph (5) or earlier, the House shall proceed with Government Business in accordance with the Notice Paper.

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

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

9 **ENERGY LEGISLATION (FURTHER MISCELLANEOUS AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

10 **MAGISTRATES' COURT (KOORI COURT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

11 **TRANSPORT (FURTHER MISCELLANEOUS AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm pursuant to Sessional Orders.*

12 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 11.03 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

## No 145 — Wednesday 29 May 2002

1 The Speaker took the Chair and read the Prayer.

2 **PAPERS** —

**DRUGS AND CRIME PREVENTION COMMITTEE** — Mr Jasper brought up the fourth report from the Drugs and Crime Prevention Committee upon the Inquiry into Crime Trends, together with appendices.

Ordered to lie on the Table and to be printed.

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — Mr Loney, Chair, brought up a report from the Public Accounts and Estimates Committee upon the Review of the Report on the 2001 Performance Audit of the Victorian Auditor-General's Office.

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:

*Melbourne City Link 1995:*

Melbourne City Link Sixteenth Amending Deed  
City Link and Extension Projects Integration and Facilitation Agreement Eighth Amending Deed.

3 **ADDRESS BY THE PRESIDENT OF GREECE** — Motion made, by leave, and question — That so much of Standing Orders and Sessional Orders be suspended so as to allow:

- (1) The House at its rising on Tuesday 4 June 2002 to adjourn until 9.15 am on Wednesday 5 June 2002.
- (2) The House to invite His Excellency Constantinos Stephanopoulos, President of Greece, together with interpreters to attend on the floor of the House on Wednesday 5 June 2002 at 9.15 am when the Speaker takes the Chair and to remain on the floor of the House, save in the event of a division, until the conclusion of all addresses.
- (3) The Premier, the Leader of the Opposition and the Leader of the National Party to each give an address of welcome.
- (4) President Stephanopoulos to address the House.
- (5) At the conclusion of the addresses the House to proceed on that day with business as set out for Wednesdays in Sessional Order 2 save that, for the purposes of Question Time, Sessional Order 3 shall apply with the expression '2.30 pm' substituted for the expression '2.00 pm' wherever occurring.

*(Mr Bracks)* — put and agreed to.

4 **ADDRESS BY THE PRESIDENT OF GREECE** — Motion made, by leave, and question — That:

- (1) The Legislative Assembly invites Members of the Legislative Council to attend in the Legislative Assembly Chamber on Wednesday 5 June 2002 at 9.15 am when the Speaker takes the Chair to hear addresses of welcome to His Excellency Constantinos Stephanopoulos, President of Greece by the Premier, Leader of the Opposition and Leader of the National Party and an address to the House by President Stephanopoulos.
- (2) The lower public gallery on the Opposition side of the House be deemed to be part of the Legislative Assembly Chamber for the duration of the addresses to provide additional accommodation for Members of the Legislative Council.
- (3) The Speaker of the Legislative Assembly shall chair the addresses and the conduct of the proceedings shall be in accordance with the Standing Orders of the Legislative Assembly.

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

Ordered — That a message be sent to the Legislative Council acquainting them of the said resolution and inviting Members of the Legislative Council to attend in the Legislative Assembly Chamber on Wednesday 5 June 2002.

5 STATEMENTS BY MEMBERS — Statements by members were made.

6 CONSTITUTION (PARLIAMENTARY TERMS) BILL — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in place thereof the words 'this Bill be withdrawn and redrafted to take into account any future recommendations of the Report of the Constitution Commission of Victoria in relation to the need to improve the democratic operation of Parliament, including the reform of the Legislative Council' (*Mr Hulls*) — and, after debate —

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

The House divided.

AYES 44

Ms Asher; Mr Ashley; Mr Baillieu; Ms Burke; Mr Clark; Mr Cooper; Ms Davies; Dr Dean; Mr Delahunty (*Wimmera*); Mr Dixon; Mr Doyle; Mrs Elliott; Mrs Fyffe; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kilgour; Mr Kotsiras; Mr Leigh; Mr Lupton; Mr McArthur; Ms McCall; Mr McIntosh; Mr Maclellan; Mr Mulder; Dr Napthine; Mr Paterson; Mr Perton; Mrs Peulich; Mr Phillips; Mr Plowman; Mr Richardson; Mr Rowe; Mr Ryan; Mr Savage; Mrs Shardey; Mr Spry; Mr Steggall; Mr Thompson; Mr Vogels; Mr Wells; Mr Wilson. Tellers: Mr Maughan; Mr Smith.

NOES 43

Ms Allan (*Bendigo East*); Ms Allen (*Benalla*); Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Ms Delahunty (*Northcote*); Ms Duncan; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Hardman; Mr Helper; Mr Holding; Mr Howard; Mr Hulls; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lenders; Mr Lim; Ms Lindell; Mr Loney; Mrs Maddigan; Mr Maxfield; Mr Mildenhall; Mr Nardella; Ms Overington; Mr Pandazopoulos; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Viney; Mr Wynne. Tellers: Mr Langdon; Mr Trezise.

And so it was resolved in the affirmative.

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

The House divided.

AYES 38

Ms Asher; Mr Ashley; Mr Baillieu; Ms Burke; Mr Clark; Mr Cooper; Ms Davies; Dr Dean; Mr Dixon; Mr Doyle; Mrs Elliott; Mr Honeywood; Mr Ingram; Mr Kotsiras; Mr Leigh; Mr Lupton; Mr McArthur; Ms McCall; Mr McIntosh; Mr Maclellan; Mr Mulder; Dr Napthine; Mr Paterson; Mr Perton; Mrs Peulich; Mr Phillips; Mr Plowman; Mr Richardson; Mr Rowe; Mr Savage; Mrs Shardey; Mr Spry; Mr Thompson; Mr Vogels; Mr Wells; Mr Wilson. Tellers: Mrs Fyffe; Mr Smith.

## NOES 49

Ms Allan (*Bendigo East*); Ms Allen (*Benalla*); Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Ms Delahunty (*Northcote*); Mr Delahunty (*Wimmera*); Ms Duncan; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Hardman; Mr Helper; Mr Holding; Mr Howard; Mr Hulls; Mr Jasper; Mr Kilgour; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lenders; Mr Lim; Ms Lindell; Mr Loney; Mrs Maddigan; Mr Maxfield; Mr Mildenhall; Mr Nardella; Ms Overington; Mr Pandazopoulos; Ms Pike; Mr Robinson; Mr Ryan; Mr Seitz; Mr Steggall; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Viney; Mr Wynne. Tellers: Mr Langdon; Mr Maughan.

And so it passed in the negative.

- 7 **SUSPENSION OF STANDING AND SESSIONAL ORDERS** — Motion made, by leave, and question — That so much of Standing and Sessional Orders be suspended on Thursday 30 May 2002 so as to allow on that day:

- (1) Question Time to take place at 9.30 am; and
- (2) At the conclusion of Question Time, the House to proceed with formal business and other business as set out in the Notice Paper.

(*Mr Batchelor*) — put and agreed to.

- 8 **MAGISTRATES' COURT (AMENDMENT) BILL** — Mr Hulls, pursuant to a motion moved on his behalf by Mr Batchelor, obtained leave with Mr Pandazopoulos, to bring in a Bill 'to amend the *Magistrates' Court Act 1989* in relation to the procedure for enforcement of infringement penalties and to validate certain things done in connection with, or arising out of, the enforcement of infringement penalties and for other purposes'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.

- 9 **TRANSPORT (FURTHER MISCELLANEOUS AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

*Business having been interrupted at 2.00 pm pursuant to Sessional Orders.*

- 10 **QUESTIONS** — (Pursuant to Standing Order No 124).

- 11 **CASINO (MANAGEMENT AGREEMENT) (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 12 **ADVENTURE ACTIVITIES PROTECTION BILL** — The Acting Speaker announced the receipt of a message from the Legislative Council transmitting a Bill 'to provide for the approval of operators of certain adventure activities, to restrict the circumstances in which damages may be recovered in respect of the injury or death of a participant in certain adventure activities and for other purposes' and desiring the concurrence of the Legislative Assembly therein.

On the motion of Ms Asher, the Bill transmitted by the foregoing message was read a first time, ordered to be printed and read a second time tomorrow.

- 13 **STATE TAXATION ACTS (FURTHER TAX REFORM) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 14 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 4, be postponed until later this day.

- 15 **TOBACCO (MISCELLANEOUS AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Mr Hulls, by leave, announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

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

*Business having been interrupted at 10.00 pm pursuant to Sessional Orders.*

- 16 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.48 pm.

R W PURDEY  
Clerk of the Legislative Assembly

A ANDRIANOPOULOS  
Speaker

## No 146 — Thursday 30 May 2002

- 1 The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 3 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:



**Port Phillip Bay Foreshore** — Seeking that zoning laws be urgently introduced, limiting buildings near the foreshore around Port Phillip Bay to two storeys, bearing 79 signatures (*by Ms Lindell*)

**Lake Boga** — Seeking that immediate steps be taken to reinstate Lake Boga as part of the Torrumbarry Irrigation System, bearing 217 signatures (*by Mr Steggall*)

**St John's Primary School, Dennington** — Seeking that the proposals recommended to VicRoads and the Warrnambool City Council in a study completed more than one year ago on the lack of safety zones in the vicinity of St John's Primary School, Dennington, be immediately implemented before a serious accident occurs or lives are tragically taken, bearing 349 signatures (*by Mr Vogels*).

Severally ordered to lie on the Table.

- 4 **PETITION — ST JOHN'S PRIMARY SCHOOL, DENNINGTON** — Motion made and question — That the petition presented by the Member for Warrnambool relating to the lack of safety zones in the vicinity of St John's Primary School, Dennington, be taken into consideration tomorrow (*Mr Vogels*) — put and agreed to.

5 **PAPERS —**

**LAW REFORM COMMITTEE** — Mr Thompson, Chair, brought up a report from the Law Reform Committee upon The Powers of Entry, Search, Seizure and Questioning by Authorised Persons, 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:

Auditor-General — Performance Audit Reports on:

Investment attraction and facilitation in Victoria — Ordered to be printed  
Nurse work force planning — Ordered to be printed

*Prevention of Cruelty to Animals Act 1986:*

Revocation of Code of Practice for the Welfare of Rodeo and Rodeo School Livestock in Victoria  
Code of Practice for the Welfare of Rodeo and Rodeo School Livestock in Victoria.

- 6 **MESSAGE FROM THE GOVERNOR** — The Speaker announced the presentation of a message from the Governor recommending an appropriation for the purposes of the Gaming Legislation (Amendment) Bill.
- 7 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 8 **MAGISTRATES' COURT (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

*Mr Hulls made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.*

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

Ordered — That the debate be adjourned until Tuesday 4 June 2002.

- 9 **PATHOLOGY SERVICES ACCREDITATION (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 10 **TOBACCO (MISCELLANEOUS AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill considered in Committee and reported with amendments; as amended, considered, and amendments agreed to.

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 11 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 4, be postponed until later this day.

- 12 **APPROPRIATION (2002/2003) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm pursuant to Sessional Orders.*

- 13 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.59 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

LEGISLATIVE ASSEMBLY OF VICTORIA

**VOTES AND PROCEEDINGS**  
**Nos 147, 148 and 149**

**No 147 — Tuesday 4 June 2002**

- 1 The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 3 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:

**Mini Jail in Frankston** — Seeking that a mini jail not be established in Frankston, bearing 607 signatures (*by Ms McCall*).

Ordered to lie on the Table.

- 4 **PETITION — MINI JAIL IN FRANKSTON** — Motion made and question — That the petition presented by the Member for Frankston relating to a mini jail not being established in Frankston be taken into consideration tomorrow (*Ms McCall*) — put and agreed to.
- 5 **PAPERS** —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Ms Gillett, Chair, brought up a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 6 of 2002 on the:

Environment Protection (Resource Efficiency) Bill  
Magistrates' Court (Amendment) Bill

together with appendices.

Ordered to lie on the Table and to be printed.

**PAPERS PURSUANT TO STATUTE**

The Speaker presented:

*BLF (De-recognition) Act 1985* — Fifty-Fifth Report of the Custodian

Ordered to lie on the Table and to be printed.

The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Auditor-General — Performance Audit Reports on:

Management of roads by local government — Ordered to be printed  
 Managing Victoria's air quality — Ordered to be printed

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

Greater Geelong Planning Scheme — No C51  
 Knox Planning Scheme — No C9  
 Maribymong Planning Scheme — No C28  
 Melton Planning Scheme — No C20  
 Moonee Valley Planning Scheme — Nos C18, C29  
 Moreland Planning Scheme — No C1 Part 2  
 Stonnington Planning Scheme — No C21  
 Wangaratta Planning Scheme — Nos C8, C9 Part 2  
 Wodonga Planning Scheme — No C8  
 Wyndham Planning Scheme — No C20

Prince Henry's Institute of Medical Research — Report for the year 2001

Youth Parole Board and Youth Residential Board — Report for the year 2000–01

The following proclamations fixing operative dates were laid upon the Table by the Clerk pursuant to an Order of the House dated 3 November 1999:

*Public Notaries Act 2001* — Whole Act on 6 June 2002 (*Gazette G22, 30 May 2002*)

*Stamps (Secondary Mortgage Market) Act 1988* — Section 6 on 31 May 2002 (*Gazette G22, 30 May 2002*)

*Trustee (Amendment) Act 2001* — Remaining provisions on 31 May 2002 (*Gazette G22, 30 May 2002*).

- 6 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Electoral Bill without amendment.
- 7 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, pursuant to Sessional Order 6(3), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.30 pm on Thursday 6 June 2002:

Magistrates' Court (Amendment) Bill  
 Gaming Legislation (Amendment) Bill  
 Appropriation (2002/2003) Bill  
 National Parks (Marine National Parks and Marine Sanctuaries) Bill (No 2)  
 Appropriation (Parliament 2002/2003) Bill  
 Criminal Justice Legislation (Miscellaneous Amendments) Bill  
 Domestic Building Contracts (Conciliation and Dispute Resolution) Bill  
 Liquor Control Reform (Packaged Liquor Licences) Bill  
 Environment Protection (Resource Efficiency) Bill

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

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

- 9 **MAGISTRATES' COURT (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 10 **GAMING LEGISLATION (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Mr Pandazopoulos announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

Pursuant to Sessional Orders, Ms Davies announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

Pursuant to Sessional Orders, Mr Ingram announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

Pursuant to Sessional Orders, Mr Savage announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

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

Question — put.

*Ms Davies having informed the Acting Speaker that she wished her dissent to be recorded and, there not being two tellers for the 'Noes', the Acting Speaker declared that the question was resolved in the affirmative.*

Bill read a second time and committed; considered in Committee.

Committee reported progress; to sit again later this day.

*Business having been interrupted at 10.04 pm pursuant to Sessional Orders.*

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

Further considered in Committee and reported with amendments; as amended, considered, and amendments agreed to; read a third time.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

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

State Taxation Acts (Further Tax Reform) Bill  
 State Taxation Legislation (Further Amendment) Bill.

12 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 3 to 8 inclusive, be postponed until later this day.

13 **ENVIRONMENT PROTECTION (RESOURCE EFFICIENCY) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Mr Perton announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

Pursuant to Sessional Orders, Mr Ingram announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

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

Pursuant to Sessional Orders, Ms Garbutt announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

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

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

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

14 **APPROPRIATION (2002/2003) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

And the House having continued to sit after 12 midnight —

WEDNESDAY 5 JUNE 2002

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

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

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

16 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

And the House, at 2.40 am, adjourned until later this day.

## No 148 — Wednesday 5 June 2002

- 1 The Speaker took the Chair and read the Prayer.
- 2 **ADDRESS BY THE PRESIDENT OF GREECE** — Pursuant to resolution of the House on 29 May 2002, members of the Legislative Council entered the Legislative Assembly Chamber to hear His Excellency Constantinos Stephanopoulos, President of Greece, address the House after he had been welcomed by the Premier, the Leader of the Opposition and the Leader of the National Party.

At the conclusion of his address, President Stephanopoulos was escorted from the Chamber by the Serjeant-at-Arms.

Members of the Legislative Council withdrew from the Chamber.

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

**Sullivan Bay Settlement Site** — Seeking that the Government appreciates the cultural, historical and educational importance of the 1803-04 Sullivan Bay Settlement Site by exploring ways in which a replacement centre can be created, bearing 592 signatures (*by Mr Dixon*)

**Insurance Premium Relief — Horse Industry and Adventure Tourism** — Seeking that emergency assistance, in the form of direct premium relief, be made available to those groups involved in the horse industry and adventure tourism that cannot obtain insurance when their current policies expire, bearing 673 signatures (*by Mr Ingram*)

**Motorcycle Registration Fee** — Seeking that there will be no \$50 surcharge on top of the motorcycle registration fee, bearing 147 signatures (*by Mr Lupton*)

**Sunshine Swimming Pool** — Seeking that the Government ensures the Sunshine Swimming Pool is preserved, restored and redeveloped for enjoyment by all of the community once again, bearing 1,262 signatures (*by Ms Burke*)

**Parks and Reserves in the Box and Ironbark Region** — Seeking that the Government gives urgent attention to conducting an independent review of the effectiveness, social implications and full costs of extensive parks and reserves in the box and ironbark region prior to the implementation of the recommendations of the Environment Conservation Council, bearing 7,770 signatures (*by Mr Maughan*).

Severally ordered to lie on the Table.

- 4 **PETITION — MOTORCYCLE REGISTRATION FEE** — Motion made and question — That the petition presented by the Member for Knox relating to no surcharge on top of the motorcycle registration fee be taken into consideration tomorrow (*Mr Lupton*) — put and agreed to.
- 5 **PETITION — PARKS AND RESERVES IN THE BOX AND IRONBARK REGION** — Motion made and question — That the petition presented by the Member for Rodney relating to an independent review being conducted prior to the implementation of the recommendations of the Environment Conservation Council on the box and ironbark region be taken into consideration tomorrow (*Mr Maughan*) — put and agreed to.

## 6 PAPERS —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Robinson brought up a report from the Scrutiny of Acts and Regulations Committee on Improving Victoria's Parliamentary Committee System, 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:

*Audit Act 1994* — Auditor-General — Report on Public Sector Agencies — Results of special reviews and 31 December 2001 financial statement audits — Ordered to be printed

Forensic Leave Panel — Report for the year 2001

*Parliamentary Committees Act 1968*:

Response of the Attorney-General on the action taken with respect to the recommendations made by the Law Reform Committee's Review of Legal Services in Rural and Regional Victoria  
Response of the Minister for Energy and Resources on the action taken with respect to the recommendations made by the Environment and Natural Resources Committee's Inquiry into Fisheries Management — First Report: Co-Management.

## 7 STATEMENTS BY MEMBERS — Statements by members were made.

## 8 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — ADVENTURE ACTIVITIES PROTECTION — The House was informed that Ms Asher had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House condemns the Government for refusing to debate the Adventure Activities Protection Bill and calls on the Government to legislate before 30 June 2002, to prevent further closures of tourism businesses in Victoria.'

Ms Asher addressed the House — Discussion ensued.

## 9 MESSAGE FROM THE GOVERNOR — The Acting Speaker announced the presentation of a message from the Governor recommending a further appropriation for the purposes of the Environment Protection (Resource Efficiency) Bill.

10 AGRICULTURAL INDUSTRY DEVELOPMENT (FURTHER AMENDMENT) BILL — Mr Hamilton obtained leave, with Ms Delahunty (*Northcote*), to bring in a Bill 'to amend the *Agricultural Industry Development Act 1990* to make provision for committees established under that Act or the corresponding Act of New South Wales or another State or internal Territory to represent the interests of producers of agricultural commodities in Victoria and elsewhere, to repeal the *Murray Valley Citrus Marketing Act 1989* and for other purposes'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.

## 11 NATIONAL PARKS (MARINE NATIONAL PARKS AND MARINE SANCTUARIES) BILL (NO 2) — Order read for resuming debate on question — That this Bill be now read a second time.



Pursuant to Sessional Orders, Mr Hamilton announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

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

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

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

- 12 **SUSPENSION OF STANDING AND SESSIONAL ORDERS** — Motion made, by leave, and question — That so much of Standing Orders and Sessional Orders be suspended so as to allow Question Time today to be delayed until 3.00 pm (*Mr Batchelor*) — put and agreed to.

- 13 **NATIONAL PARKS (MARINE NATIONAL PARKS AND MARINE SANCTUARIES) BILL (NO 2)** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 3.00 pm pursuant to Sessional Orders as varied by resolution of the House on 5 June 2002.*

- 14 **QUESTIONS** — (Pursuant to Standing Order No 124).

- 15 **NATIONAL PARKS (MARINE NATIONAL PARKS AND MARINE SANCTUARIES) BILL (NO 2)** — Debate continued on question — That this Bill be now read a second time.

*Business having been interrupted at 10.00 pm pursuant to Sessional Orders.*

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

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

Question — put.

The House divided.

AYES 80

Ms Allan (*Bendigo East*); Ms Allen (*Benalla*); Ms Asher; Mr Ashley; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Ms Burke; Mr Cameron; Ms Campbell; Mr Carli; Mr Clark; Mr Cooper; Ms Davies; Dr Dean; Ms Delahunty (*Northcote*); Mr Dixon; Mr Doyle; Ms Duncan; Mrs Elliott; Ms Fyffe; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Hardman; Mr Helper; Mr Holding; Mr Honeywood; Mr Howard; Mr Hulls; Ms Kosky; Mr Kotsiras; Mr Languiller; Mr Leigh; Mr Leighton; Mr Lenders; Mr Lim; Ms Lindell; Mr Loney; Mr Lupton; Mr McArthur; Ms McCall; Mr McIntosh; Mr Maclellan; Mrs Maddigan; Mr Maxfield; Mr Mildenhall; Mr Mulder; Dr Napthine; Mr Nardella; Ms Overington; Mr Pandazopoulos; Mr Paterson; Mr Perton; Mrs Peulich; Mr Phillips; Ms Pike; Mr Plowman; Mr Richardson; Mr Robinson; Mr Rowe; Mr Savage; Mr Seitz; Mrs Shardey; Mr Spry; Mr Stensholt; Mr Thompson; Mr Thwaites; Mr Trezise; Mr Viney; Mr Vogels; Mr Wells; Mr Wilson; Mr Wynne. Tellers: Mr Langdon; Mr Smith.

NOES 6

Mr Jasper; Mr Kilgour; Mr Ryan; Mr Steggall. Tellers: Mr Delahunty (*Wimmera*); Mr Maughan.

And so it was resolved in the affirmative.

Bill read a second time.

Ordered — That the Bill be committed later this day.

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

Magistrates' Court (Amendment) Bill  
Transport (Further Miscellaneous Amendments) Bill.

- 17 **CRIMINAL JUSTICE LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 18 **MESSAGE FROM THE GOVERNOR** — The Speaker announced the presentation of a message from the Governor recommending a further appropriation for the purposes of the House Contracts Guarantee (HIH Further Amendment) Bill.

- 19 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Returning the House Contracts Guarantee (HIH Further Amendment) Bill and suggesting amendments.

Ordered — That the suggested amendments be printed and taken into consideration forthwith.

- 20 **HOUSE CONTRACTS GUARANTEE (HIH FURTHER AMENDMENT) BILL** — Order read for the consideration of the amendments suggested by the Legislative Council.

Motion made and question — That this House make the suggested amendments (*Mr Lenders*) — put and agreed to.

Ordered — That the Bill be returned to the Legislative Council with a message acquainting them accordingly.

- 21 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Casino (Management Agreement) (Amendment) Bill without amendment.

- 22 **LIQUOR CONTROL REFORM (PACKAGED LIQUOR LICENCES) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Mr Brumby announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

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

And the House having continued to sit after 12 midnight —

THURSDAY 6 JUNE 2002

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

Ordered — That the debate be adjourned until later this day.

- 23 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered, after debate — That the consideration of Government Business, Orders of the Day, Nos 4 and 5, be postponed until later this day.

- 24 **APPROPRIATION (PARLIAMENT 2002/2003) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, read a third time forthwith.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 25 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Magistrates' Court (Koori Court) Bill without amendment.

- 26 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Ms Pike*) — put and agreed to.

- 27 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

And the House, at 1.49 am, adjourned until later this day.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

## No 149 — Thursday 6 June 2002

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

54 **Kingloch Parade, Wantirna** — Seeking that — (a) the proposed development of the land at 54 Kingloch Parade, Wantirna be reconsidered and the land be retained as open space for recreational purposes; (b) the land be vested in the City of Knox and reserved solely for use for recreational purposes; (c) no decisions regarding the development of the land are implemented without consultation with the residents and the City of Knox; and (d) any development be

sympathetic with the existing character of the area and be in accordance with the planning policy of the City of Knox for the area, bearing 890 signatures (*by Mr Ashley*)

**Insurance Cover** — Seeking that the Government as a matter of utmost urgency, enacts legislation to make the provision of insurance cover more attractive to insurance companies and more affordable for the insured, bearing 355 signatures (*by Ms Davies*).

Severally ordered to lie on the Table.

- 3 **PETITION — 54 KINGLOCH PARADE, WANTIRNA** — Motion made and question — That the petition presented by the Member for Bayswater relating to the reconsideration of the proposed development of the land at 54 Kingloch Parade, Wantirna be taken into consideration tomorrow (*Mr Ashley*) — put and agreed to.
- 4 **PETITION — INSURANCE COVER** — Motion made and question — That the petition presented by the Member for Gippsland West relating to enacting legislation to make the provision of insurance cover more attractive to insurance companies and more affordable for the insured be taken into consideration tomorrow (*Ms Davies*) — put and agreed to.
- 5 **PAPERS —**

**INQUIRIES INTO CHILD DEATHS: CHILD PROTECTION** — Motion made, by leave, and question — That there be presented to this House the Annual Report of Inquiries into Child Deaths: Child Protection 2002 (*Ms Pike*) — put and agreed to.

The said report was presented by Ms Pike and ordered to lie on the Table.

**PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk:

*Members of Parliament (Register of Interests) Act 1978* — Summary of Variations notified between 29 November 2001 and 5 June 2002— Ordered to be printed.

- 6 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourn until a day and hour to be fixed by the Speaker, which time of meeting shall be notified in writing to each member of the House (*Mr Batchelor*) — put and agreed to.
- 7 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 8 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 1 and 2, be postponed until later this day.
- 9 **ENVIRONMENT PROTECTION (RESOURCE EFFICIENCY) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Ms Garbutt announced that it was proposed to move amendments in Committee to amendments previously circulated by Mr Perton and requested that they be circulated. Amendments circulated.

Motion made and question — That the debate be now adjourned (*Ms Beattie*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 10 **DOMESTIC BUILDING CONTRACTS (CONCILIATION AND DISPUTE RESOLUTION) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Mr Cameron announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Bill read a second time and committed; considered in Committee and reported with amendments; as amended, considered, and amendments agreed to; read a third time.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 11 **APPROPRIATION (2002/2003) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, read a third time forthwith.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

*Business having been interrupted at 2.00 pm pursuant to Sessional Orders.*

- 12 **QUESTIONS** — (Pursuant to Standing Order No 124).

- 13 **ENVIRONMENT PROTECTION (RESOURCE EFFICIENCY) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and committed; considered in Committee.

*Allocation of time — The Chairman of Committees advised that the time allocated for consideration of bills pursuant to resolution of the House on Tuesday 4 June 2002 had expired.*

Bill reported with amendments.

Question — That the House agrees to the amendments made by the Committee, the Bill be read a third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 14 **LIQUOR CONTROL REFORM (PACKAGED LIQUOR LICENCES) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — put.

The House divided.

AYES 75

Ms Allan (*Bendigo East*); Ms Allen (*Benalla*); Ms Asher; Mr Ashley; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Clark; Mr Cooper; Ms Davies; Dr Dean; Ms Delahunty (*Northcote*); Mr Dixon; Mr Doyle; Ms Duncan; Ms Fyffe; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Hardman; Mr Helper; Mr Holding; Mr Honeywood; Mr Howard; Mr Hulls; Mr Ingram; Ms Kosky; Mr Kotsiras; Mr Languiller; Mr Leigh; Mr Leighton; Mr Lenders; Mr Lim; Ms Lindell; Mr Loney; Mr Lupton; Mr McArthur; Ms McCall; Mr McIntosh; Mrs Maddigan; Mr Maxfield; Mr Mildenhall; Mr Mulder; Dr Napthine; Mr Nardella; Ms Overington; Mr Pandazopoulos; Mr Paterson; Mr Perton; Mrs Peulich; Mr Phillips; Ms Pike; Mr Richardson; Mr Robinson; Mr Rowe; Mr Savage; Mr Seitz; Mrs Shardey; Mr Stensholt; Mr Thompson; Mr Thwaites; Mr Trezise; Mr Viney; Mr Vogels; Mr Wilson; Mr Wynne. Tellers: Mr Langdon; Mr Smith.

NOES 6

Mr Jasper; Mr Kilgour; Mr Ryan; Mr Steggall. Tellers: Mr Delahunty (*Wimmera*); Mr Maughan.

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 Assembly.

Government amendment Nos 1 to 8 inclusive agreed to.

Bill read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

15 **NATIONAL PARKS (MARINE NATIONAL PARKS AND MARINE SANCTUARIES) BILL (NO 2)** — Order read for resuming debate on question — That this Bill be committed.

Question — That Government amendment Nos 1 and 2 be agreed to, the Bill be read a third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put.

The House divided.

AYES 79

Ms Allan (*Bendigo East*); Ms Allen (*Benalla*); Ms Asher; Mr Ashley; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Ms Burke; Mr Cameron; Ms Campbell; Mr Carli; Mr Clark; Mr Cooper; Ms Davies; Dr Dean; Ms Delahunty (*Northcote*); Mr Dixon; Mr Doyle; Ms Duncan; Mrs Elliott; Ms Fyffe; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Hardman; Mr Helper; Mr Holding; Mr Honeywood; Mr Howard; Mr Hulls; Ms Kosky; Mr Kotsiras; Mr Languiller; Mr Leigh; Mr Leighton; Mr Lenders; Mr Lim; Ms Lindell; Mr Loney; Mr Lupton; Mr McArthur; Ms McCall; Mr McIntosh; Mr Maclellan; Mrs Maddigan; Mr Maxfield; Mr Mildenhall; Mr Mulder; Dr Napthine; Mr Nardella; Ms Overington; Mr Pandazopoulos; Mr Paterson; Mr Perton; Mrs Peulich; Mr Phillips; Ms Pike; Mr Plowman; Mr Richardson; Mr Robinson; Mr Rowe; Mr Savage; Mr Seitz; Mrs Shardey; Mr Spry; Mr Stensholt; Mr Thompson; Mr Thwaites; Mr Trezise; Mr Viney; Mr Vogels; Mr Wilson; Mr Wynne. Tellers: Mr Langdon; Mr Smith.

NOES 6

Mr Jasper; Mr Kilgour; Mr Ryan; Mr Steggall. Tellers: Mr Delahunty (*Wimmera*); Mr Maughan.

And so it was resolved in the affirmative.

16 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the House Contracts Guarantee (HIH Further Amendment) Bill including the amendments made by the Legislative Assembly on the suggestion of the Council, without amendment.

17 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Pathology Services Accreditation (Amendment) Bill without amendment.

18 **AGRICULTURAL INDUSTRY DEVELOPMENT (FURTHER AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hamilton*).

Motion made and question — That the debate be now adjourned (*Mr McArthur*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 20 June 2002.

19 **PAPER BY COMMAND OF THE GOVERNOR** —

Mr Hulls presented by Command of the Governor:

County Court — Report for the year 2000–01

Ordered to lie on the Table.

20 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Brumby*) — put and agreed to.

21 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

And the House, at 5.50 pm, adjourned until a day and hour to be fixed by the Speaker, which time of meeting shall be notified in writing to each member of the House.

R W PURDEY  
Clerk of the Legislative Assembly

A ANDRIANOPOULOS  
Speaker

## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 150, 151 and 152

#### No 150 — Tuesday 10 September 2002

- 1 The House met pursuant to the terms of the resolution of 6 June 2002, the Speaker having fixed this day at 2.00 pm as the time of meeting — The Speaker took the Chair and read the Prayer.
- 2 **DEATH OF JOHN SCRIMGEOUR LECHTE AND PHILIP MARTIN HUDSON** — The Speaker announced the death of John Scrimgeour Lechte, Member of the Legislative Assembly for the Electoral District of Oakleigh from 1947 to 1950; and Philip Martin Hudson, Member of the Legislative Assembly for the Electoral District of Toorak from 1964 to 1967; and, honourable members rose in their places as a mark of respect to the memory of the deceased.
- 3 **DEATH OF THE HONOURABLE THOMAS LESLIE AUSTIN** — Motion made and question — That this House expresses its sincere sorrow at the death of the Honourable Thomas Leslie Austin, 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 Hampden from 1972 to 1976 and the Electoral District of Ripon from 1976 to 1992, Minister of Public Works and Minister for Property and Services from 1978 to 1980, Minister of Agriculture from 1980 to 1982, and Minister for Forests from 1981 to 1982 (*Mr Bracks*) — put, after the Speaker and other honourable members had addressed the House in support of the motion and, honourable members rising in their places to signify their assent, agreed to unanimously.
- 4 **DEATH OF THE HONOURABLE ANN MARY HENDERSON** — Motion made and question — That this House expresses its sincere sorrow at the death of the Honourable Ann Mary Henderson, and places on record its acknowledgement of the valuable services rendered by her to the Parliament and the people of Victoria as Member of the Legislative Assembly for the Electoral District of Geelong from 1992 to 1999 and Minister for Housing and Minister Responsible for Aboriginal Affairs from 1996 to 1999 (*Mr Bracks*) — put, after the Speaker and other honourable members had addressed the House in support of the motion and, honourable members rising in their places to signify their assent, agreed to unanimously.
- 5 **ADJOURNMENT** — Motion made and question — That, as a further mark of respect to the memory of the late Honourable Thomas Leslie Austin and the late Honourable Ann Mary Henderson, the House do now adjourn until tomorrow (*Mr Bracks*) — put and agreed to.

And the House, at 5.39 pm adjourned until tomorrow.



## No 151 — Wednesday 11 September 2002

- 1 The House met pursuant to adjournment — The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Motorcycle Registration Fee/Driver Education** — Seeking that there will be no \$50 surcharge on top of the motorcycle registration fee and that the cost of better driver education of all drivers and riders be borne by all road users and not just one section of the motoring public, bearing 1,066 signatures (*by Mr Plowman*)

**Kiosk adjacent to Glen Waverley Railway Station** — Seeking that the Minister for Transport uses the powers available to him under the *Transport Act* and the franchise agreement signed with Connex to ensure that the current operators of the kiosk adjacent to the Glen Waverley railway station have their lease renewed, bearing 1,368 signatures (*by Mr Wilson*)

**Rate Increase — Glen Eira Council** — Seeking that the Government and the Minister for Local Government take immediate action to ensure that Glen Eira Council's 2002/2003 28 per cent rate increase is revoked and that the increase remains at or below the CPI, bearing 191 signatures (*by Mrs Peulich*)

**Funding for Crossing Supervision at Doncaster** — Seeking that the Government supports the safety of children by reinstating full funding from VicRoads for crossing supervision at the intersection of Church and Doncaster Roads, Doncaster, bearing 345 signatures (*by Mr Perton*)

**Natural Gas Reticulation in East Gippsland** — Seeking that the Government facilitates the immediate provision of natural gas reticulation to businesses and households in East Gippsland, bearing 9,628 signatures (*by Mr Ingram*)

**Cotham Cellars, Kew** — Seeking that the House — (a) stops the proposed closure of Cotham Cellars, the licensed supermarket at 253 Cotham Road Kew to enable the proposed redevelopment of Prague House by the Sisters of Charity, on property granted by the Government; and (b) stops or reneges on the granting of the site, owned by the Victorian Government as part of the aged care services facility at St George's Hospital, to the Sisters of Charity for the redevelopment of Prague House which is not an aged care facility, bearing 350 signatures (*by Mr McIntosh*)

**Prague House Redevelopment, Kew** — Seeking that the House — (a) stops the proposed redevelopment on the corner of Cecil Street and Cotham Road, Kew, of Prague House, a residence for 45 homeless men with 'special needs'; and (b) stops or reneges on the granting of the site, owned by the Victorian Government as part of the aged care services facility at St George's Hospital, to the Sisters of Charity for the redevelopment of Prague House which is not an aged care facility, bearing 333 signatures (*by Mr McIntosh*)

**Funding Increase to Public Libraries** — Seeking that the Victorian Government — (a) immediately invests substantially more in public library services for the benefit of all Victorians by increased funding to public libraries for the purchase of books; and (b) increases funding for the purchase and maintenance of mobile library services to ensure the removal of the barrier to access by Victorians in rural and remote areas, bearing 104 signatures (*by Ms Burke*)

**Kangaroo Cull in Heathcote** — Seeking that a humane cull of the kangaroos in the Heathcote area be undertaken and followed up by a management plan to prevent this situation recurring, bearing 1,777 signatures (*by Mr Hardman*).

Severally ordered to lie on the Table.

- 3 **PETITION — RATE INCREASE — GLEN EIRA COUNCIL** — Motion made and question — That the petition presented by the Member for Bentleigh relating to Glen Eira Council's 2002/2003 28 per cent rate increase be taken into consideration tomorrow (*Mrs Peulich*) — put and agreed to.
- 4 **PETITION — MOTORCYCLE REGISTRATION FEE/DRIVER EDUCATION** — Motion made and question — That the petition presented by the Member for Benambra relating to the \$50 surcharge on top of the motorcycle registration fee be taken into consideration tomorrow (*Mr Plowman*) — put and agreed to.
- 5 **PETITION — KIOSK ADJACENT TO GLEN WAVERLEY RAILWAY STATION** — Motion made and question — That the petition presented by the Member for Bennettswood relating to the current operators of the kiosk adjacent to the Glen Waverley railway station having their lease renewed be taken into consideration tomorrow (*Mr Wilson*) — put and agreed to.
- 6 **PETITION — COTHAM CELLARS, KEW** — Motion made and question — That the petition presented by the Member for Kew relating to the proposed closure of Cotham Cellars to enable the proposed redevelopment of Prague House by the Sisters of Charity be taken into consideration tomorrow (*Mr McIntosh*) — put and agreed to.
- 7 **PETITION — PRAGUE HOUSE REDEVELOPMENT, KEW** — Motion made and question — That the petition presented by the Member for Kew relating to the proposed redevelopment of Prague House in Kew be taken into consideration tomorrow (*Mr McIntosh*) — put and agreed to.
- 8 **PETITION — KANGAROO CULL IN HEATHCOTE** — Motion made and question — That the petition presented by the Member for Seymour relating to the humane culling of kangaroos in the Heathcote area be taken into consideration tomorrow (*Mr Hardman*) — put and agreed to.
- 9 **PETITION — NATURAL GAS RETICULATION IN EAST GIPPSLAND** — Motion made and question — That the petition presented by the Member for Gippsland East relating to the immediate provision of natural gas reticulation to businesses and households in East Gippsland be taken into consideration tomorrow (*Mr Ingram*) — put and agreed to.
- 10 **PETITION — FUNDING INCREASE TO PUBLIC LIBRARIES** — Motion made and question — That the petition presented by the Member for Prahran relating to the Government investing substantially more in public library services be taken into consideration tomorrow (*Ms Burke*) — put and agreed to.

## 11 PAPERS —

**DRUGS AND CRIME PREVENTION COMMITTEE** — Mr Lupton brought up the Final Report from the Drugs and Crime Prevention Committee upon the Inquiry into Inhalation of Volatile Substances, 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** — Ms Gillett, Chair, brought up a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 7 of 2002 on the:

Adventure Activities Protection Bill  
 Agricultural Industry Development (Further Amendment) Bill  
 Agriculture Legislation (Amendments and Repeals) Bill  
 Criminal Justice Legislation (Miscellaneous Amendments) Bill  
 Forests Legislation (Amendment) Bill  
 State Taxation Legislation (Further Amendment) Bill  
 Volunteer Protection Bill

together with appendices.

Ordered to lie on the Table and to be printed.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Ms Gillett, Chair, brought up a report from the Scrutiny of Acts and Regulations Committee on the Inquiry into the *Subordinate Legislation Act 1994*, together with appendices and minutes of evidence.

Ordered to lie on the Table and the report and appendices to be printed.

**FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE** — Mr Lim, Chair, brought up a report from the Family and Community Development Committee upon the Inquiry into the Conditions of Clothing Outworkers in Victoria, together with a minority report and minutes of evidence.

Ordered to lie on the Table and the report and minority report to be printed.

**PAPERS PURSUANT TO STATUTE —**

The Speaker presented:

*BLF (De-recognition) Act 1985* — Fifty-Sixth Report of the Custodian

Ordered to lie on the Table and to be printed.

The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Alpine Health — Report for the year 2000–01 (*in lieu of Report previously tabled on Wednesday 7 November 2001*)

Anti-Cancer Council — Report for the year 2001

Auditor-General — Annual Plan 2002–03

Benalla and District Memorial Hospital — Report for the year 2000–01 (*in lieu of Report previously tabled on Wednesday 7 November 2001*)

Bendigo Health Care Group — Report for the year 2000–01 (*in lieu of Report previously tabled on Tuesday 30 October 2001*)

*Building Act 1993* — Notice of Amendment 10 (*Government Gazette No G23, 6 June 2002*)

Cobram District Hospital — Financial Statement for the year 2000–01 (*in lieu of Financial Statement previously tabled on Wednesday 7 November 2001*)

*Crimes Act 1958* — Authorisation pursuant to s 464Z(2)

*Drugs, Poisons and Controlled Substances Act 1981* — Documents pursuant to s 12H — Poisons Code:

Amendment No 4 to the Standard for Uniform Scheduling of Drugs and Poisons No 16

Standard for Uniform Scheduling of Drugs and Poisons No 17

Amendment No 1 to the Standard for Uniform Scheduling of Drugs and Poisons No 17

Notices regarding the amendment, commencement and availability of the Poisons Code

*Environment Protection Act 1970* — Order declaring State Environment Protection Policy (Prevention and Management of Contamination of Land) (*Gazette S 95, 4 June 2002*)

*Financial Management Act 1994* — Report from the Minister for Agriculture that he had received the 2001 annual report of the Veterinary Practitioners Registration Board of Victoria

Financial Management Regulations 1994 — Order in Council pursuant to Regulation 11 — Authorisation of expenditure of a Royal Commission

*Gaming Machine Control Act 1991* — Amendment of rules pursuant to s 78(2)

Kyabram and District Memorial Community Hospital — Report for the year 2000–01 (*in lieu of Report previously tabled on Thursday 1 November 2001*)

Kyneton District Health Service — Report for the year 2000–01 (*in lieu of Report previously tabled on Wednesday 7 November 2001*)

Maldon Hospital — Report for the year 2000–01 (*in lieu of Report previously tabled on Tuesday 30 October 2001*)

Mallee Track Health and Community Service — Report for the year 2000–01 (*in lieu of Report previously tabled on Tuesday 30 October 2001*)

Manangatang and District Hospital — Report for the year 2000–01

Maryborough District Health Service — Report for the year 2000–01 (*in lieu of Report previously tabled on Tuesday 30 October 2001*)

*Melbourne City Link Act 1995:*

City Link and Extension Projects Integration and Facilitation Agreement Ninth Amending Deed  
 Exhibition Street Extension Fifth Amending Deed  
 Melbourne City Link Seventeenth Amending Deed  
 Orders pursuant to s 8(4) decreasing the Project Area (5 orders)  
 Third Deed Amending Master Security Deed

Mt Alexander Hospital — Report for the year 2000–01 (*in lieu of Report previously tabled on Tuesday 30 October 2001*)

Murray Valley Citrus Marketing Board — Report for the year 2000–01

*National Parks Act 1975* — Notices of consent to the granting of Exploration Licence Nos 3281 and 3376 relating to Chiltern Box-Ironbark National Park

*Ombudsman Act 1973* — Report of the Ombudsman on Matters Arising from the Office of Gambling Regulation Investigation of International Gaming Technology — Ordered to be printed

*Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:

Alpine Resorts Planning Scheme — Nos C6, C12  
 Ballarat Planning Scheme — No C49  
 Banyule Planning Scheme — Nos C21, C27  
 Bass Coast Planning Scheme — Nos C12, C15, C17, C20  
 Bayside Planning Scheme — No C27  
 Boroondara Planning Scheme — No C14  
 Brimbank Planning Scheme — No C44  
 Campaspe Planning Scheme — No C19  
 Cardinia Planning Scheme — Nos C23, C30, C32 Part 1  
 Casey Planning Scheme — Nos C13, C45  
 Colac Otway Planning Scheme — No C2  
 Darebin Planning Scheme — Nos C18, C22, C35, C38  
 Frankston Planning Scheme — No C13  
 Greater Bendigo Planning Scheme — Nos C26, C33  
 Greater Geelong Planning Scheme — Nos C38, C44, C45, C47  
 Greater Shepparton Planning Scheme — Nos C18, C21  
 Hepburn Planning Scheme — No C8  
 Hobsons Bay Planning Scheme — Nos C22, C28  
 Horsham Planning Scheme — No C7  
 Kingston Planning Scheme — Nos C17, C19, C20  
 Knox Planning Scheme — No C2  
 Loddon Planning Scheme — Nos C6, C8  
 Macedon Ranges Planning Scheme — No C12  
 Maribyrnong Planning Scheme — Nos C9, C14 Part 1  
 Maroondah Planning Scheme — No C28  
 Melbourne Planning Scheme — Nos C10, C19 Part 2, C22, C66, C69, C70, C72  
 Mildura Planning Scheme — No C9  
 Mitchell Planning Scheme — No C10  
 Monash Planning Scheme — Nos C20, C39

Moonee Valley Planning Scheme — No C31  
 Moorabool Planning Scheme — No C15  
 Moreland Planning Scheme — No C14  
 Mornington Peninsula Planning Scheme — No C43  
 Mount Alexander Planning Scheme — Nos C13, C15  
 Nillumbik Planning Scheme — No C15  
 Port Phillip Planning Scheme — No C30  
 South Gippsland Planning Scheme — Nos C5, C11  
 Southern Grampians Planning Scheme — No C3  
 Surf Coast Planning Scheme — No C8  
 Towong Planning Scheme — Nos C3 Part 2, C6, C8  
 Wangaratta Planning Scheme — No C10  
 Whitehorse Planning Scheme — Nos C29, C33  
 Whittlesea Planning Scheme — Nos C28, C36  
 Wodonga Planning Scheme — Nos C9, C14  
 Wyndham Planning Scheme — Nos C8, C12, C34  
 Yarra Planning Scheme — Nos C25, C26, C37  
 Yarra Ranges Planning Scheme — Nos C11, C15, C20, C27, C28

Psychologists Registration Board — Report for the year 2001

*Rural Finance Act 1988:*

Direction by the Treasurer to the Rural Finance Corporation to administer a scheme of assistance for persons affected by changes in the regulation and management of the forestry industry under the provisions of the *Forests Act 1958*

Direction by the Treasurer to the Rural Finance Corporation to administer a scheme of assistance for persons affected by the establishment of marine national parks and marine sanctuaries under the *National Parks (Marine National Parks and Marine Sanctuaries) Act 2002*

Rural Northwest Health — Report for the period 1 January 2001 to 30 June 2001

Statutory Rules under the following Acts:

*Administration and Probate Act 1958* — SR No 38  
*Births, Deaths and Marriages Registration Act 1996* — SR No 45  
*Building Act 1993* — SR No 68  
*Companies Act 1961* — SR No 58  
*Confiscation Act 1997* — SR No 67  
*Conservation, Forest and Lands Act 1987* — SR No 48  
*County Court Act 1958* — SR Nos 54, 55  
*Domestic (Feral and Nuisance) Animals Act 1994* — SR No 62  
*Electoral Act 2002* — SR No 73  
*Electricity Safety Act 1998* — SR No 59  
*Environment Protection Act 1970* — SR No 43  
*Fair Trading Act 1999* — SR No 39  
*Fisheries Act 1995* — SR No 63  
*Freedom of Information Act 1982* — SR No 44  
*Fundraising Appeals Act 1998* — SR No 65  
*Gaming Machine Control Act 1991* — SR No 51  
*Gas Safety Act 1997* — SR No 60  
*Health Act 1958* — SR Nos 69, 75

*Health Records Act 2001* — SR No 42  
*Magistrates' Court Act 1989* — SR No 41  
*Meat Industry Act 1993* — SR No 72  
*Private Agents Act 1966* — SR No 52  
*Prostitution Control Act 1994* — SR No 71  
*Second-Hand Dealers and Pawnbrokers Act 1989* — SR No 61  
*Subordinate Legislation Act 1994* — SR Nos 40, 46, 47, 57, 64  
*Supreme Court Act 1986* — SR Nos 36, 37, 38  
*Tobacco Act 1987* — SR No 66  
*Trade Measurement Act 1995* — SR No 53  
*Trade Measurement (Administration) Act 1995* — SR No 53  
*Victorian Institute of Teaching Act 2001* — SR No 74  
*Water Act 1989* — SR No 56  
*Water Industry Act 1994* — SR No 49  
*Whistleblowers Protection Act 2001* — SR No 70  
*Wildlife Act 1975* — SR No 50

*Subordinate Legislation Act 1994:*

Ministers' exception certificates in relation to Statutory Rule Nos 36, 37, 38, 40, 47, 54, 55, 64  
 Ministers' exemption certificates in relation to Statutory Rule Nos 39, 41, 48, 52, 58, 60, 61, 63, 65, 66, 68, 69, 71, 75

Terang and Mortlake Health Service — Report for the year 2000–01 (*in lieu of Report previously tabled on Tuesday 26 February 2002*)

West Wimmera Health Service — Report for the year 2000–01

*Whistleblowers Protection Act 2001* — Report of the Ombudsman on an Investigation into a Complaint about Preferential Treatment of a Student by the University of Melbourne — Ordered to be printed

Wimmera Health Care Group — Report for the year 2000–01 (*in lieu of Report previously tabled on Tuesday 20 November 2001*).

The following proclamations fixing operative dates were laid upon the Table by the Clerk pursuant to an Order of the House dated 3 November 1999:

*Electoral Act 2002* — Whole Act on 1 September 2002 (*Gazette G35, 29 August 2002*)  
*Electricity Industry (Amendment) Act 2002* — Whole Act on 31 July 2002 (*Gazette S131, 30 July 2002*)  
*Energy Legislation (Further Miscellaneous Amendments) Act 2002* — Remaining provisions on 29 July 2002 (*Gazette G29, 18 July 2002*)  
*Energy Legislation (Miscellaneous Amendments) Act 2001* — Remaining provisions on 2 July 2002 (*Gazette G24, 13 June 2002*)  
*International Transfer of Prisoners (Victoria) Act 1998* — Remaining provisions on 8 August 2002 (*Gazette G32, 8 August 2002*)  
*Melbourne City Link (Further Miscellaneous Amendments) Act 2002* — Section 12 on 25 June 2002 (*Gazette S111, 25 June 2002*)  
*Melbourne City Link (Miscellaneous Amendments) Act 2000* — Sections 41 and 42 on 14 June 2002 (*Gazette G24, 13 June 2002*)

*Racing Acts (Amendment) Act 2002* — Sections 1, 2, 8, 18 and 24 on 11 July 2002 (*Gazette G28, 11 July 2002*)

*Second-Hand Dealers and Pawnbrokers (Amendment) Act 2001* — Remaining provisions on 1 September 2002 (*Gazette G29, 18 July 2002*)

*Snowy Hydro Corporatisation Act 1997* — Remaining provisions on 28 June 2002 (*Gazette S110, 25 June 2002*)

*Victorian Institute of Teaching Act 2001* — Part 1, Part 2, Part 7, Part 8 and Part 9 and sections 88, 90 and 94 on 20 June 2002 (*Gazette G25, 20 June 2002*).

- 12 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Appropriation (2002/2003) Bill

Appropriation (Parliament 2002/2003) Bill

Criminal Justice Legislation (Miscellaneous Amendments) Bill

Domestic Building Contracts (Conciliation and Dispute Resolution) Bill

Energy Legislation (Further Miscellaneous Amendments) Bill

Environment Protection (Resource Efficiency) Bill

Gaming Legislation (Amendment) Bill

Liquor Control Reform (Packaged Liquor Licences) Bill

National Parks (Marine National Parks and Marine Sanctuaries) Bill No 2

Tobacco (Miscellaneous Amendments) Bill.

- 13 **FORESTS LEGISLATION (AMENDMENT) BILL** — The Speaker announced the receipt of a message from the Legislative Council transmitting a Bill '*to amend the Forests Act 1958, the Conservation, Forests and Lands Act 1987 and for other purposes*' and desiring the concurrence of the Legislative Assembly therein.

On the motion of Mrs Fyffe, the Bill transmitted by the foregoing message was read a first time, ordered to be printed and read a second time tomorrow.

- 14 **MESSAGES FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

On 12 June 2002:

Casino (Management Agreement) (Amendment) Bill

Electoral Bill

Energy Legislation (Further Miscellaneous Amendments) Bill

House Contracts Guarantee (HIH Further Amendment) Bill

Magistrates' Court (Amendment) Bill

Magistrates' Court (Koori Court) Bill

Pathology Services Accreditation (Amendment) Bill

State Taxation Acts (Further Tax Reform) Bill

State Taxation Legislation (Further Amendment) Bill

Tobacco (Miscellaneous Amendments) Bill

Transport (Further Miscellaneous Amendments) Bill

On 18 June 2002:

Criminal Justice Legislation (Miscellaneous Amendments) Bill

Domestic Building Contracts (Conciliation and Dispute Resolution) Bill



Environment Protection (Resource Efficiency) Bill  
 Gaming Legislation (Amendment) Bill  
 Liquor Control Reform (Packaged Liquor Licences) Bill  
 National Parks (Marine National Parks and Marine Sanctuaries) Bill No 2.

- 15 **APPROPRIATION (2002/2003) BILL — APPROPRIATION (PARLIAMENT 2002/2003) BILL** — The Speaker announced that he had, on 18 June 2002, presented to the Governor the Appropriation (2002/2003) Bill and the Appropriation (Parliament 2002/2003) Bill to which the Governor had been pleased to give the royal assent.
- 16 **SUSPENSION OF STANDING AND SESSIONAL ORDERS** — Motion made, by leave, and question — That so much of Standing and Sessional Orders be suspended today so as to allow:
- (1) Business to be interrupted at 3.00 pm to enable a motion to be moved remembering those who died in the terrorist attacks on 11 September 2001;
  - (2) Sessional Order 3 to be varied to provide that Question Time will take place immediately after the motion of remembrance;
  - (3) Any business under discussion and not disposed of at 3.00 pm shall be resumed immediately at the conclusion of Question Time, and any member speaking at the time of the interruption may, upon the resumption of debate, continue such speech.

*(Mr Batchelor)* — put and agreed to.

- 17 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, pursuant to Sessional Order 6(3), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 12 September 2002:

Sports Event Ticketing (Fair Access) Bill  
 Residential Tenancies (Amendment) Bill  
 Agriculture Legislation (Amendments and Repeals) Bill  
 Agricultural Industry Development (Further Amendment) Bill  
 Utility Meters (Metrological Controls) Bill  
 Juries (Amendment) Bill

*(Mr Batchelor)* — put, after debate, and agreed to.

- 18 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 19 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.
- 20 **POSTPONEMENT OF NOTICE OF MOTION** — Ordered — That the consideration of Government Business, Notice of Motion, No 1, be postponed until tomorrow.
- 21 **SPORTS EVENT TICKETING (FAIR ACCESS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Mr Pandazopoulos announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Languiller*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

*Business having been interrupted at 3.00 pm pursuant to resolution of the House on Wednesday 11 September 2002.*

- 22 **MOTION OF REMEMBRANCE** — Motion made and question — That, remembering all those who tragically died a year ago today in the United States of America, this House reaffirms its deepest sympathy with all those who suffered as a result of such horrifying terrorist attacks (*Mr Bracks*) — put and, the Speaker and other honourable members rising in their places to signify their assent, agreed to unanimously.

- 23 **QUESTIONS** — (Pursuant to Standing Order No 124).

- 24 **AGRICULTURE LEGISLATION (AMENDMENTS AND REPEALS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Mr Hamilton announced that it was proposed to move an amendment in Committee and requested that it be circulated. Amendment circulated.

Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Helper*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 25 **AGRICULTURAL INDUSTRY DEVELOPMENT (FURTHER AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Mr Hamilton announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 26 **UTILITY METERS (METROLOGICAL CONTROLS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 27 **RESIDENTIAL TENANCIES (AMENDMENT) BILL** — Order read for resuming debate on the question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Mrs Shardey announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Viney*) — put and agreed to.

Ordered — That the debate be adjourned until tomorrow.

- 28 **GUARDIANSHIP AND ADMINISTRATION (AMENDMENT) BILL** — Order read for the consideration of the amendments made by the Legislative Council.

The said amendments were read a second time and, after debate, agreed to by the House.

Ordered — That a message be sent to the Legislative Council acquainting them that the Legislative Assembly has agreed to the said amendments.

- 29 **JURIES (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm pursuant to Sessional Orders.*

- 30 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.37 pm.

R W PURDEY  
Clerk of the Legislative Assembly

A ANDRIANOPOULOS  
Speaker

## No 152 — Thursday 12 September 2002

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Welfare Officers in State Primary Schools** — Seeking that the House agrees to the provision of ongoing, professionally trained welfare officers in State primary schools, bearing 1,124 signatures (*by Ms Allen, Benalla*)

**Ombudsman's Investigation** — Seeking that the House inspects the documents held by Mr C Healy of 2 Girdwood Parade, Eildon with a view to ensuring that — (a) the Ombudsman's investigation of his case is revisited; and (b) the Victorian public is properly served by the Ombudsman, bearing 1 signature (*by Ms Allen, Benalla*)

**Bus Service between Glen Waverley and Blackburn Railway Stations** — Seeking that the Minister for Transport facilitates the operation of the Ventura Bus Lines route service 736 between Glen Waverley and Blackburn Railway Stations on Saturdays, bearing 73 signatures (*by Mr Wilson*)

**Funding Increase to Public Libraries** — Seeking that the Victorian Government — (a) immediately invests substantially more in public library services for the benefit of all Victorians by increased funding to public libraries for the purchase of books; and (b) increases funding for the purchase and maintenance of mobile library services to ensure the removal of the barrier to access by Victorians in rural and remote areas, bearing 125 signatures (*by Mr Lupton*).

Severally ordered to lie on the Table.

3 **PETITION — BUS SERVICE BETWEEN GLEN WAVERLEY AND BLACKBURN RAILWAY STATIONS** — Motion made and question — That the petition presented by the Member for Bennettswood relating to the operation of the Ventura Bus Lines route service 736 on Saturdays be taken into consideration tomorrow (*Mr Wilson*) — put and agreed to.

4 **PETITION — FUNDING INCREASE TO PUBLIC LIBRARIES** — Motion made and question — That the petition presented by the Member for Knox relating to the Government investing substantially more in public library services be taken into consideration tomorrow (*Mr Lupton*) — put and agreed to.

5 **PAPERS** —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Ms Gillett, Chair, brought up the Final Report from the Scrutiny of Acts and Regulations Committee on the Review of the *Vagrancy Act 1966*, together with appendices and minutes of evidence.

Ordered to lie on the Table and the report and appendices to be printed.

**ENVIRONMENT AND NATURAL RESOURCES COMMITTEE** — Mr Seitz, Chair, brought up the Second Report from the Environment and Natural Resources Committee upon the Inquiry into Fisheries Management, 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 Water Corporation Act 1992* — Ministerial direction pursuant to s 45(3)

*National Parks Act 1975* — Advice pursuant to s 11(3)

*Parliamentary Committees Act 1968* — Response of the Minister for Environment and Conservation on the action taken with respect to the recommendations made by the Public Accounts and Estimates Committee's Final Report on Environmental Accounting and Reporting

*Victorian Environment Assessment Act 2001* — Request pursuant to s 16(1).

6 **PARLIAMENTARY COMMITTEES** — Motion made, by leave, and question — That:

- (1) The resolution of the House of 28 November 2001 providing that the Law Reform Committee be required to present its report, upon its Inquiry into Possible Mandatory Codes for Consumer Protection in Certain Industries, to the Parliament no later than 30 September 2002, be amended so far as to require the report to be presented to the Parliament no later than 30 September 2003.
- (2) The resolution of the House of 28 November 2001 providing that the Road Safety Committee be required to present its report, upon its Inquiry into Fluctuations in the Number and Severity of Crashes on Victorian Roads from 1988, to the Parliament no later than 31 October 2002, be amended so far as to require the report to the Parliament no later than 31 May 2003.

*(Mr Batchelor)* — put and agreed to.

7 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourn until Tuesday 8 October 2002 *(Mr Batchelor)* — put and agreed to.

8 **STATEMENTS BY MEMBERS** — Statements by members were made.

9 **ESTATE AGENTS AND SALE OF LAND ACTS (AMENDMENT) BILL** — Ms Campbell obtained leave, with Mr Batchelor, to bring in a Bill '*to amend the Estate Agents Act 1980 and the Sale of Land Act 1962 and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.

10 **WRONGS AND OTHER ACTS (PUBLIC LIABILITY INSURANCE REFORM) BILL** — Mr Bracks obtained leave, with Mr Batchelor, to bring in a Bill '*to amend the Wrongs Act 1958, the Coroners Act 1985, the Food Act 1984, the Goods Act 1958, the Essential Services Commission Act 2001, the Country Fire Authority Act 1958 and the Metropolitan Fire Brigades Act 1958 and for other purposes*'; and the said Bill was read a first time, ordered to be printed and, by leave, read a second time forthwith.

11 **WRONGS AND OTHER ACTS (PUBLIC LIABILITY INSURANCE REFORM) BILL** — Motion made and question proposed — That this Bill be now read a second time *(Mr Bracks)*.

*Mr Bracks made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.*

Motion made and question — That the debate be now adjourned *(Mr Clark)* — put and agreed to.

Ordered — That the debate be adjourned until Thursday 26 September 2002.

12 **CONSTITUTION (WATER AUTHORITIES) BILL** — Mr Bracks obtained leave, with Mr Batchelor, to bring in a Bill '*to amend the Constitution Act 1975 so as to entrench the responsibility of public authorities for ensuring the delivery of water services and their accountability to responsible Ministers for ensuring that delivery and for other purposes*'; and the said Bill was read a first time, ordered to be printed and, by leave, read a second time forthwith.

13 **CONSTITUTION (WATER AUTHORITIES) BILL** — Motion made and question proposed — That this Bill be now read a second time *(Mr Bracks)*.

Motion made and question — That the debate be now adjourned (*Mr Mulder*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 26 September 2002.

- 14 **CONSTITUTION (PARLIAMENTARY REFORM) BILL** — Mr Bracks obtained leave, with Mr Batchelor, to bring in a Bill '*to reform the Parliament of Victoria, to amend the **Constitution Act 1975 and the Electoral Act 2002**, to consequentially amend certain Acts and for other purposes*'; and the said Bill was read a first time, ordered to be printed and, by leave, read a second time forthwith.

- 15 **CONSTITUTION (PARLIAMENTARY REFORM) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Bracks*).

Motion made and question — That the debate be now adjourned (*Mr Pertou*) — put and agreed to.

Ordered, after debate — That the debate be adjourned until Thursday 26 September 2002.

- 16 **HEALTH LEGISLATION (RESEARCH INVOLVING EMBRYOS AND PROHIBITION OF HUMAN CLONING) BILL** — Mr Thwaites obtained leave, with Mr Bracks, to bring in a Bill '*to amend the **Infertility Treatment Act 1995** so as to make fresh provision for the regulation of certain activities involving the use of human embryos and for the prohibition of human cloning and certain other practices associated with reproductive technology, to make consequential amendments to the **Gene Technology Act 2001** and certain other Acts and for other purposes*'; and the said Bill was read a first time, ordered to be printed and, by leave, read a second time later this day .

- 17 **ROAD SAFETY (RESPONSIBLE DRIVING) BILL** — Mr Batchelor obtained leave, with Mr Bracks, to bring in a Bill '*to make miscellaneous amendments to the **Road Safety Act 1986**, to amend the **Marine Act 1988** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and, by leave, read a second time later this day.

- 18 **MURRAY-DARLING BASIN (AMENDMENT) BILL** — Ms Garbutt obtained leave, with Mr Batchelor, to bring in a Bill '*to amend the **Murray-Darling Basin Act 1993** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and, by leave, read a second time later this day.

- 19 **NATIONAL PARKS (BOX-IRONBARK AND OTHER PARKS) BILL** — Ms Garbutt obtained leave, with Mr Batchelor, to bring in a Bill '*to amend the **National Parks Act 1975** to create new parks and make further provision in relation to existing parks and other Crown land, to create new reserves under the **Crown Land (Reserves) Act 1978**, to otherwise amend the **Crown Land (Reserves) Act 1978**, the **Mineral Resources Development Act 1990**, the **Reference Areas Act 1978** and the **Forests Act 1958** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and, by leave, read a second time later this day.

- 20 **COMMISSIONER FOR ECOLOGICALLY SUSTAINABLE DEVELOPMENT BILL** — Ms Garbutt obtained leave, with Mr Batchelor, to bring in a Bill '*to provide for a Commissioner for Ecologically Sustainable Development, to facilitate a periodical Report on the State of the Environment of Victoria and annual reporting on the implementation of environmental management systems, to consequentially amend the **Public Sector Management and***

*Employment Act 1998 and for other purposes'*; and the said Bill was read a first time, ordered to be printed and, by leave, read a second time later this day.

- 21 **FEDERAL AWARDS (UNIFORM SYSTEM) BILL** — Mr Lenders obtained leave, with Mr Batchelor, to bring in a Bill '*to amend the Commonwealth Powers (Industrial Relations) Act 1996 to refer to the Parliament of the Commonwealth a further matter relating to industrial relations, to empower the Victorian Civil and Administrative Tribunal to make orders applying federal award conditions as common rules in Victoria and for this purpose to amend the Victorian Civil and Administrative Tribunal Act 1998 and for other purposes'*; and the said Bill was read a first time, ordered to be printed and, by leave, read a second time later this day.
- 22 **CONTROL OF WEAPONS AND FIREARMS ACTS (SEARCH POWERS) BILL** — Mr Haermeyer obtained leave, with Mr Batchelor, to bring in a Bill '*to amend the Control of Weapons Act 1990 and the Firearms Act 1996 and for other purposes'*; and the said Bill was read a first time, ordered to be printed and, by leave, read a second time later this day.
- 23 **SENTENCING (FURTHER AMENDMENT) BILL** — Mr Hulls obtained leave, with Mr Batchelor, to bring in a Bill '*to amend the Sentencing Act 1991 so as to empower the Court of Appeal to give guideline judgments and to establish a Sentencing Advisory Council and for other purposes'*; and the said Bill was read a first time, ordered to be printed and, by leave, read a second time later this day.
- 24 **CRIMES (PROPERTY DAMAGE AND COMPUTER OFFENCES) BILL** — Mr Hulls obtained leave, with Mr Batchelor, to bring in a Bill '*to amend the Crimes Act 1958 to create offences relating to bushfires, computers and sabotage, to amend the Bail Act 1977 with respect to the granting of bail on a charge of arson causing death, to make consequential amendments to other Acts and for other purposes'*; and the said Bill was read a first time, ordered to be printed and, by leave, read a second time later this day.
- 25 **REGIONAL DEVELOPMENT VICTORIA BILL** — Mr Brumby obtained leave, with Mr Batchelor, to bring in a Bill '*to establish a body to facilitate economic and community development in rural and regional Victoria to be known as Regional Development Victoria and for other purposes'*; and the said Bill was read a first time, ordered to be printed and, by leave, read a second time later this day.
- 26 **JURIES (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, read a third time forthwith.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 27 **AGRICULTURE LEGISLATION (AMENDMENTS AND REPEALS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mrs Elliott*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 28 **RESIDENTIAL TENANCIES (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm pursuant to Sessional Orders.*

- 29 **QUESTIONS** — (Pursuant to Standing Order No 124).

- 30 **RESIDENTIAL TENANCIES (AMENDMENT) BILL** — Debate resumed on question — That this Bill be now read a second time.

Bill read second time and committed; considered in Committee.

*Allocation of time — The Chairman of Committees advised that the time allocated for consideration of bills pursuant to resolution of the House on Wednesday 11 September 2002 had expired.*

Bill reported with an amendment.

Question — That the House agrees to the amendment made by the Committee and the Bill be read a third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 31 **SPORTS EVENTS TICKETING (FAIR ACCESS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time, Government amendment Nos 1 to 23 inclusive, be agreed to, the Bill be read a third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 32 **AGRICULTURAL INDUSTRY DEVELOPMENT (FURTHER AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time, Government amendment Nos 1 to 5 inclusive, be agreed to, the Bill be read a third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 33 **UTILITY METERS (METROLOGICAL CONTROLS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 34 **AGRICULTURE LEGISLATION (AMENDMENTS AND REPEALS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time, the Government amendment be agreed to, the Bill be read a third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.



- 35 **HEALTH LEGISLATION (RESEARCH INVOLVING EMBRYOS AND PROHIBITION OF HUMAN CLONING) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Thwaites*).
- Motion made and question — That the debate be now adjourned (*Mr Wilson*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 26 September 2002.
- 36 **ROAD SAFETY (RESPONSIBLE DRIVING) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).
- Motion made and question — That the debate be now adjourned (*Mr Leigh*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 26 September 2002.
- 37 **MURRAY-DARLING BASIN (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Garbutt*).
- Motion made and question — That the debate be now adjourned (*Mr Mulder*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 26 September 2002.
- 38 **NATIONAL PARKS (BOX-IRONBARK AND OTHER PARKS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Garbutt*).
- Motion made and question — That the debate be now adjourned (*Mr Wilson*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 26 September 2002.
- 39 **COMMISSIONER FOR ECOLOGICALLY SUSTAINABLE DEVELOPMENT BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Garbutt*).
- Motion made and question — That the debate be now adjourned (*Mr Thompson*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 26 September 2002.
- 40 **FEDERAL AWARDS (UNIFORM SYSTEM) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Lenders*).
- Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 26 September 2002.
- 41 **CONTROL OF WEAPONS AND FIREARMS ACTS (SEARCH POWERS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Haermeyer*).

Motion made and question — That the debate be now adjourned (*Mr Wells*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 26 September 2002.

- 42 **SENTENCING (FURTHER AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr Perton*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 26 September 2002.

- 43 **CRIMES (PROPERTY DAMAGE AND COMPUTER OFFENCES) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr Perton*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 26 September 2002.

- 44 **REGIONAL DEVELOPMENT VICTORIA BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).

Motion made and question — That the debate be now adjourned (*Dr Naphine*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 26 September 2002.

- 45 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Brumby*) — put and agreed to.

- 46 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

And the House, at 7.16 pm, adjourned until Tuesday 8 October 2002.

R W PURDEY  
Clerk of the Legislative Assembly

A ANDRIANOPOULOS  
Speaker

## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 153, 154 and 155

#### No 153 — Tuesday 8 October 2002

- 1 The House met pursuant to adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 3 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Sladen Street, Cranbourne** — Seeking that Sladen Street, Cranbourne be upgraded by the installation of traffic lights and safe crossing points for children and other pedestrians, bearing 519 signatures (*by Mr Rowe*)

**Blood Alcohol Level** — Seeking that the Government introduces legislation to reduce the legal limit of the blood alcohol level to below 0.05 and ensures that such legislation is strictly enforced, bearing 2,994 signatures (*by Mrs Maddigan*)

**Alteration of Municipal Boundaries — Cities of Moonee Valley and Moreland** — Seeking that the municipal boundaries of the cities of Moonee Valley and Moreland be altered to move the area known as 'Gowanbrae' which is bounded by Melrose Drive, the Metropolitan or Western Ring Road, the Moonee Ponds Creek and the interstate rail-line in Strathmore, from the City of Moreland to the City of Moonee Valley, bearing 215 signatures (*by Mr Langdon*)

**No Alteration of Municipal Boundaries — Cities of Moonee Valley and Moreland** — Seeking that there be no change made to the municipal boundaries of the Cities of Moonee Valley and Moreland, bearing 38 signatures (*by Mr Langdon*)

**Belgrave-Gembrook Road, Selby** — Seeking that the House examines the safety of the Belgrave-Gembrook Road, Selby and provides funding and works for its improvement, bearing 497 signatures (*by Mr McArthur*)

**Pedestrian Crossing on Mountain Highway, The Basin** — Seeking that VicRoads provides funding for the urgent installation of a pedestrian crossing on Mountain Highway at The Basin to link shops with the carpark, bearing 389 signatures (*by Mr McArthur*)

Severally ordered to lie on the Table.

- 4 **PETITION — BELGRAVE-GEMBROOK ROAD, SELBY** — Motion made and question — That the petition presented by the Member for Monbulk relating to the safety of the Belgrave-Gembrook Road be taken into consideration tomorrow (*Mr McArthur*) — put and agreed to.

- 5 **PETITION — PEDESTRIAN CROSSING ON MOUNTAIN HIGHWAY, THE BASIN** — Motion made and question — That the petition presented by the Member for Monbulk relating to the urgent installation of a pedestrian crossing on Mountain Highway at the Basin be taken into consideration tomorrow (*Mr McArthur*) — put and agreed to.

6 **PAPERS** —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Ms Gillett, Chair, brought up a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 8 of 2002 on the:

Commissioner for Ecologically Sustainable Development Bill  
 Constitution (Parliamentary Reform) Bill  
 Constitution (Water Authorities) Bill  
 Control of Weapons and Firearms Acts (Search Powers) Bill  
 Crimes (Property Damage and Computer Offences) Bill  
 Federal Awards (Uniform System) Bill  
 Forests Legislation (Amendment) Bill  
 Health Legislation (Research Involving Embryos and Prohibition of Human Cloning) Bill  
 Murray-Darling Basin (Amendment) Bill  
 National Parks (Box-Ironbark and Other Parks) Bill  
 Regional Development Victoria Bill  
 Road Safety (Responsible Driving) Bill  
 Sentencing (Further Amendment) Bill  
 Volunteer Protection Bill  
 Wrongs and Other Acts (Public Liability Insurance Reform) Bill

together with appendices.

Ordered to lie on the Table and to be printed.

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

*Commonwealth Games Arrangements Act 2001* — Orders pursuant to s 18

*Crown Land (Reserves) Act 1978* — Section 17DA Order granting under s 17D a lease by Yarra Bend Park Trust

*Financial Management Act 1994* — Report from the Minister for Finance that he had received the 2001–02 annual report of VicFleet Pty Ltd

*Melbourne City Link Act 1995* — Order pursuant to s 8(4) decreasing the Project Area

Mildura Base Hospital — Report for the year 2000–01

*Parliamentary Committees Act 1968*:

Response of the Minister for Industrial Relations on the action taken with respect to the recommendations made by the Family and Community Development Committee's report on the Inquiry into the Conditions of Clothing Outworkers in Victoria

Response of the Minister for Transport on the action taken with respect to the recommendations made by the Road Safety Committee's report on the Inquiry into Rural Road Safety and Infrastructure

*Parliamentary Officers Act 1975:*

Statements of Appointments and Alterations of Classifications during the year 2001–2002 in the:

Department of the Legislative Council  
 Department of the Legislative Assembly  
 Department of the Parliamentary Library  
 Department of Parliamentary Debates  
 Joint Services Department

Statements of Persons Temporarily employed during the year 2001–2002 in the:

Department of the Legislative Council  
 Department of the Legislative Assembly  
 Department of the Parliamentary Library  
 Department of Parliamentary Debates  
 Joint Services Department.

*Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:

Boroondara Planning Scheme — No C30  
 Darebin Planning Scheme — No C19  
 Greater Dandenong Planning Scheme — No C11  
 La Trobe Planning Scheme — No C20  
 Manningham Planning Scheme — No C11  
 Monash Planning Scheme — No C7  
 Moonee Valley Planning Scheme — Nos C33, C34  
 Murrindindi Planning Scheme — No C6  
 Surf Coast Planning Scheme — Nos C5, C9  
 Wellington Planning Scheme — Nos C14, C15  
 Whitehorse Planning Scheme — Nos C27, C42  
 Whittlesea Planning Scheme — No C12  
 Yarra Planning Scheme — No C41  
 Yarra Ranges Planning Scheme — No C26

Statutory Rules under the following Acts:

*Adoption Act 1984* — SR No 77  
*Catchment and Land Protection Act 1994* — SR No 83  
*Children's Services Act 1996* — SR No 82  
*Drugs, Poisons and Controlled Substances Act 1981* — SR No 86  
*Fisheries Act 1995* — SR No 78  
*Health Act 1958* — SR Nos 80, 81  
*Health Services Act 1988* — SR No 79  
*Melbourne and Metropolitan Board of Works Act 1958* — SR No 94  
*Pharmacists Act 1974* — SR No 85  
*Racing Act 1958* — SR No 87

*Road Safety Act 1986* — SR Nos 88, 89, 90  
*Second-Hand Dealers and Pawnbrokers Act 1989* — SR No 92  
*Subordinate Legislation Act 1994* — SR No 93  
*Supreme Court Act 1986* — SR No 91  
*Tobacco Act 1987* — SR No 84  
*Victims of Crime Assistance Act 1996* — SR No 76

*Subordinate Legislation Act 1994:*

Ministers' exception certificates in relation to Statutory Rule Nos 76, 80, 81, 82, 85, 86, 91, 93  
 Ministers' exemption certificates in relation to Statutory Rule Nos 70, 73, 74, 77, 78, 83, 84, 87, 88, 89, 90, 94

*Survey Co-ordination Act 1958* — Reports of the Surveyor General for the years 1999–2000, 2000–01 and 2001–02

*The Constitution Act Amendment Act 1958* — Statement of function conferred on the Electoral Commissioner, dated 1 October 2002

*Victorian Law Reform Commission Act 2000* — Report on Failure to Appear in Court in Response to Bail — Ordered to be printed

The following proclamations fixing operative dates were laid upon the Table by the Clerk pursuant to an Order of the House dated 3 November 1999:

*Gaming Legislation (Amendment) Act 2002* — Sections 62 and 64 on 12 September 2002 (*Gazette G37, 12 September 2002*)

*Racing Acts (Amendment) Act 2002* — Remaining provisions on 26 September 2002 (*Gazette G39, 26 September 2002*).

- 7 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILL** — Informing the Legislative Assembly that he had, on 17 September 2002, given the royal assent to the Guardianship and Administration (Amendment) Bill, presented to him by the Clerk of the Parliaments.
- 8 **MESSAGES FROM THE GOVERNOR** — The Speaker announced the presentation of messages from the Governor recommending appropriations for the purposes of the following bills:
- Commissioner for Ecologically Sustainable Development Bill
  - Constitution (Parliamentary Reform) Bill
  - Federal Awards (Uniform System) Bill
  - Murray-Darling Basin (Amendment) Bill
  - National Parks (Box-Ironbark and Other Parks) Bill
  - Regional Development Victoria Bill
  - Sentencing (Further Amendment) Bill
  - Wrongs and Other Acts (Public Liability Insurance Reform) Bill.
- 9 **REVOCATION OF PLANNING SCHEMES** — Motion made, by leave, and question — That in accordance with s 38(2) of the *Planning and Environment Act 1987* this House revokes Amendment C15 of the Wellington Planning Scheme and Amendment C20 of the La Trobe Planning Scheme (*Mr Ryan*) — after debate, put.

The House divided.

AYES 9

Ms Davies; Mr Delahunty (*Wimmera*); Mr Jasper; Mr Kilgour; Mr Ryan; Mr Savage; Mr Steggall.  
Tellers: Mr Ingram; Mr Maughan .

NOES 74

Ms Allan (*Bendigo East*); Ms Allen (*Benalla*); Ms Asher; Mr Ashley; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brumby; Ms Burke; Mr Cameron; Ms Campbell; Mr Carli; Mr Clark; Mr Cooper; Dr Dean; Ms Delahunty (*Northcote*); Mr Dixon; Mr Doyle; Ms Duncan; Mrs Elliott; Ms Fyffe; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Hardman; Mr Helper; Mr Holding; Mr Honeywood; Mr Howard; Mr Hulls; Ms Kosky; Mr Kotsiras; Mr Languiller; Mr Leigh; Mr Leighton; Mr Lenders; Mr Lim; Ms Lindell; Mr Loney; Mr Lupton; Ms McCall; Mr McIntosh; Mrs Maddigan; Mr Maxfield; Mr Mildenhall; Mr Mulder; Dr Naphthine; Mr Nardella; Ms Overington; Mr Pandazopoulos; Mr Paterson; Mr Perton; Mrs Peulich; Mr Phillips; Ms Pike; Mr Plowman; Mr Richardson; Mr Robinson; Mr Rowe; Mr Seitz; Mrs Shardey; Mr Spry; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Viney; Mr Vogels; Mr Wells; Mr Wilson; Mr Wynne. Tellers: Mr Langdon; Mr Smith.

And so it passed in the negative.

- 10 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, pursuant to Sessional Order 6(3), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 10 October 2002:

Wrongs and Other Acts (Public Liability Insurance Reform) Bill  
Constitution (Parliamentary Reform) Bill  
Road Safety (Responsible Driving) Bill  
Commissioner for Ecologically Sustainable Development Bill  
Federal Awards (Uniform System) Bill  
Crimes (Property Damage and Computer Offences) Bill  
Travel Agents (Amendment) Bill  
Business Licensing Legislation (Amendment) Bill

(*Mr Batchelor*) — after debate, put.

The House divided.

AYES 46

Ms Allan (*Bendigo East*); Ms Allen (*Benalla*); Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Ms Davies; Ms Delahunty (*Northcote*); Ms Duncan; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Hardman; Mr Helper; Mr Howard; Mr Hulls; Mr Ingram; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lenders; Mr Lim; Ms Lindell; Mr Loney; Mrs Maddigan; Mr Maxfield; Mr Mildenhall; Mr Nardella; Ms Overington; Mr Pandazopoulos; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Viney; Mr Wynne.  
Tellers: Mr Holding; Mr Langdon.

## NOES 41

Ms Asher; Mr Ashley; Mr Baillieu; Ms Burke; Mr Clark; Mr Cooper; Dr Dean; Mr Delahunty (*Wimmera*); Mr Dixon; Mr Doyle; Mrs Elliott; Mrs Fyffe; Mr Honeywood; Mr Jasper; Mr Kilgour; Mr Kotsiras; Mr Leigh; Mr Lupton; Mr McArthur; Ms McCall; Mr McIntosh; Mr Maclellan; Mr Mulder; Dr Napthine; Mr Paterson; Mr Perton; Mrs Peulich; Mr Phillips; Mr Plowman; Mr Richardson; Mr Rowe; Mr Ryan; Mrs Shardey; Mr Spry; Mr Steggall; Mr Thompson; Mr Vogels; Mr Wells; Mr Wilson. Tellers: Mr Maughan; Mr Smith.

And so it was resolved in the affirmative.

11 **STATEMENTS BY MEMBERS** — Statements by members were made.

12 **WRONGS AND OTHER ACTS (PUBLIC LIABILITY INSURANCE REFORM) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Mr Cameron announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

Pursuant to Sessional Orders, Mr Clark announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

Pursuant to Sessional Orders, Mr Savage announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

*Business having been interrupted at 10.00 pm pursuant to Sessional Orders.*

Motion made and question — That the sitting be continued (*Mr Batchelor*) — put and agreed to.

Debate continued on question — That this Bill be now read a second time.

And the House having continued to sit after 12 midnight —

WEDNESDAY 9 OCTOBER 2002

Bill read a second time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly and committed.

Bill considered in Committee and reported with amendments; as amended, considered, and amendments agreed to.

Bill read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

13 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Hulls*) — put and agreed to.



- 14 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

And the House, at 3.18 am, adjourned until later this day.

R W PURDEY  
Clerk of the Legislative Assembly

A ANDRIANOPOULOS  
Speaker

## No 154 — Wednesday 9 October 2002

- 1 The Speaker took the Chair and read the Prayer.

- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Hospital for Sunbury and the Macedon Ranges** — Seeking that the Government will — (a) immediately reverse its decision not to provide a day hospital and after hours emergency service for Sunbury and the Macedon Ranges; and (b) in future, show proper consideration for the health care needs of people living in that region, bearing 9,672 signatures (*by Mr Doyle*)

**Rate Increase — Glen Eira Council** — Seeking that the Government and the Minister for Local Government take immediate action to ensure that Glen Eira Council's 2002/03 28 per cent rate increase is revoked and that the increase remains at or below the CPI, bearing 143 signatures (*by Mrs Peulich*)

**State Planning Policies** — Seeking that the Premier takes action to ensure that State planning policies secure suburbs from inappropriate development, especially residents of Bentleigh, Bentleigh East, McKinnon, Ormond and Moorabbin, bearing 114 signatures (*by Mrs Peulich*)

**Basslink Project** — Seeking that the Basslink Project not proceed, bearing 576 signatures (*by Mr Maxfield*).

Severally ordered to lie on the Table.

- 3 **PETITION — HOSPITAL FOR SUNBURY AND THE MACEDON RANGES** — Motion made and question — That the petition presented by the Member for Malvern relating to the health care needs of people living in Sunbury and Macedon Ranges be taken into consideration tomorrow (*Mr Doyle*) — put and agreed to.
- 4 **PETITION — RATE INCREASE — GLEN EIRA COUNCIL** — Motion made and question — That the petition presented by the Member for Bentleigh relating to the Glen Eira Council's 2002/03 rate increase be taken into consideration tomorrow (*Mrs Peulich*) — put and agreed to.

- 5 **PETITION — STATE PLANNING POLICIES** — Motion made and question — That the petition presented by the Member for Bentleigh relating to State planning policies securing suburbs from inappropriate development be taken into consideration tomorrow (*Mrs Peulich*) — put and agreed to.
- 6 **PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk:
- Auditor-General — Report of the Office for the year 2001–02.
- 7 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 8 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — MELBOURNE 2030: PLANNING FOR SUSTAINABLE GROWTH** — The House was informed that Ms Delahunty (*Northcote*) had proposed that a definite matter of public importance be submitted to the House for discussion, namely —
- 'That this House commends the Bracks Government on its metropolitan strategy, *Melbourne 2030: Planning for Sustainable Growth*, a strategy which will guide development, protect Melbourne's suburbs, network our regional cities and share growth across the whole of the State over the next 30 years to ensure Melbourne remains the world's most livable city.'
- Ms Delahunty (*Northcote*) addressed the House — Discussion ensued.
- 9 **TRANSPORT (HIGHWAY RULE) BILL** — Mr Batchelor, after debate, obtained leave, with Mr Pandazopoulos, to bring in a Bill '*to amend the **Transport Act 1983** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 10 **TRANSPORT (TAXI DRIVER STANDARDS AND OMBUDSMAN) BILL** — Mr Batchelor obtained leave, with Mr Pandazopoulos, to bring in a Bill '*to amend the **Transport Act 1983**, the **Rail Corporations Act 1996** and the **Public Transport Competition Act 1995** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 11 **RETAIL LEASES BILL** — Mr Brumby obtained leave, with Mr Pandazopoulos, to bring in a Bill '*to provide a new regulatory scheme for retail leases, to repeal the **Retail Tenancies Reform Act 1998**, to amend the **Retail Tenancies Reform Act 1998** and the **Retail Tenancies Act 1986**, to make minor amendments to certain other Acts and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 12 **GAS INDUSTRY (RESIDUAL PROVISIONS) (AMENDMENT) BILL** — Mr Brumby obtained leave, with Mr Pandazopoulos, to bring in a Bill '*to amend the **Gas Industry (Residual Provisions) Act 1994** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 13 **PLANNING AND ENVIRONMENT (METROPOLITAN GREEN WEDGE PROTECTION) BILL** — Ms Delahunty (*Northcote*) obtained leave, with Mr Pandazopoulos, to bring in a Bill '*to amend the **Planning and Environment Act 1987** to require ratification by Parliament of amendments to subdivision controls in planning schemes applying to green wedge land in certain metropolitan fringe areas and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.

- 14 **DANDENONG DEVELOPMENT BOARD BILL** — Ms Delahunty (*Northcote*) obtained leave, with Mr Pandazopoulos, to bring in a Bill '*to establish the Dandenong Development Board and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 15 **VICTIMS OF CRIME ASSISTANCE (MISCELLANEOUS AMENDMENTS) BILL** — Mr Hulls, pursuant to a motion moved on his behalf by Mr Batchelor, after debate, obtained leave, with Mr Pandazopoulos, to bring in a Bill '*to make miscellaneous amendments to the Victims of Crime Assistance Act 1996 and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 16 **CRIMES (STALKING AND FAMILY VIOLENCE) BILL** — Mr Hulls, pursuant to a motion moved on his behalf by Mr Batchelor, after debate, obtained leave, with Mr Pandazopoulos, to bring in a Bill '*to amend the Crimes Act 1958 with respect to the offence of stalking and the Crimes (Family Violence) Act 1987 with respect to consent orders and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 17 **COURTS LEGISLATION (JUDICIAL PENSIONS) BILL** — Mr Hulls, pursuant to a motion moved on his behalf by Mr Batchelor, obtained leave, with Mr Pandazopoulos, to bring in a Bill '*to amend the Constitution Act 1975, the Supreme Court Act 1986 and the County Court Act 1958 with respect to the recognition for pension purposes of certain prior service of persons appointed as judges*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 18 **EDUCATION AND TRAINING LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Ms Kosky, after debate, obtained leave, with Mr Pandazopoulos, to bring in a Bill '*to amend the Children and Young Persons Act 1989, the Education Act 1958, the Teaching Service Act 1981, the Victorian Institute of Teaching Act 2001, the Victorian Qualifications Authority Act 2000 and the Vocational Education and Training Act 1990 and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 19 **MELBOURNE CRICKET GROUND (AMENDMENT) BILL** — Mr Pandazopoulos obtained leave, with Mr Batchelor, to bring in a Bill '*to amend the Melbourne Cricket Ground Act 1933 and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 20 **MAJOR EVENTS (CROWD MANAGEMENT) BILL** — Mr Pandazopoulos obtained leave, with Mr Batchelor, to bring in a Bill '*to promote the safety and enjoyment of participants and spectators at certain venues and major events and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 21 **COUNTRY FIRE AUTHORITY (VOLUNTEER PROTECTION AND COMMUNITY SAFETY) BILL** — Mr Haermeyer obtained leave, with Mr Batchelor, to bring in a Bill '*to amend the Country Fire Authority Act 1958 to improve protection for volunteers and to enhance community safety*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.

22 **OUTWORKERS (IMPROVED PROTECTION) BILL** — Mr Lenders obtained leave, with Mr Batchelor, to bring in a Bill '*to improve the protection of outworkers in the clothing industry, to establish an Ethical Clothing Trades Council of Victoria and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.

23 **CHILD EMPLOYMENT BILL** — Mr Lenders obtained leave, with Mr Batchelor, to bring in a Bill '*to reform the law relating to the employment of children under the age of 15, to repeal Division 9 of Part III of the Community Services Act 1970 and consequentially amend that Act and the Education Act 1958 and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.

24 **ROAD SAFETY (RESPONSIBLE DRIVING) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Mr Batchelor announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

*Business having been interrupted at 2.00 pm pursuant to Sessional Orders.*

25 **QUESTIONS** — (Pursuant to Standing Order No 124).

26 **ROAD SAFETY (RESPONSIBLE DRIVING) BILL** — Debate continued on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Langdon*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

27 **CONSTITUTION (PARLIAMENTARY REFORM) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Mr Batchelor announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Mr Savage announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

*Business having been interrupted at 10.00 pm pursuant to Sessional Orders.*

Motion made and question — That the sitting be continued (*Mr Hulls*) — put and agreed to.

Debate resumed on question — That this Bill be now read a second time.

Question — put.

And the House having continued to sit after 12 midnight —

THURSDAY 10 OCTOBER 2002

The House divided.

AYES 46

Ms Allan (*Bendigo East*); Ms Allen (*Benalla*); Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Ms Davies; Ms Delahunty (*Northcote*); Ms Duncan; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Hardman; Mr Helper; Mr Howard; Mr Hulls; Mr Ingram; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lenders; Mr Lim; Ms Lindell; Mr Loney; Mrs Maddigan; Mr Maxfield; Mr Mildenhall; Mr Nardella; Ms Overington; Mr Pandazopoulos; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Viney; Mr Wynne.  
Tellers: Mr Holding; Mr Langdon.

NOES 40

Ms Asher; Mr Ashley; Mr Baillieu; Ms Burke; Mr Clark; Mr Cooper; Dr Dean; Mr Delahunty (*Wimmera*); Mr Dixon; Mr Doyle; Mrs Elliott; Mrs Fyffe; Mr Honeywood; Mr Jasper; Mr Kilgour; Mr Kotsiras; Mr Leigh; Mr Lupton; Mr McArthur; Ms McCall; Mr McIntosh; Mr Maclellan; Mr Mulder; Dr Naphthine; Mr Paterson; Mr Perton; Mrs Peulich; Mr Phillips; Mr Plowman; Mr Richardson; Mr Rowe; Mr Ryan; Mrs Shardey; Mr Steggall; Mr Thompson; Mr Vogels; Mr Wells; Mr Wilson.  
Tellers: Mr Maughan; Mr Smith.

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 Assembly.

Bill committed.

Motion made and question — That it be an instruction to the Committee that they have power to divide the Constitution (Parliamentary Reform) Bill into two Bills as follows:

- (a) A Constitution (Council Reform) Bill being the Constitution (Parliamentary Reform) Bill with the following changes:
  - (i) Long title as follows:
 

"A Bill to amend the **Constitution Act 1975** and the **Electoral Act 2002**, to provide for the election of members of the Legislative Council by using a proportional representation system and for other purposes.";
  - (ii) Short title as follows:
 

"**Constitution (Council Reform) Act 2002**";
  - (iii) Part 1 and Clauses 1 and 2 as follows:

## "PART 1—PRELIMINARY

### 1. *Purpose*

The purpose of this Act is to amend the **Constitution Act 1975** and reform the Parliament of Victoria based on recommendations made by the Constitution Commission Victoria by—

- (a) recognising the principle of Government mandate;
- (b) providing for the entrenchment of certain legislative provisions;
- (c) providing for a fixed 4 year term for the Council;
- (d) re-constituting the Legislative Council to consist of 40 members elected from 8 regions each returning 5 members;
- (e) providing for the filling of casual vacancies in the Legislative Council by a joint sitting of the Legislative Council and the Legislative Assembly;
- (f) providing for the election of members of the Legislative Council by using a proportional representation system with optional preferential voting.

### 2. *Commencement*

- (1) This Part comes into operation on the day on which this Act receives the Royal Assent.
- (2) Divisions 1 and 2 of Part 2 come into operation on the coming into existence of the Legislative Assembly first elected after this Act receives the Royal Assent.
- (3) Divisions 3, 4 and 5 of Part 2 and Parts 3 and 4 come into operation on 1 July 2003.";

- (iv) Heading to Part 2 of the Bill;
- (v) Divisions 1 and 2 of Part 2 of the Bill;
- (vi) Heading to Division 3;
- (vii) Clauses 8, 9, 11 and 12(3) and (4) of Division 3 of Part 2 of the Bill omitted;
- (viii) Clause 10, omitting proposed section 28(3);
- (ix) Clause 12, omitting clause 12(3) and (4);
- (x) Divisions 4 and 5 of Part 2 of the Bill, omitting clause 15;
- (xi) Divisions 6 and 7 of Part 2 of the Bill omitted;
- (xii) Part 3 of the Bill, omitting clause 23(1), (5), (6) and (7);
- (xiii) Part 4 of the Bill;
- (xiv) Clause 10 renumbered 8, clauses 12 to 14 renumbered 9 to 11 and clauses 20 to 23 renumbered 12 to 15;
- (xv) Clause 23(2), (3), (4) and (8) renumbered 15(1), (2), (3) and (4);
- (xvi) Clauses 24 to 48 renumbered 16 to 40;
- (xvii) Clause 5, in proposed sections 94E(7), 94F(7) and 94G(a), (b) and (c), omit "**Constitution (Parliamentary Reform) Act 2002**" and insert "**Constitution (Council Reform) Act 2002**";

- (xviii) Heading to Division 3 of Part 2 of the Bill, omit "**Fixed 4 year term**" and insert "**Duration of Council**";
  - (xix) Clause 8, consisting of clause 10 of the Constitution (Parliamentary Reform) Bill as renumbered, omit "section 10 of the **Constitution (Parliamentary Reform) Act 2002** ceases to exist on that commencement" and insert "section 8 of the **Constitution (Council Reform) Act 2002** ceases to exist on the day of the dissolution or other lawful determination of the Legislative Assembly next occurring after that commencement";
  - (xx) Clause 9(1), consisting of clause 12(1) of the Constitution (Parliamentary Reform) Bill as renumbered, omit "Sections 2(4), 2(5), 4(1), 4(2), 66, 67 and 68 of the **Constitution Act 1975** are" and insert "Section 4(1) of the **Constitution Act 1975** is";
  - (xxi) Clause 34, consisting of clause 42 of the Constitution (Parliamentary Reform) Bill as renumbered, omit "section 42 of the **Constitution (Parliamentary Reform) Act 2002**" (wherever occurring) and insert "section 34 of the **Constitution (Council Reform) Act 2002**";
  - (xxii) Clause 36, consisting of clause 44 of the Constitution (Parliamentary Reform) Bill as renumbered, omit "section 42 of the **Constitution (Parliamentary Reform) Act 2002**" and insert "section 34 of the **Constitution (Council Reform) Act 2002**";
- (b) A Constitution (Fixed Term) Bill being the Constitution (Parliamentary Reform) Bill consisting of:
- (i) Long title as follows:  
"A Bill to amend the **Constitution Act 1975** to provide for fixed four year terms for the Assembly (unless the Assembly is dissolved sooner) and to establish a dispute resolution process for deadlocked Bills and for other purposes.";
  - (ii) Short title as follows:  
"**Constitution (Fixed Term) Act 2002**";
  - (iii) Part 1 and Clauses 1 and 2 as follows:

#### **"PART 1—PRELIMINARY**

##### **1. Purpose**

The purpose of this Act is to amend the **Constitution Act 1975** and the **Electoral Act 2002** to reform the Parliament of Victoria based on recommendations made by the Constitution Commission Victoria by—

- (a) providing for a fixed 4 year term for the Assembly unless the Assembly is dissolved sooner; and
- (b) removing the power of the Legislative Council to block the Annual Appropriation Bill; and
- (c) establishing a procedure to deal with disputes concerning Bills between the Legislative Assembly and the Legislative Council.

##### **2. Commencement**

- (1) This Part comes into operation on the day on which this Act receives the Royal Assent.

- (2) Division 1 of Part 2, other than section 6(2), and Division 4 of Part 2, other than section 11(2), come into operation on the day of the dissolution or other lawful determination of the Legislative Assembly next occurring after the day on which this Act receives the Royal Assent.
- (3) Sections 6(2) and 11(2) come into operation on the day that Division 3 of Part 2 of the **Constitution (Council Reform) Act 2002** comes into operation.
- (4) Divisions 2 and 3 of Part 2 come into operation on the coming into existence of the Legislative Assembly first elected after this Act receives the Royal Assent.";
- (iv) Heading to Part 2 as follows:
- "PART 2—AMENDMENT OF THE CONSTITUTION ACT 1975 AND THE ELECTORAL ACT 2002";**
- (v) Heading to Division 1 of Part 2 as follows:
- "Division 1—Fixed 4 Year Term";**
- (vi) Clauses 8, 9 and 11;
- (vii) Heading to clause 12 and clause 12(1) and (2) as follows:
- '12. Consequential amendments**
- (1) Sections 2(4), 2(5), 4(2), 66, 67 and 68 of the **Constitution Act 1975** are **repealed**.
- (2) In section 38A(1) of the **Constitution Act 1975**, as proposed to be inserted by section 5 of this Act, for "writ issued under the **Electoral Act 2002** for a simultaneous election" **substitute** "writs issued under the **Electoral Act 2002** for a general election".;
- (viii) Clause 12(3) and (4);
- (ix) Divisions 6 and 7 of Part 2 of the Bill;
- (x) Following clause 19, heading to Division 4 of Part 2 as follows:
- "Division 4—Amendments to the Electoral Act 2002";**
- (xi) Heading to clause 23 as follows:
- "23. Writs and voting centres";**
- (xii) Clause 23(1);
- (xiii) Clause 23(2) as follows:
- '(2) In section 61(1) of the **Electoral Act 2002**, as proposed to be substituted by section 11(1) of this Act, for "simultaneous election" **substitute** "general election".;
- (xiv) Clause 23(5), (6) and (7);
- (xv) Clauses 8 and 9 renumbered 3 and 4 and clauses 11 and 12 renumbered 5 and 6;
- (xvi) Heading to Division 6 of Part 2 of the Bill renumbered 2;
- (xvii) Clauses 16 and 17 renumbered 7 and 8;



- (xviii) Heading to Division 7 of Part 2 of the Bill renumbered 3;
  - (xix) Clauses 18 and 19 renumbered 9 and 10;
  - (xx) Clause 23 renumbered 11 and clause 23(5), (6) and (7) renumbered 11(3), (4) and (5);
  - (xxi) Clause 3, consisting of clause 8 of the Constitution (Parliamentary Reform) Bill as renumbered, omit "**Constitution (Parliamentary Reform) Act 2002**" and insert "**Constitution (Fixed Term) Act 2002**";
  - (xxii) Clause 5, consisting of clause 11 of the Constitution (Parliamentary Reform) Bill as renumbered, in proposed section 38, omit "section 11 of the **Constitution (Parliamentary Reform) Act 2002**" and insert "section 5 of the **Constitution (Fixed Term) Act 2002**";
  - (xxiii) Clause 5, consisting of clause 11 of the Constitution (Parliamentary Reform) Bill as renumbered, in proposed section 38A(1), omit "writs issued under the **Electoral Act 2002** for a general election of the second Assembly elected after the commencement of section 11 of the **Constitution (Parliamentary Reform) Act 2002**" and insert "writ issued under the **Electoral Act 2002** for a simultaneous election of the second Assembly elected after the commencement of section 5 of the **Constitution (Fixed Term) Act 2002**";
  - (xxiv) Clause 11(1), consisting of clause 23(1) of the Constitution (Parliamentary Reform) Bill as renumbered, omit "general" and insert "simultaneous".
- (c) That each Bill may be ordered to be printed and reported separately to that House (*Mr Ingram*) — after debate, put.

The House divided.

AYES 2

Tellers: Mr Ingram; Mr Savage.

NOES 84

Ms Allan (*Bendigo East*); Ms Allen (*Benalla*); Ms Asher; Mr Ashley; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Ms Burke; Mr Cameron; Ms Campbell; Mr Carli; Mr Clark; Mr Cooper; Ms Davies; Dr Dean; Mr Delahunty (*Wimmera*); Ms Delahunty (*Northcote*); Mr Dixon; Mr Doyle; Ms Duncan; Mrs Elliott; Ms Fyffe; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Hardman; Mr Helper; Mr Holding; Mr Honeywood; Mr Howard; Mr Hulls; Mr Jasper; Mr Kilgour; Ms Kosky; Mr Kotsiras; Mr Langdon; Mr Languiller; Mr Leigh; Mr Leighton; Mr Lenders; Mr Lim; Ms Lindell; Mr Loney; Mr Lupton; Mr McArthur; Ms McCall; Mr McIntosh; Mr Maclellan; Mrs Maddigan; Mr Maxfield; Mr Mildenhall; Mr Mulder; Dr Napthine; Mr Nardella; Ms Overington; Mr Pandazopoulos; Mr Paterson; Mr Perton; Mrs Peulich; Mr Phillips; Ms Pike; Mr Plowman; Mr Richardson; Mr Robinson; Mr Rowe; Mr Ryan; Mr Seitz; Mrs Shardey; Mr Steggall; Mr Stensholt; Mr Thompson; Mr Thwaites; Mr Trezise; Mr Viney; Mr Vogels; Mr Wells; Mr Wilson; Mr Wynne.  
Tellers: Mr Maughan; Mr Smith.

And so it passed in the negative.

Bill considered in Committee and reported with amendments; as amended, considered, and amendments agreed to.

Question — That this Bill be now read a third time — put.

The House divided.

AYES 44

Ms Allan (*Bendigo East*); Ms Allen (*Benalla*); Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Ms Davies; Ms Delahunty (*Northcote*); Ms Duncan; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Hardman; Mr Helper; Mr Howard; Mr Hulls; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lenders; Mr Lim; Ms Lindell; Mr Loney; Mrs Maddigan; Mr Maxfield; Mr Mildenhall; Mr Nardella; Ms Overington; Mr Pandazopoulos; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Viney; Mr Wynne. Tellers: Mr Holding; Mr Langdon.

NOES 42

Ms Asher; Mr Ashley; Mr Baillieu; Ms Burke; Mr Clark; Mr Cooper; Dr Dean; Mr Delahunty (*Wimmera*); Mr Dixon; Mr Doyle; Mrs Elliott; Mrs Fyffe; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kilgour; Mr Kotsiras; Mr Leigh; Mr Lupton; Mr McArthur; Ms McCall; Mr McIntosh; Mr Maclellan; Mr Mulder; Dr Napthine; Mr Paterson; Mr Perton; Mrs Peulich; Mr Phillips; Mr Plowman; Mr Richardson; Mr Rowe; Mr Ryan; Mr Savage; Mrs Shardey; Mr Steggall; Mr Thompson; Mr Vogels; Mr Wells; Mr Wilson. Tellers: Mr Maughan; Mr Smith.

There being less than the absolute majority of the whole number of the members of the Legislative Assembly supporting the motion, the Speaker advised that, in accordance with s 18(3) of the *Constitution Act 1975*, the Bill was void.

28 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 3, be postponed until later this day.

29 **COMMISSIONER FOR ECOLOGICALLY SUSTAINABLE DEVELOPMENT BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Mr Batchelor, announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

Pursuant to Sessional Orders, Mr Ingram announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Bill read a second time and committed; considered in committee and reported with amendments as amended, considered and amendments agreed; read a third time.

Ordered that the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 30 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That the Government Business Program agreed to by this House on 8 October 2002 be amended by omitting the Orders of the Day, Government Business, relating to the Travel Agents (Amendment) Bill and the Business Licensing Legislation (Amendment) Bill (*Mr Batchelor*) — put, after debate, and agreed to.
- 31 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Batchelor*) — put and agreed to.
- 32 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

And the House, at 1.34 am, adjourned until later this day.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

## No 155 — Thursday 10 October 2002

1 The Speaker took the Chair and read the Prayer.

2 **PAPERS** —

**DRUGS AND CRIME PREVENTION COMMITTEE** — Mr Jasper, brought up a report from the Drugs and Crime Prevention Committee upon the Inquiry into Motor Vehicle Theft, together with appendices and minutes of evidence.

Ordered to lie on the Table and the report and appendices 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:

*Subordinate Legislation Act 1994* — Minister's exemption certificate in relation to Statutory Rule No 92.

3 **LOCAL GOVERNMENT (UPDATE) BILL** — The Speaker announced the receipt of a message from the Legislative Council transmitting a Bill '*to amend the Local Government Act 1989, the Constitution Act 1975, the Docklands Authority Act 1991 and the City of Melbourne Act 2001 and for other purposes*' and desiring the concurrence of the Legislative Assembly therein.

On the motion of Mr Cameron, the Bill transmitted by the foregoing message was read a first time, ordered to be printed and read a second time tomorrow.

4 **STATEMENTS BY MEMBERS** — Statements by members were made.

5 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 1 to 18 inclusive, be postponed until later this day.

6 **ESTATE AGENTS AND SALE OF LAND ACTS (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Campbell*).

Motion made and question — That the debate be now adjourned (*Mr Perton*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 24 October 2002.

7 **FEDERAL AWARDS (UNIFORM SYSTEM) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Mr Hamilton announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Mr Lenders announced the Government amendments previously circulated, pursuant to Sessional Orders, would not proceed.

Debate resumed on question — That this Bill be now read a second time.

*Business having been interrupted at 2.00 pm pursuant to Sessional Orders.*

8 **QUESTIONS** — (Pursuant to Standing Order No 124).

9 **FEDERAL AWARDS (UNIFORM SYSTEM) BILL** — Debate continued on question — That this Bill be now read a second time — put.

The House divided.

AYES 44

Ms Allan (*Bendigo East*); Ms Allen (*Benalla*); Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Ms Davies; Ms Delahunty (*Northcote*); Ms Duncan; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Hardman; Mr Helper; Mr Holding; Mr Howard; Mr Hulls; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lenders; Mr Lim; Mr Lindell; Mr Loney; Mrs Maddigan; Mr Maxfield; Mr Mildenhall; Mr Nardella; Mr Pandazopoulos; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Viney; Mr Wynne. Tellers: Mr Langdon; Ms Overington.

NOES 41

Ms Asher; Mr Ashley; Mr Baillieu; Ms Burke; Mr Clark; Mr Cooper; Dr Dean; Mr Delahunty (*Wimmera*); Mr Dixon; Mr Doyle; Mrs Elliott; Mrs Fyffe; Mr Honeywood; Mr Jasper; Mr Kilgour; Mr Kotsiras; Mr Leigh; Mr Lupton; Mr McArthur; Ms McCall; Mr McIntosh; Mr Maclellan; Mr Mulder; Dr Naphthine; Mr Paterson; Mr Perton; Mrs Peulich; Mr Phillips; Mr Plowman; Mr Richardson; Mr Rowe; Mr Ryan; Mrs Shardey; Mr Spry; Mr Steggall; Mr Thompson; Mr Vogels; Mr Wells; Mr Wilson. Tellers: Mr Maughan; Mr Smith.

And so it was resolved in the affirmative.

Bill read a second time and, by leave, read a third time forthwith.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 10 **CRIMES (PROPERTY DAMAGE AND COMPUTER OFFENCES) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Mr Perton announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Bill read a second time and committed; considered in Committee.

*Allocation of time — The Chairman of Committees advised that the time allocated for consideration of bills pursuant to resolution of the House on Tuesday 8 October 2002 and as amended on Wednesday 9 October 2002 had expired.*

Bill reported without amendment.

Question — That this Bill be now read a third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 11 **ROAD SAFETY (RESPONSIBLE DRIVING) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time, Government amendment Nos 1 to 6 inclusive be agreed to, the Bill be read a third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 12 **TRANSPORT (HIGHWAY RULE) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).

*Mr Batchelor made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.*

Motion made and question — That the debate be now adjourned (*Mrs Elliott*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 24 October 2002.

- 13 **TRANSPORT (TAXI DRIVER STANDARDS AND OMBUDSMAN) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).

Motion made and question — That the debate be now adjourned (*Mrs Elliott*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 24 October 2002.

- 14 **RETAIL LEASES BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).

*Mr Brumby made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.*

Motion made and question — That the debate be now adjourned (*Dr Dean*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 24 October 2002.

- 15 **GAS INDUSTRY (RESIDUAL PROVISIONS) (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).

Motion made and question — That the debate be now adjourned (*Dr Dean*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 24 October 2002.

- 16 **PLANNING AND ENVIRONMENT (METROPOLITAN GREEN WEDGE PROTECTION) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Delahunty, Northcote*).

Motion made and question — That the debate be now adjourned (*Mr Baillieu*) — put and agreed to.

Motion made and question proposed — That the debate be adjourned for two weeks (*Ms Delahunty, Northcote*).

Amendment proposed — That the word 'two' be omitted with the view of inserting in place thereof the word 'four' (*Mr Baillieu*) — and, after debate —

Motion made and question — That the question be now put (*Mrs Maddigan*) — put and agreed to.

Question — That the word proposed to be omitted stand part of the question — accordingly put and agreed to.

Ordered — That the debate be adjourned until Thursday 24 October 2002.

- 17 **DANDENONG DEVELOPMENT BOARD BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Delahunty, Northcote*).

Motion made and question — That the debate be now adjourned (*Mr Wilson*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 24 October 2002.

- 18 **VICTIMS OF CRIME ASSISTANCE (MISCELLANEOUS AMENDMENTS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr Perton*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 24 October 2002.

- 19 **CRIMES (STALKING AND FAMILY VIOLENCE) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

*Mr Hulls made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.*

Motion made and question — That the debate be now adjourned (*Mr Perton*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 24 October 2002.

- 20 **COURTS LEGISLATION (JUDICIAL PENSIONS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr Perton*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 24 October 2002.

- 21 **EDUCATION AND TRAINING LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Kosky*).

Motion made and question — That the debate be now adjourned (*Mr Honeywood*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 24 October 2002.

- 22 **MELBOURNE CRICKET GROUND (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Pandazopoulos*).

Motion made and question — That the debate be now adjourned (*Mr Honeywood*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 24 October 2002.

- 23 **MAJOR EVENTS (CROWD MANAGEMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Pandazopoulos*).

Motion made and question — That the debate be now adjourned (*Mr Wells*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 24 October 2002.

- 24 **COUNTRY FIRE AUTHORITY (VOLUNTEER PROTECTION AND COMMUNITY SAFETY) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Haermeyer*).

Motion made and question — That the debate be now adjourned (*Mr Wells*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 24 October 2002.

- 25 **OUTWORKERS (IMPROVED PROTECTION) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Lenders*).

Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 24 October 2002.

- 26 **CHILD EMPLOYMENT BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Lenders*).

Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 24 October 2002.

- 27 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Agricultural Industry Development (Further Amendment) Bill  
Juries (Amendment) Bill.

- 28 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Residential Tenancies (Amendment) Bill with amendments.

Ordered — That the said amendments be printed and taken into consideration tomorrow.

- 29 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Lenders*) — put and agreed to.

- 30 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

And the House, at 8.18 pm, adjourned until Tuesday 15 October 2002.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*



## LEGISLATIVE ASSEMBLY OF VICTORIA

# VOTES AND PROCEEDINGS

## Nos 156, 157 and 158

### No 156 — Tuesday 15 October 2002

- 1 The Speaker took the Chair and read the Prayer.
- 2 **SUSPENSION OF STANDING AND SESSIONAL ORDERS** — Motion made, by leave, and question — That so much of Standing and Sessional Orders be suspended today so as to allow —
  - (1) Precedence be given to a motion of condolence to the families of the victims of the Bali bombings.
  - (2) At the conclusion of the consideration of the motion the House shall proceed with Question Time followed by formal business and other business as set out in the Notice Paper.

*(Mr Bracks)* — put and agreed to.

- 3 **BALI BOMBINGS** — Motion made, by leave, and question — That the following resolution be agreed to by this House —

We, the Legislative Assembly of Victoria, offer our deepest and sincere condolences to the families of the victims of the Bali bombings, and the survivors of this brutal atrocity and join the people of Victoria in expressing shock and outrage at this senseless waste of life.

*(Mr Bracks)* — put, and, after Mr Doyle, Mr Ryan and Ms Davies had addressed the House in support of the motion, honourable members rising in their places to signify their assent, agreed to unanimously and in silence.

- 4 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 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:

Anderson's Creek Cemetery Trust — Report for the year 2001

Ballaarat General Cemeteries Trust — Report for the year 2001

Bendigo Cemeteries Trust — Report for the year 2001

Cheltenham and Regional Cemeteries Trust — Report for the year 2001

Falls Creek Alpine Resort Management Board — Report for the year ended 31 October 2001

Keilor Cemetery Trust — Report for the year 2001

Lilydale Memorial Park and Cemetery — Report for the year 2001

Mildura Cemetery Trust — Report for the year 2001

Mount Buller Alpine Resort Management Board — Report for the year ended 31 October 2001

Mount Hotham Alpine Resort Management Board — Report for the year ended 31 October 2001

Necropolis Springvale — Report for the year 2001

Preston Cemetery Trust — Report for the year 2001

Recreational Fishing Licence Trust Account — Report on Revenue and Disbursements for the year 2001–02

Templestowe Cemetery Trust — Report for the year 2001

Wyndham Cemeteries Trust — Report for the year 2001.

The following proclamation fixing an operative date was laid upon the Table by the Clerk pursuant to an Order of the House dated 3 November 1999:

*Environment Protection (Resource Efficiency) Act 2002* — Sections 34, 35, 36 and 37 on 15 October 2002 (*Gazette G41, 10 October 2002*).

- 6 **MESSAGE FROM THE ADMINISTRATOR, AS THE GOVERNOR'S DEPUTY — ASSENT TO BILLS** — Informing the Assembly that he had, that day, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Agricultural Industry Development (Further Amendment) Bill  
Juries (Amendment) Bill.

- 7 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, pursuant to Sessional Order 6(3), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 17 October 2002:

Regional Development Victoria Bill  
National Parks (Box-Ironbark and Other Parks) Bill  
Control of Weapons and Firearms Acts (Search Powers) Bill  
Sentencing (Further Amendment) Bill  
Business Licensing Legislation (Amendment) Bill  
Murray-Darling Basin (Amendment) Bill  
Travel Agents (Amendment) Bill.

(*Mr Batchelor*) — put, after debate, and agreed to.

- 8 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 9 **REGIONAL DEVELOPMENT VICTORIA BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Pursuant to Sessional Orders, Ms Davies announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Cameron*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 10 **NATIONAL PARKS (BOX-IRONBARK AND OTHER PARKS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Ms Garbutt announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

Pursuant to Sessional Orders, Mr Ingram announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in place thereof the words 'this Bill be withdrawn and redrafted to provide for the development of management plans for new parks and reserves and additions to parks and reserves proposed within this Bill and incorporate a range of other matters that were referred to in the second reading speech' (*Mr Maughan*).

*Business having been interrupted at 10.00 pm pursuant to Sessional Orders.*

- 11 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.46 pm.

R W PURDEY  
Clerk of the Legislative Assembly

A ANDRIANOPOULOS  
Speaker

## No 157 — Wednesday 16 October 2002

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Carrum Treatment Plant and the Boags Rocks Outfall** — Seeking that Melbourne Water — (a) upgrades its Carrum Treatment Plant to produce potable standard water (100 per cent recyclable) using non-polluting technologies; and (b) sets a date for closure of the Boags Rocks outfall, bearing 10,565 signatures (*by Mr Dixon*)

**Choice and Dignity in Dying** — Seeking that Parliament enacts legislation to allow a willing doctor, on request, to assist a person who is hopelessly ill and suffering intolerably to die quickly and peacefully under certain guidelines and safeguards, bearing 5,657 signatures (*by Mr Langdon*).

Severally ordered to lie on the Table.

3 **PETITION — CARRUM TREATMENT PLANT AND THE BOAGS ROCKS OUTFALL** — Motion made and question — That the petition presented by the Member for Dromana relating to upgrading the Carrum Treatment Plant to produce potable standard water using non-polluting technologies be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.

4 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

*Melbourne City Link Act 1995* — Order pursuant to s 8(4) decreasing the Project Area

Mt Baw Baw Alpine Resort Management Board — Report for the year ended 31 October 2001

Statutory Rule under the *Fair Trading Act 1999* — SR No 95

*Subordinate Legislation Act 1994* — Minister's exemption certificate in relation to Statutory Rule No 95.

5 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Agriculture Legislation (Amendments and Repeals) Bill

Sports Event Ticketing (Fair Access) Bill.

6 **STATEMENTS BY MEMBERS** — Statements by members were made.

7 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — WATER INFRASTRUCTURE SPENDING** — The House was informed that Mr Mulder had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House condemns the Bracks Government on its \$218M (55 per cent) cut in water infrastructure spending since coming to office, including water storages and waste water treatment facilities.'

Mr Mulder addressed the House — Discussion ensued.

8 **PORT SERVICES (AMENDMENT) BILL** — Mr Batchelor obtained leave, with Mr Pandazopoulos, to bring in a Bill '*to amend the Port Services Act 1995 to give further power to the Melbourne Port Corporation and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.

9 **HEALTH LEGISLATION (AMENDMENT) BILL** — Mr Thwaites, after debate, obtained leave with Mr Pandazopoulos, to bring in a Bill '*to make miscellaneous amendments to the Drugs, Poisons and Controlled Substances Act 1981, the Health Services Act 1988, the Human Tissue Act 1982, the Lord Mayor's Charitable Fund Act 1996, the Mental Health Act 1986 and the Nurses Act 1993 and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.

10 **PAY-ROLL TAX (MATERNITY AND ADOPTION LEAVE EXEMPTION) BILL** — Mr Brumby obtained leave, with Mr Pandazopoulos, to bring in a Bill '*to amend the Pay-roll Tax Act 1971 to grant an exemption from pay-roll tax in respect of paid maternity leave and paid adoption leave and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.

11 **RESIDENTIAL TENANCIES (AMENDMENT) BILL** — Order read for the consideration of the amendments made by the Legislative Council.

The said amendments were read a second time and, after debate, agreed to by the House.

Ordered — That a message be sent to the Legislative Council acquainting them that the Legislative Assembly has agreed to the said amendments.

12 **BUSINESS LICENSING LEGISLATION (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm pursuant to Sessional Orders.*

13 **QUESTIONS** — (Pursuant to Standing Order No 124).

14 **BUSINESS LICENSING LEGISLATION (AMENDMENT) BILL** — Debate continued on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Langdon*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

15 **MURRAY-DARLING BASIN (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Richardson*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

16 **LIMITATION OF ACTIONS (AMENDMENT) BILL** — Mr Lenders, by leave, after debate, obtained leave with Ms Campbell, to bring in a Bill '*to amend the Limitation of Actions Act 1958 to limit further the period within which certain actions for damages for personal injuries can be brought*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.

17 **TRAVEL AGENTS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mrs Shardey*) — put and agreed to.

Ordered — That the debate be adjourned until tomorrow.

- 18 **NATIONAL PARKS (BOX-IRONBARK AND OTHER PARKS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time — *and on the amendment* — That all the words after 'That' be omitted with the view of inserting in place thereof the words 'this Bill be withdrawn and redrafted to provide for the development of management plans for new parks and reserves and additions to parks and reserves proposed within this Bill and incorporate a range of other matters that were referred to in the second reading speech'; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Howard*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 19 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 6 and 7, be postponed until later this day.

- 20 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Utility Meters (Metrological Controls) Bill without amendment.

- 21 **SENTENCING (FURTHER AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Mr Perton announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

Pursuant to Sessional Orders, Mr Savage announced that it was proposed to move an amendment in Committee and requested that it be circulated. Amendment circulated.

Debate resumed on question — That this Bill be now read a second time.

Bill read a second time and committed; considered in Committee and reported with an amendment; as amended, considered, and amendment agreed to; read a third time.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

*Business having been interrupted at 10.00 pm pursuant to Sessional Orders.*

Motion made and question — That the sitting be continued (*Mr Hulls*) — put and agreed to.

- 22 **REGIONAL DEVELOPMENT VICTORIA BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and committed; considered in Committee and reported without amendment; read a third time.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

23 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Hulls*) — put and agreed to.

24 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

And the House, at 10.46 pm, adjourned until tomorrow.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

## No 158 — Thursday 17 October 2002

1 The Speaker took the Chair and read the Prayer.

2 **PAPERS** —

**INDIGENOUS AFFAIRS REPORT** — Motion made, by leave, and question — That there be presented to this House the Report on Indigenous Affairs for the period November 1999–October 2002 (*Mr Hamilton*) — put and agreed to.

The said report was presented by Mr Hamilton and ordered to lie on the Table.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Ms Gillett, Chair, brought up the Annual Review 2001, Regulations 2001 from the Scrutiny of Acts and Regulations Committee, together with appendices.

Ordered to lie on the Table and to be printed.

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Auditor-General — Performance Audit Report — Mental health services for people in crisis — Ordered to be printed

National Parks Advisory Council — Report for the year 2001–02

*Parliamentary Committees Act 1968* — Response of the Minister for Health on the action taken with respect to the recommendations made by the Public Accounts and Estimates Committee's report on the Department of Human Services — Service Agreements for Community, Health and Welfare Services.

- 3 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Wrongs and Other Acts (Public Liability Insurance Reform) Bill  
Road Safety (Responsible Driving) Bill.

- 4 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourn until Tuesday 29 October 2002 (*Mr Batchelor*) — put and agreed to.

- 5 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 6 **CONTROL OF WEAPONS AND FIREARMS ACTS (SEARCH POWERS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Mr Hamilton announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Howard*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 7 **NATIONAL PARKS (BOX-IRONBARK AND OTHER PARKS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time — *and on the amendment* — That all the words after 'That' be omitted with the view of inserting in place thereof the words 'this Bill be withdrawn and redrafted to provide for the development of management plans for new parks and reserves and additions to parks and reserves proposed within this Bill and incorporate a range of other matters that were referred to in the second reading speech'.

Pursuant to Sessional Orders, Mr Hulls announced that it was proposed to move a further amendment in Committee and requested that it be circulated. Further amendment circulated.

Debate resumed on question — That this Bill be now read a second time and on the amendment.

Pursuant to Sessional Orders, Mr Ingram announced that it was proposed to move amendments in Committee, in substitution of amendments previously circulated, and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time and on the amendment.

Pursuant to Sessional Orders, Mr Hamilton announced that it was proposed to move further amendments in Committee and requested that they be circulated. Further amendments circulated.

Debate resumed on question — That this Bill be now read a second time and on the amendment.

Question — That the words proposed to be omitted stand part of the question — put.



The House divided.

AYES 81

Ms Allan (*Bendigo East*); Ms Allen (*Benalla*); Ms Asher; Mr Ashley; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Ms Burke; Mr Cameron; Ms Campbell; Mr Carli; Mr Clark; Mr Cooper; Ms Davies; Dr Dean; Ms Delahunty (*Northcote*); Mr Dixon; Mr Doyle; Ms Duncan; Mrs Elliott; Ms Fyffe; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Hardman; Mr Helper; Mr Holding; Mr Honeywood; Mr Howard; Mr Hulls; Mr Ingram; Ms Kosky; Mr Kotsiras; Mr Languiller; Mr Leigh; Mr Leighton; Mr Lenders; Mr Lim; Ms Lindell; Mr Loney; Mr Lupton; Mr McArthur; Ms McCall; Mr McIntosh; Mr Maclellan; Mrs Maddigan; Mr Maxfield; Mr Mildenhall; Mr Mulder; Dr Napthine; Mr Nardella; Ms Overington; Mr Pandazopoulos; Mr Paterson; Mr Pertont; Mrs Peulich; Mr Phillips; Ms Pike; Mr Plowman; Mr Richardson; Mr Robinson; Mr Rowe; Mr Savage; Mr Seitz; Mrs Shardey; Mr Spry; Mr Stensholt; Mr Thompson; Mr Thwaites; Mr Trezise; Mr Viney; Mr Vogels; Mr Wells; Mr Wilson; Mr Wynne. Tellers: Mr Langdon; Mr Smith.

NOES 6

Mr Jasper; Mr Kilgour; Mr Ryan; Mr Steggall. Tellers: Mr Delahunty (*Wimmera*); Mr Maughan.

And so it was resolved in the affirmative.

Bill read a second time.

*Business having been interrupted at 2.00 pm pursuant to Sessional Orders.*

8 **QUESTIONS** — (Pursuant to Standing Order No 124).

9 **NATIONAL PARKS (BOX-IRONBARK AND OTHER PARKS) BILL** — Bill committed; considered in Committee.

*Allocation of time — The Chairman of Committees advised that the time allocated for consideration of bills pursuant to resolution of the House on Tuesday 15 October 2002 had expired.*

Bill reported with amendments.

Question — That the amendments made by the Committee, the Government further amendment and Government amendment Nos 15 to 19 inclusive be agreed to — put and agreed to.

Question — That this Bill be now read a third time — put.

The House divided.

AYES 81

Ms Allan (*Bendigo East*); Ms Allen (*Benalla*); Ms Asher; Mr Ashley; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Ms Burke; Mr Cameron; Ms Campbell; Mr Carli; Mr Clark; Mr Cooper; Ms Davies; Dr Dean; Ms Delahunty (*Northcote*); Mr Dixon; Mr Doyle; Ms Duncan; Mrs Elliott; Ms Fyffe; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Hardman; Mr Helper; Mr Holding; Mr Honeywood; Mr Howard; Mr Hulls; Mr Ingram; Ms Kosky; Mr Kotsiras; Mr Languiller; Mr Leigh; Mr Leighton; Mr Lenders; Mr Lim; Ms Lindell; Mr Loney; Mr Lupton; Mr McArthur; Ms McCall; Mr McIntosh; Mr Maclellan; Mrs Maddigan; Mr Maxfield; Mr Mildenhall; Mr Mulder; Dr Naphthine; Mr Nardella; Ms Overington; Mr Pandazopoulos; Mr Paterson; Mr Perton; Mrs Peulich; Mr Phillips; Ms Pike; Mr Plowman; Mr Richardson; Mr Robinson; Mr Rowe; Mr Savage; Mr Seitz; Mrs Shardey; Mr Spry; Mr Stensholt; Mr Thompson; Mr Thwaites; Mr Trezise; Mr Viney; Mr Vogels; Mr Wells; Mr Wilson; Mr Wynne. Tellers: Mr Langdon; Mr Smith.

NOES 6

Mr Jasper; Mr Kilgour; Mr Ryan; Mr Steggall. Tellers: Mr Delahunty (*Wimmera*); Mr Maughan.

And so it was resolved in the affirmative.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 10 **BUSINESS LICENSING LEGISLATION (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 11 **MURRAY-DARLING BASIN (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 12 **TRAVEL AGENTS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 13 **CONTROL OF WEAPONS AND FIREARMS ACTS (SEARCH AND POWERS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time, Government amendment Nos 1 to 7 inclusive be agreed to, the Bill be read a third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 14 **LIMITATION OF ACTIONS (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Thwaites*).

*Mr Thwaites made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.*

Motion made and question — That the debate be now adjourned (*Mr Wilson*) — put and agreed to.

Ordered, after debate — That the debate be adjourned until Thursday 24 October 2002.

- 15 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 7 and 8, be postponed until later this day.

- 16 **HEALTH LEGISLATION (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Thwaites*).

Motion made and question — That the debate be now adjourned (*Mr Wilson*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 31 October 2002.

- 17 **PORT SERVICES (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).

Motion made and question — That the debate be now adjourned (*Mr Wilson*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 31 October 2002.

- 18 **PAY-ROLL TAX (MATERNITY AND ADOPTION LEAVE EXEMPTION) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).

Motion made and question — That the debate be now adjourned (*Mr Wilson*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 31 October 2002.

- 19 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 10 and 11, be postponed until later this day.

- 20 **LOCAL GOVERNMENT (UPDATE) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Cameron*).

Motion made and question — That the debate be now adjourned (*Mr Wilson*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 31 October 2002.

- 21 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Cameron*) — put and agreed to.

22 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

And the House, at 6.17 pm, adjourned until Tuesday 29 October 2002.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 159, 160 and 161

#### No 159 — Tuesday 29 October 2002

- 1 The House met pursuant to adjournment — The Speaker took the Chair and read the Prayer.
- 2 **DEATH OF JOHN THOMAS WILTON** — The Speaker announced the death of John Thomas Wilton, Member of the Legislative Assembly for the Electoral District of Broadmeadows from 1962 to 1985, and Deputy Speaker and Chairman of Committees from 1982 to 1985; and, honourable members rose in their places as a mark of respect to the memory of the deceased.
- 3 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 4 **RETAIL LEASES BILL** — Pursuant to s 85 of the *Constitution Act 1975*, Mr Brumby gave notice of intention to make a statement of the reasons why that section should be altered or varied by clause 89(4) of the Retail Leases Bill in lieu of the statement in the second reading speech made in relation to the Bill on Thursday 10 October 2002.
- 5 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:

**Telecommunication Antenna within Donvale Reserve, Donvale** — Seeking that the Government supports the members of the Donvale community and the Donvale Montessori Early Education Centre by taking all steps to oppose and stop the installation of telecommunications antenna within the Donvale Reserve, Donvale, bearing 166 signatures (*by Mr Perton*).

Ordered to lie on the Table.

#### 6 **PAPERS** —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Ms Gillett, Chair, brought up a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 9 of 2002 on the:

Child Employment Bill

Country Fire Authority (Volunteer Protection and Community Safety) Bill

Courts Legislation (Judicial Pensions) Bill

Crimes (Stalking and Family Violence) Bill

Dandenong Development Board Bill

Education and Training Legislation (Miscellaneous Amendments) Bill

Estate Agents and Sale of Land Acts (Amendment) Bill  
 Gas Industry (Residual Provisions) (Amendment) Bill  
 Health Legislation (Amendment) Bill  
 Highway Authority Protection Bill  
 Limitation of Actions (Amendment) Bill  
 Major Events (Crowd Management) Bill  
 Melbourne Cricket Ground (Amendment) Bill  
 Outworkers (Improved Protection) Bill  
 Pay-roll Tax (Maternity and Adoption Leave Exemption) Bill  
 Planning and Environment (Metropolitan Green Wedge Protection) Bill  
 Port Services (Amendment) Bill  
 Retail Leases Bill  
 Transport (Highway Rule) Bill  
 Transport (Taxi Driver Standards and Ombudsman) Bill  
 Victims of Crime Assistance (Miscellaneous Amendments) Bill

together with appendices.

Ordered to lie on the Table and to be printed.

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Agriculture Victoria Services Pty Ltd — Report for the year 2001–02

Ambulance Service Victoria — Metropolitan Region — Report for the year 2001–02

City West Water Limited — Report for the year 2001–02 (two papers)

*Financial Management Act 1994* — Financial Report for the State of Victoria, incorporating the Quarterly Financial Report No 4 for the Victorian Budget Sector for the year 2001–02 — Ordered to be printed

*Financial Management Act 1994:*

Reports from the Minister for Agriculture that he had received the 2001–02 annual reports of:  
 Dairy Food Safety Victoria

Phytogene Pty Ltd

Report from the Minister for Environment and Conservation that she had received the 2001–02 annual report of Trust for Nature

Report from the Treasurer that he had not received the 2001–02 annual report of Emergency Communications Victoria, together with an explanation for the delay in tabling

Intellectual Disability Review Panel — Report for the year 2001–02

*Interpretation of Legislation Act 1984:*

Notices under s 32(4)(a)(iii) in relation to Statutory Rule Nos 47/1999, 49/1999

Legal Practice Board — Report for the year 2001–02

Melbourne Parks and Waterways — Report for the period 1 July 2001 to 1 December 2001

Mental Health Review Board — Report for the year 2001–02

Parks Victoria — Report for the year 2001–02 (three papers)

*Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:

Casey Planning Scheme — No C44

Glen Eira Planning Scheme — No C16

Greater Dandenong Planning Scheme — No C25

Greater Geelong Planning Scheme — Nos C1, C50

Horsham Planning Scheme — No C14

Knox Planning Scheme — No C25

Melton Planning Scheme — Nos C21, C31

Monash Planning Scheme — Nos C9, C15, C26

Swan Hill Planning Scheme — No C10

Victoria Planning Provisions — No VC16

Wangaratta Planning Scheme — No C7

Yarra Ranges Planning Scheme — No C21

Police Appeals Board — Report for the year 2001–02

Psychosurgery Review Board — Report for the year 2001–02

Public Advocate — Report of the Office for the year 2001–02 — Ordered to be printed

Public Record Office Victoria — Report for the year 2001–02

Queen Victoria Women’s Centre Trust — Report for the year 2001–02

Rural Ambulance Victoria — Report for the year 2001–02 (two papers)

*Rural Finance Act 1988* — Direction by the Treasurer to the Rural Finance Corporation to establish, operate and administer a scheme of assistance known as the Drought Farm Business Support Package

Rural Finance Corporation — Report for the year 2001–02

South Eastern Medical Complex Limited — Report for the year 2001–02

South East Water Limited — Report for the year 2001–02 (two papers)

Treasury Corporation of Victoria — Report for the year 2001–02 (two papers)

Victorian Casino and Gaming Authority — Report for the year 2001–02

Victorian Catchment Management Council — Report for the year 2001–02 (two papers)

Victorian Coastal Council — Report for the year 2001–02

Victorian Meat Authority — Report for the year 2001–02

Yarra Valley Water — Report for the year 2001–2002 (two papers)

Young Farmers' Finance Council — Report for the year 2001–02

Zoological Parks and Gardens Board — Report for the year 2001–02 (two papers).

The following proclamations fixing operative dates were laid upon the Table by the Clerk pursuant to an Order of the House dated 3 November 1999:

*Accident Compensation (Amendment) Act 2001* — Section 34 on 28 October 2002 (*Gazette G43, 24 October 2002*)

*Gaming Legislation (Amendment) Act 2002* — Section 54 on 24 October 2002 (*Gazette G43, 24 October 2002*).

7 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the National Parks (Box-Ironbark and Other Parks) Bill without amendment.

8 **MESSAGES FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Assembly that he had given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

On 22 October 2002

Agriculture Legislation (Amendments and Repeals) Bill

Residential Tenancies (Amendment) Bill

Road Safety (Responsible Driving) Bill

Sports Event Ticketing (Fair Access) Bill

Utility Meters (Metrological Controls) Bill

Wrongs and Other Acts (Public Liability Insurance Reform) Bill

On 29 October 2002

National Parks (Box-Ironbark and Other Parks) Bill.

9 **MESSAGES FROM THE GOVERNOR** — The Speaker announced the presentation of messages from the Governor recommending appropriations for the purposes of the following bills:

Child Employment Bill

Country Fire Authority (Volunteer Protection and Community Safety) Bill

Courts Legislation (Judicial Pensions) Bill

Dandenong Development Board Bill

Education and Training Legislation (Miscellaneous Amendments) Bill

Estate Agents and Sale of Land Acts (Amendment) Bill

Gas Industry (Residual Provisions) (Amendment) Bill

Major Events (Crowd Management) Bill

Melbourne Cricket Ground (Amendment) Bill

Outworkers (Improved Protection) Bill

Pay-roll Tax (Maternity and Adoption Leave Exemption) Bill

Retail Leases Bill

Victims of Crime Assistance (Miscellaneous Amendments) Bill.

10 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, pursuant to Sessional Order 6(3), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 31 October 2002:



Gas Industry (Residual Provisions) (Amendment) Bill  
 Limitation of Actions (Amendment) Bill  
 Transport (Highway Rule) Bill  
 Planning and Environment (Metropolitan Green Wedge Protection) Bill  
 Outworkers (Improved Protection) Bill  
 Retail Leases Bill  
 Estate Agents and Sale of Land Acts (Amendment) Bill  
 Local Government (Update) Bill.

*(Mr Batchelor)* — put, after debate, and agreed to.

11 **STATEMENTS BY MEMBERS** — Statements by members were made.

12 **GAS INDUSTRY (RESIDUAL PROVISIONS) (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, read a third time forthwith.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

13 **LIMITATION OF ACTIONS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Ms Garbutt announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Bill read a second time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly and committed.

Bill considered in Committee and reported with amendments; as amended, considered, and amendments agreed to.

Bill read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

14 **TRANSPORT (HIGHWAY RULE) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Mr Ingram announced that it was proposed to move an amendment in Committee and requested that it be circulated. Amendment circulated.

Debate resumed on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Mr Ingram announced that it was proposed to move an amendment in Committee, in substitution of the amendment previously circulated, and requested that it be circulated. Amendment circulated.

Debate resumed on question — That this Bill be now read a second time.

Bill read a second time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly and committed.

Bill considered in Committee and reported with an amendment; as amended, considered, and amendment agreed to.

Bill read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 15 **PLANNING AND ENVIRONMENT (METROPOLITAN GREEN WEDGE PROTECTION) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Ms Davies announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

*Business having been interrupted at 10.00 pm pursuant to Sessional Orders.*

- 16 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.58 pm.

R W PURDEY  
Clerk of the Legislative Assembly

A ANDRIANOPOULOS  
Speaker

## No 160 — Wednesday 30 October 2002

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**State Planning Policies** — Seeking that the Premier takes action to ensure that State planning policies secure suburbs from inappropriate development, especially residents of Bentleigh, Bentleigh East, McKinnon, Ormond and Moorabbin, bearing 70 signatures (*by Mrs Peulich*)

**Karingal High School, Frankston** — Seeking that the Government supports Frankston City Council to preserve the southern section of the old Karingal High School as a recreational reserve for community use, bearing 990 signatures (*by Ms McCall*)

**Frankston Project (Revised)** — Seeking that the House refers the Frankston Project (Revised) to an independent panel in order that it be the subject of full community scrutiny and comment as the community of Frankston has no confidence in the performance of the Frankston City Council, bearing 459 signatures (*by Ms McCall*)

**Botanic Road, Warrnambool** — Seeking that the Government immediately authorises implementation of a reduced speed zone along Botanic Road, Warrnambool to 40 km/h before a serious accident occurs and/or lives are tragically taken, bearing 269 signatures (*by Mr Vogels*).

Severally ordered to lie on the Table.

3 **PETITION — STATE PLANNING POLICIES** — Motion made and question — That the petition presented by the Member for Bentleigh relating to State planning policies securing suburbs from inappropriate development be taken into consideration tomorrow (*Mrs Peulich*) — put and agreed to.

4 **PETITION — KARINGAL HIGH SCHOOL, FRANKSTON** — Motion made and question — That the petition presented by the Member for Frankston relating to the preservation of the southern section of the old Karingal High School as a recreation reserve be taken into consideration tomorrow (*Ms McCall*) — put and agreed to.

5 **PETITION — FRANKSTON PROJECT (REVISED)** — Motion made and question — That the petition presented by the Member for Frankston relating to the need to refer the Frankston Project (Revised) to an independent panel be taken into consideration tomorrow (*Ms McCall*) — put and agreed to.

6 **PETITION — BOTANIC ROAD, WARRNAMBOOL** — Motion made and question — That the petition presented by the Member for Warrnambool relating to the immediate implementation of a 40 km/h speed limit be taken into consideration tomorrow (*Mr Vogels*) — put and agreed to.

7 **PAPERS** —

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — Mr Loney, Chair, brought up a report from the Public Accounts and Estimates Committee on the Valuation and Reporting of Cultural, Heritage and Infrastructure Assets, together with appendices and minutes of evidence.

Ordered to lie on the Table and the report and appendices to be printed.

**LAW REFORM COMMITTEE** — Mr Thompson, Chair, brought up a report from the Law Reform Committee upon the Inquiry into Oaths and Affirmations with Reference to the Multicultural Community, 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:

Auditor-General — Performance Audit Report — Management of food safety in Victoria — Ordered to be printed

Chief Electrical Inspector — Report of the Office for the year 2001–02 (two papers)

*Duties Act 2000* — Report of exemptions and partial exemptions approved and refunds made pursuant to s 250 for the year 2001–02

Fisheries Co-Management Council — Report for the year 2001–02

Gas Safety Office — Report for the year 2001–02 (two papers)

*Melbourne City Link Act 1995:*

City Link and Extension Projects Integration and Facilitation Agreement Tenth Amending Deed  
Exhibition Street Extension Sixth Amending Deed  
Melbourne City Link Eighteenth Amending Deed

Ombudsman — Report of the Office for the year 2001–02 — Ordered to be printed

Sustainable Energy Authority Victoria — Report for the year 2001–02

Treasury and Finance, Department of — Report for the year 2001–02

Victorian Energy Networks Corporation (Vencorp) — Report for the year 2001–02 (two papers).

- 8 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 9 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.
- 10 **MESSAGE FROM THE GOVERNOR** — The Acting Speaker announced the presentation of a message from the Governor recommending a further appropriation for the purposes of the Outworkers (Improved Protection) Bill.
- 11 **PROJECT DEVELOPMENT AND CONSTRUCTION MANAGEMENT (FURTHER AMENDMENT) BILL** — Mr Batchelor, after debate, obtained leave with Ms Garbutt, to bring in a Bill '*to amend the **Project Development and Construction Management Act 1994** and the **Commonwealth Games Arrangements Act 2001** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 12 **SOUTHERN AND EASTERN INTEGRATED TRANSPORT AUTHORITY BILL** — Mr Batchelor obtained leave, with Mr Lenders, to bring in a Bill '*to establish the **Southern and Eastern Integrated Transport Authority**, to amend the **Borrowing and Investment Powers Act 1987** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 13 **MELBOURNE (FLINDERS STREET LAND) BILL** — Ms Garbutt obtained leave, with Mr Lenders, to bring in a Bill '*to provide for the divesting of certain land in the vicinity of Flinders Street from the Melbourne City Council, and for the revocation of the reservation of that land, to amend the **Melbourne (Flinders-street) Land Act 1958** and for related matters*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 14 **OUTWORKERS (IMPROVED PROTECTION) BILL** — Motion made and question — That it be an instruction to the Committee that they have power to consider new clauses and amendments to the Outworkers (Improved Protection) Bill to provide for the application of the

federal Clothing Trades Award to Victorian outworkers in that industry, the appointment of Information Services Officers and consequential amendments to the *Victorian Civil and Administrative Tribunal Act 1998 (Mr Lenders)* — put and agreed to.

- 15 **FIREARMS (TRAFFICKING) BILL** — Mr Haermeyer, after debate, obtained leave with Ms Campbell, to bring in a Bill '*to amend the **Firearms Act 1996, the Magistrates' Court Act 1989 and for other purposes***'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 16 **FAIR TRADING (AMENDMENT) BILL** — Ms Campbell, after debate, obtained leave with Ms Kosky, to bring in a Bill '*to amend the **Fair Trading Act 1999, to repeal the Small Claims Act 1973, to repeal Part IV of the Goods Act 1958, to amend the Business Licensing Authority Act 1998 and other Acts and for other purposes***'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 17 **UNIVERSITY ACTS (AMENDMENT) BILL** — Ms Kosky, after debate, obtained leave with Ms Pike, to bring in a Bill '*to amend the Acts establishing public universities in Victoria and the Victorian College of the Arts and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 18 **SUMMARY OFFENCES (OFFENSIVE BEHAVIOUR) BILL** — Mr Hulls, after debate, obtained leave with Ms Pike, to bring in a Bill '*to amend the **Summary Offences Act 1966 to create a new offence and for other purposes***'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 19 **CONFISCATION (AMENDMENT) BILL** — Mr Hulls, after debate, obtained leave with Ms Pike, to bring in a Bill '*to make various amendments to the **Confiscation Act 1997, to consequentially amend the Crimes Act 1958, the Drugs, Poisons and Controlled Substances Act 1981 and the Sentencing Act 1991 and for other purposes***'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 20 **PERSONAL INJURIES PROCEDURES BILL** — Mr Hulls, after debate, obtained leave with Ms Pike, to bring in a Bill '*to provide for pre-litigation procedures for certain claims for damages for death or injury, to provide for costs in subsequent court proceedings and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 21 **PLANNING AND ENVIRONMENT (METROPOLITAN GREEN WEDGE PROTECTION) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm pursuant to Sessional Orders.*

- 22 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 23 **PLANNING AND ENVIRONMENT (METROPOLITAN GREEN WEDGE PROTECTION) BILL** — Debate continued on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Honeywood*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 24 **OUTWORKERS (IMPROVED PROTECTION) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Mr Hamilton announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in place thereof the words 'this House refuses to read this Bill a second time until employer and employee stakeholders have been consulted on the amendments foreshadowed by the Government to provide for the application of the federal Clothing Trades Award to Victorian outworkers in that industry' (*Mr McIntosh*).

Debate resumed on question — That this Bill be now read a second time and on the amendment.

Motion made and question — That the debate be now adjourned (*Mrs Peulich*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 25 **RETAIL LEASES BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Mrs Peulich announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Stensholt*) — put and agreed to.

Ordered — That the debate be adjourned until tomorrow.

- 26 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Regional Development Victoria Bill without amendment.

- 27 **ESTATE AGENTS AND SALE OF LAND ACTS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mrs Fyffe*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 28 **PLANNING AND ENVIRONMENT (METROPOLITAN GREEN WEDGE PROTECTION) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm pursuant to Sessional Orders.*

- 29 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.57 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

## No 161 — Thursday 31 October 2002

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**2006 Commonwealth Games Village** — Seeking that — (a) the 2006 Commonwealth Games Village be located on an appropriate site, not in Parkville; (b) the parkland surrounding the former Royal Park Psychiatric Hospital and adjacent sites be reintegrated into Royal Park; and (c) the heritage hospital buildings be restored as a comprehensive mental health centre for training/education, rehabilitation and research, bearing 452 signatures (*by Mr Baillieu*)

**Royal Park Psychiatric Hospital** — Seeking that the parkland surrounding the Royal Park Psychiatric Hospital be reintegrated into Royal Park and the heritage hospital buildings restored for future use as a comprehensive mental health centre for training/education, rehabilitation and research, bearing 1,180 signatures (*by Mr Baillieu*).

Severally ordered to lie on the Table.

- 3 **PETITION — 2006 COMMONWEALTH GAMES VILLAGE** — Motion made and question — That the petition presented by the Member for Hawthorn relating to the 2006 Commonwealth Games Village being located on an appropriate site, not in Parkville be taken into consideration tomorrow (*Mr Baillieu*) — put and agreed to.
- 4 **PETITION — ROYAL PARK PSYCHIATRIC HOSPITAL** — Motion made and question — That the petition presented by the Member for Hawthorn relating to the parkland surrounding the Royal Park Psychiatric Hospital being reintegrated into Royal Park be taken into consideration tomorrow (*Mr Baillieu*) — put and agreed to.
- 5 **PAPERS** —

**RESPONSE BY THE MINISTER FOR FINANCE TO THE AUDITOR-GENERAL'S REPORTS** — Motion made, by leave, and question — That there be presented to this House the Response to the Auditor-General's Reports issued during 2001–02 (*Mr Lenders*) — put and agreed to.

The said response was presented by Mr Lenders and ordered to lie on the Table and to be printed.

**HEALTH SERVICES COMMISSIONER** — Motion made, by leave, and question — That there be presented to this House the Report of the Health Services Commissioner for the year 2001–02 (*Mr Thwaites*) — put and agreed to.

The said report was presented by Mr Thwaites and ordered to lie on the Table.

**SURF COAST SHIRE COUNCIL INVESTIGATION** — Motion made, by leave, and question — That there be presented to this House the Report of the Investigation into Surf Coast Shire Council by the Inspector of Municipal Administration (*Mr Cameron*) — put and agreed to.

The said report was presented by Mr Cameron and ordered to lie on the Table and to be printed.

**PARLIAMENTARY DEPARTMENTS REPORTS**— Motion made, by leave, and question — That there be presented to this House the Reports of the Department of the Legislative Assembly, Department of the Parliamentary Library, Department of Parliamentary Debates and Joint Services Department for the year 2001–02 (*Mrs Maddigan*) — put and agreed to.

The said reports were presented by Mrs Maddigan and ordered to lie on the Table.

**PRIVILEGES COMMITTEE** — Mr Loney, Chair, brought up a report from the Privileges Committee on the right of reply for Mr Steve Luby, a person referred to in the Legislative Assembly, together with an appendix.

Ordered to lie on the Table and to be printed.

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — Mr Loney, Chair, brought up a report from the Public Accounts and Estimates Committee on the Review of the Victorian Public Service, together with appendices.

Ordered to lie on the Table and to be printed.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Ms Beattie, brought up a report from the Scrutiny of Acts and Regulations Committee on the Inquiry into Electronic Democracy concerning Evidence obtained in Europe June–July 2002, together with an appendix.

Ordered to lie on the Table and to be printed.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Ms Beattie, brought up a report from the Scrutiny of Acts and Regulations Committee on the Review of Anzac Day Laws, together with appendices and minutes of evidence.

Ordered to lie on the Table and the report and appendices to be printed.

**ENVIRONMENT AND NATURAL RESOURCES COMMITTEE** — Mr Seitz, Chair, brought up a report from the Environment and Natural Resources Committee upon the Inquiry into the Management of the Fishing Charter Industry in Victoria, together with appendices and minutes of evidence.

Ordered to lie on the Table and the report and appendices to be printed.



**DRUGS AND CRIME PREVENTION COMMITTEE** — Mr Cooper, brought up the fifth report from the Drugs and Crime Prevention Committee upon the Inquiry into Crime Trends, together with appendices, extracts from proceedings, minority report and minutes of evidence.

Ordered to lie on the Table and the Report, appendices, extracts from proceedings and minority report 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, Community and Further Education Board — Report for the year 2001–02

Albury-Wodonga Development Corporation — Report for the year 2001–02

*Audit Act 1994* — Report on the Finances of the State of Victoria, 2001–02 — Ordered to be printed

Auditor-General — Performance Audit Report on Community dental services — Ordered to be printed

Australian Grand Prix Corporation — Report for the year 2001–02

Ballarat Health Service — Report for the year 2001–02

Corangamite Catchment Management Authority — Report for the year 2001–02

Docklands Authority — Report for the year 2001–02

East Gippsland Catchment Management Authority — Report for the year 2001–02

Education and Training, Department of — Report for the year 2001–02

Emerald Tourist Railway Board — Report for the year 2001–02

Emergency Services Superannuation Scheme — Report for the year 2001–02

Environment Conservation Council — Report for the period 1 July 2001 to 31 December 2001

Equal Opportunity Commission — Report for the year 2001–02 — Ordered to be printed

Essential Services Commission — Report for the year 2001–02

*Financial Management Act 1994:*

Reports from the Minister for Agriculture that he had received the 2001–02 annual reports of:

Murray Valley Wine Grape Industry Development Committee

Victorian Broiler Industry Negotiation Committee

Victorian Strawberry Industry Development Committee

Report from the Minister for Environment and Conservation that she had received the 2001–02 annual report of the Shrine of Remembrance

*Freedom of Information Act 1982* — Report of the Attorney-General on the operation of the Act for the year 2001–02

Gambling Research Panel — Report for the year 2001–02

Gascor Pty Ltd — Report for the year 2001–02

Glenelg Hopkins Catchment Management Authority — Report for the year 2001–02 (three papers)

Gippsland and Southern Rural Water Authority — Report for the year 2001–02 (two papers)

Goulburn Broken Catchment Management Authority — Report for the year 2001–02

Goulburn-Murray Rural Water Authority — Report for the year 2001–02 (two papers)

Government Superannuation Office — Report for the year 2001–02

Greyhound Racing Victoria — Report for the year 2001–02

Harness Racing Board — Report for the year 2001–02

Hastings Port (Holding) Corporation — Report for the year 2001–02

Human Services, Department of — Report for the year 2001–02

Infrastructure, Department of — Report for the year 2001–02

Innovation, Industry and Regional Development, Department of — Report for the year 2001–02

Justice, Department of — Report for the year 2001–02

Latrobe Regional Hospital Pty Ltd — Report for the year 2001–02

Legal Ombudsman — Report of the Office for the year 2001–02 — Ordered to be printed

Legal Practitioners Liability Committee — Report for the year 2001–02

Mallee Catchment Management Authority — Report for the year 2001–02

Marine Board of Victoria — Report for the period 1 July 2001 to 6 February 2002

Melbourne City Link Authority — Report for period 1 July 2001 to 28 February 2002

Melbourne Convention and Exhibition Trust — Report for the year 2001–02

Melbourne Port Corporation — Report for the year 2001–02

Melbourne Water Corporation — Report for the year 2001–02

*Members of Parliament (Register of Interests) Act 1978:*

Summary of Returns — June 2002 and Summary of Variations Notified between 6 June and 30 September 2002 — Ordered to be printed

Cumulative Summary of Returns 30 September 2002 — Ordered to be printed

- National Parks Act 1975* — Report on the workings of the Act for the year 2001–02
- North Central Catchment Management Authority — Report for the year 2001–02
- North East Catchment Management Authority — Report for the year 2001–02
- Overseas Projects Corporation of Victoria Ltd — Report for the year 2001–02 (two papers)
- Port Phillip and Westernport Catchment and Land Protection Board — Report for the year 2001–02
- Public Transport Corporation — Report for the year 2001–02
- Residential Tenancies Bond Authority — Report for the year 2001–02
- Roads Corporation (VicRoads) — Report for the year 2001–02
- Rural Finance Act 1988* — Direction by the Treasurer to the Rural Finance Corporation to establish, operate and administer a scheme of assistance known as the Normanville Pipeline Scheme
- Spencer Street Station Authority — Report for the year 2001–02 (two papers)
- State Electricity Commission of Victoria — Report for the year 2001–02
- State Trustees Limited — Report for the year 2001–02 (together with Financial Statements of the Common Funds) (two papers)
- Statutory Rules under the following Acts:
- Casino Control Act 1991* — SR No 103
- Fair Trading Act 1999* — SR No 98
- Health Act 1958* — SR No 97
- Magistrates' Court Act 1989* — SR No 96
- Mineral Resources Development Act 1990* — SR No 99
- Occupational Health and Safety Act 1985* — SR No 104
- Subordinate Legislation Act 1994* — SR Nos 100, 101, 102
- Subordinate Legislation Act 1994:*
- Minister's exception certificates in relation to Statutory Rule Nos 100, 101, 102
- Minister's exemption certificate in relation to Statutory Rule No 103
- Sunraysia Rural Water Authority — Report of the year 2001–02
- Tourism, Sport and the Commonwealth Games, Department of — Report for the year 2001–02
- Transport Accident Commission — Report of the year 2001–02
- Tricontinental Holdings Limited — Report for the year 2001
- Victoria Legal Aid — Report for the year 2001–02
- Victorian Channels Authority — Report for the year 2001–02

Victorian Curriculum and Assessment Authority — Report for the year 2001–02

Victorian Electoral Commission — Report for the year 2001–02

Victorian Environmental Assessment Council — Report for the period 1 January 2002 to 30 June 2002

Victorian Institute of Forensic Medicine — Report for the year 2001–02

Victorian Law Reform Commission — Report for the year 2001–02 — Ordered to be printed

Victorian Learning and Employment Skills Commission — Report for the year 2001–02

Victorian Medical Consortium Pty Ltd — Report for the year 2001–02

Victorian Privacy Commissioner — Report of the Office for the period 1 September 2001 to 30 June 2002 — Ordered to be printed

Victorian Qualifications Authority — Report for the year 2001–02

Victorian Rail Track (VicTrack) — Report for the year 2001–02 (two papers)

Victorian WorkCover Authority — Report of the year 2001–02

Wimmera Catchment Management Authority — Report for the year 2001–02

Wimmera-Mallee Rural Water Authority — Report for the year 2001–02 (two papers).

- 6 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourn until Wednesday 6 November 2002 (*Mr Batchelor*) — put, after debate, and agreed to.

- 7 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 8 **LOCAL GOVERNMENT (UPDATE) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Mr Hamilton announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Honeywood*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 9 **RETAIL LEASES BILL** — Mr Brumby made a statement pursuant to s 85 of the *Constitution Act 1975* of the reasons why that section should be altered or varied by clause 89(4) of the Retail Leases Bill in lieu of the statement in the second reading speech made in relation to the Bill on Thursday 10 October 2002.

- 10 **PLANNING AND ENVIRONMENT (METROPOLITAN GREEN WEDGE PROTECTION) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm pursuant to Sessional Orders.*

- 11 **QUESTIONS** — (Pursuant to Standing Order No 124).

- 12 **PLANNING AND ENVIRONMENT (METROPOLITAN GREEN WEDGE PROTECTION) BILL** — Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Ms Duncan*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 13 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 3, be postponed until later this day.

- 14 **RETAIL LEASES BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Spry*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 15 **ESTATE AGENTS AND SALE OF LAND ACTS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Question — put.

The House divided.

AYES 80

Ms Allan (*Bendigo East*); Ms Allen (*Benalla*); Ms Asher; Mr Ashley; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Ms Burke; Mr Cameron; Ms Campbell; Mr Carli; Mr Clark; Mr Cooper; Ms Davies; Ms Delahunty (*Northcote*); Mr Dixon; Mr Doyle; Ms Duncan; Mrs Elliott; Ms Fyffe; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Hardman; Mr Helper; Mr Holding; Mr Honeywood; Mr Howard; Mr Hulls; Mr Ingram; Ms Kosky; Mr Kotsiras; Mr Languiller; Mr Leigh; Mr Leighton; Mr Lenders; Mr Lim; Ms Lindell; Mr Loney; Mr Lupton; Mr McArthur; Ms McCall; Mr McIntosh; Mr Maclellan; Mrs Maddigan; Mr Maxfield; Mr Mildenhall; Mr Mulder; Dr Napthine; Mr Nardella; Ms Overington; Mr Pandazopoulos; Mr Paterson; Mr Perton; Mrs Peulich; Mr Phillips; Ms Pike; Mr Plowman; Mr Richardson; Mr Robinson; Mr Rowe; Mr Savage; Mr Seitz; Mrs Shardey; Mr Spry; Mr Stensholt; Mr Thompson; Mr Thwaites; Mr Trezise; Mr Viney; Mr Vogels; Mr Wells; Mr Wilson; Mr Wynne. Tellers: Mr Langdon; Mr Smith.

NOES 6

Mr Jasper; Mr Kilgour; Mr Ryan; Mr Steggall; Tellers: Mr Delahunty (*Wimmera*); Mr Maughan.

And so it resolved in the affirmative.

Bill read a second time, and by leave, read a third time forthwith.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 16 **OUTWORKERS (IMPROVED PROTECTION) BILL** — Order read for resuming debate on question — That this Bill be now read a second time — *and on the amendment* — That all the words after 'That' be omitted with the view of inserting in place thereof the words 'this House refuses to read this Bill a second time until employer and employee stakeholders have been consulted on the amendments foreshadowed by the Government to provide for the application of the federal Clothing Trades Award to Victorian outworkers in that industry'; debate resumed.

*Allocation of time — The Deputy Speaker advised that the time allocated for consideration of bills pursuant to resolution of the House on Tuesday 29 October 2002 had expired.*

Question — That the words proposed to be omitted stand part of the question — put and agreed to.

Question — That this Bill be now read a second time, Government amendment Nos 1 to 75 inclusive be agreed to, the Bill be read a third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 17 **RETAIL LEASES BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Bill read a second time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Bill read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 18 **LOCAL GOVERNMENT (UPDATE) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Bill read a second time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Question — That Government amendment Nos 1 and 2 be agreed to — put.

The House divided.

AYES 46

Ms Allan (*Bendigo East*); Ms Allen (*Benalla*); Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Ms Davies; Ms Delahunty (*Northcote*); Ms Duncan; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Hardman; Mr Helper; Mr Holding; Mr Howard; Mr Hulls; Mr Ingram; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lenders; Mr Lim; Ms Lindell; Mr Loney; Mrs Maddigan; Mr Maxfield; Mr Mildenhall; Mr Nardella; Ms Overington; Mr Pandazopoulos; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Viney; Mr Wynne. Tellers: Mr Langdon; Mr Trezise.

NOES 41

Ms Asher; Mr Ashley; Mr Baillieu; Ms Burke; Mr Clark; Mr Cooper; Dr Dean; Mr Delahunty (*Wimmera*); Mr Dixon; Mr Doyle; Mrs Elliott; Mrs Fyffe; Mr Honeywood; Mr Jasper; Mr Kilgour; Mr Kotsiras; Mr Leigh; Mr Lupton; Mr McArthur; Ms McCall; Mr McIntosh; Mr Maclellan; Mr Mulder; Dr Napthine; Mr Paterson; Mr Perton; Mrs Peulich; Mr Phillips; Mr Plowman; Mr Richardson; Mr Rowe; Mr Ryan; Mrs Shardey; Mr Spry; Mr Steggall; Mr Thompson; Mr Vogels; Mr Wells; Mr Wilson. Tellers: Mr Maughan; Mr Smith.

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 Assembly.

Ordered — That the Bill be returned to the Legislative Council acquainting them that the Legislative Assembly has agreed to the Bill with amendments and seeking their concurrence.

- 19 **PLANNING AND ENVIRONMENT (METROPOLITAN GREEN WEDGE PROTECTION) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 20 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Australian Food Industry Science Centre — Report for the year 2001–02

Barwon Region Water Authority — Report for the year 2001–02

Central Gippsland Region Water Authority — Report for the year 2001–02

Country Fire Authority — Report for the year 2001–02

East Gippsland Region Water Authority — Report for the year 2001–02 (two papers)

*Financial Management Act 1994:*

Reports from the Minister for Environment and Conservation that she had received the 2001–02 annual reports of the:

Alpine Resorts Coordinating Council  
Casey's Weir and Major Creek Rural Water Authority  
Yarra Bend Park Trust

Glenelg Region Water Authority — Report for the year 2001–02

Grampians Region Water Authority — Report for the year 2001–02 (three papers)

Lower Murray Region Water Authority — Report for the year 2001–02

Melbourne and Olympic Parks Trust — Report for the year 2001–02

Melbourne Cricket Ground Trust — Report for the year ended 31 March 2002

Metropolitan Fire and Emergency Services Board — Report for the year 2001–02

North East Region Water Authority — Report for the year 2001–02 (two papers)

Royal Botanic Gardens Board — Report for the year 2001–02

South Gippsland Region Water Authority — Report for the year 2001–02

South West Water Authority — Report for the year 2001–02

State Sport Centres Trust — Report for the year 2001–02

Victorian Institute of Sport Trust — Report for the year 2001–02 (two papers)

Victorian Managed Insurance Authority — Report for the year 2001–02

West Gippsland Catchment Management Authority — Report for the year 2001–02

Westport Region Water Authority — Report for the year 2001–02 (two papers)

Western Region Water Authority — Report for the year 2001–02 (two papers).

- 21 **PROJECT DEVELOPMENT AND CONSTRUCTION MANAGEMENT (FURTHER AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).

Motion made and question — That the debate be now adjourned (*Mr Baillieu*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 14 November 2002.

- 22 **SOUTHERN AND EASTERN INTEGRATED TRANSPORT AUTHORITY BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).

Motion made and question — That the debate be now adjourned (*Mr Leigh*) — put and agreed to.

Ordered, after debate — That the debate be adjourned until Thursday 14 November 2002.

- 23 **UNIVERSITY ACTS (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Kosky*).

Motion made and question — That the debate be now adjourned (*Mr Honeywood*) — put and agreed to.

Ordered, after debate — That the debate be adjourned until Thursday 14 November 2002.

- 24 **MELBOURNE (FLINDERS STREET LAND) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Garbutt*).



Motion made and question — That the debate be now adjourned (*Mr Baillieu*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 14 November 2002.

- 25 **FIREARMS (TRAFFICKING) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Haermeyer*).

Motion made and question — That the debate be now adjourned (*Mr Wells*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 14 November 2002.

- 26 **FAIR TRADING (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Campbell*).

*Ms Campbell made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.*

Motion made and question — That the debate be now adjourned (*Ms McCall*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 14 November 2002.

- 27 **SUMMARY OFFENCES (OFFENSIVE BEHAVIOUR) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr Perton*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 14 November 2002.

- 28 **CONFISCATION (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

*Mr Hulls made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.*

Motion made and question — That the debate be now adjourned (*Mr Perton*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 14 November 2002.

- 29 **PERSONAL INJURIES PROCEDURES BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr Perton*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 14 November 2002.

- 30 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Hulls*) — put and agreed to.

31 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

And the House, at 6.23 pm, adjourned until Wednesday 6 November 2002.

R W PURDEY  
*Clerk of the Legislative Assembly*

A ANDRIANOPOULOS  
*Speaker*

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**SESSION 1999–2002**  
**MESSAGES RECEIVED AFTER THE ADJOURNMENT OF**  
**THE HOUSE ON 31 OCTOBER 2002**

**MESSAGES FROM THE LEGISLATIVE COUNCIL**

Agreeing to the following bills, on 31 October 2002, without amendment:

Gas Industry (Residual Provisions) (Amendment) Bill  
Limitation of Actions (Amendment) Bill  
Transport (Highway Rule) Bill

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**MESSAGES FROM THE GOVERNOR**

Informing the Assembly that he had, on 4 November 2002, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Gas Industry (Residual Provisions) (Amendment) Bill  
Limitation of Actions (Amendment) Bill  
Regional Development Victoria Bill  
Transport (Highway Rule) Bill



# Victoria Government Gazette

No. S 210 Tuesday 5 November 2002  
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**SPECIAL**

## Constitution Act 1975

### PROROGUING THE LEGISLATIVE COUNCIL AND DISSOLVING THE LEGISLATIVE ASSEMBLY

#### Proclamation

I, John Landy AC MBE, Governor of the State of Victoria, acting under sections 8(1), 8(2) and 8(3) of the **Constitution Act 1975** and all other powers vested in me, **PROROGUE** the Legislative Council and **DISSOLVE** the Legislative Assembly forthwith.

I have today ordered that the Writs be issued according to law for a simultaneous election of Members to serve in the Legislative Assembly and for Members to serve in the Legislative Council.

Given under my Hand and the Seal of the State of Victoria, at Melbourne, this 5th day of November 2002.

(L.S.)

**JOHN LANDY**  
Governor

By His Excellency's Command

**S. P. BRACKS**  
Premier

## NOTICE OF SIMULTANEOUS ELECTION

### Simultaneous Election

Notice is hereby given that the Governor will issue Writs for a Simultaneous Election of Members to serve in the Legislative Assembly of Victoria, and for Members to serve in the Legislative Council of Victoria, as follows:

Date for the Issue of Writs	:	5 November 2002
Date for the Close of the Rolls	:	8 November 2002
Final Nomination Day	:	15 November 2002
Election Day	:	30 November 2002
Return of Writs	:	On or before 20 December 2002

By His Excellency's Command

The Governor's Office

Dated 5 November 2002

**HELEN DOYE**

Clerk of the Executive Council

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**COMMITTEES****SESSION 1999–2002****DRUGS AND CRIME PREVENTION (JOINT)**

*(Assembly members appointed 14 December 1999 unless otherwise indicated)*

Mr Cooper *(appointed 6 September 2000)*

Mr Jasper

Mr Lupton

Mr Mildenhall

Mr Wells *(discharged 6 September 2000)*

Mr Wynne

**ENVIRONMENT AND NATURAL RESOURCES (JOINT)**

*(Assembly members appointed 14 December 1996 unless otherwise indicated)*

Mr Delahunty *(Wimmera)*

Ms Duncan

Mrs Fyffe *(appointed 25 September 2001)*

Mr Ingram *(discharged 25 September 2001)*

Ms Lindell

Mr Mulder *(discharged 25 September 2001)*

Mr Seitz

**FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE (JOINT)**

*(Assembly members appointed 14 December 1999 unless otherwise indicated)*

Mr Hardman

Mr Lim

Mr Nardella

Mrs Peulich

Mr Wilson *(discharged 25 September 2001)*

**HOUSE (JOINT)**

*(Assembly Members appointed 14 December 1999 unless otherwise indicated)*

Mr Speaker *(ex-officio)*

Ms Beattie

Mr Kilgour

Mr Leigh *(discharged 4 May 2000)*

Mr Leighton *(discharged 4 April 2001)*

Ms McCall

Mr Rowe *(appointed 4 May 2000)*

Mr Savage

Mr Stensholt *(appointed 4 April 2001)*

**LAW REFORM (JOINT)**

*(Assembly members appointed 14 December 1999 unless otherwise indicated)*

Mr Languiller

Ms McCall *(appointed 6 September 2000)*

Mr McIntosh *(discharged 25 September 2001)*

Mr Stensholt

Mr Thompson

**LIBRARY (JOINT)**

*(Assembly members appointed 14 December 1999 unless otherwise indicated)*

Mr Speaker

Ms Duncan

Mr Languiller

Mrs Peulich

Mr Seitz

**PRINTING (JOINT)**

*(Assembly members appointed 14 December 1999 unless otherwise indicated)*

Mr Speaker

Ms Gillett

Mr Nardella

Mr Richardson

**PRIVILEGES**

*(Assembly members appointed 14 December 1999 unless otherwise indicated)*

Mr Cooper

Mr Holding

Mr Hulls

Mr Loney

Mr Maclellan

Mr Maughan

Mr Nardella

Mr Plowman

Mr Thwaites

**PUBLIC ACCOUNTS AND ESTIMATES (JOINT)**

*(Assembly members appointed 14 December 1999 unless otherwise indicated)*

Ms Asher *(discharged 25 September 2001)*  
Ms Barker  
Mr Clark *(appointed 25 September 2001)*  
Ms Davies  
Mr Holding  
Mr Loney  
Mrs Maddigan

**ROAD SAFETY (JOINT)**

*(Assembly members appointed 14 December 1999 unless otherwise indicated)*

Mr Kilgour  
Mr Langdon  
Mr Plowman  
Mr Spry  
Mr Trezise

**SCRUTINY OF ACTS AND REGULATIONS (JOINT)**

*(Assembly members appointed 14 December 1996 unless otherwise indicated)*

Ms Beattie  
Mr Carli  
Mr Dixon *(discharged 25 September 2001)*  
Ms Gillett  
Mr Maclellan *(appointed 25 September 2001)*  
Mr Robinson

**STANDING ORDERS**

*(Assembly members appointed 14 December 1999 unless otherwise indicated)*

Mr Speaker  
Ms Barker *(appointed 27 March 2002)*  
Mr Jasper  
Mr Langdon  
Mr Lenders *(discharged 27 March 2002)*  
Mr McArthur  
Mrs Maddigan  
Mr Perton

**LEGISLATIVE ASSEMBLY OF VICTORIA**  
**DIVISIONS IN COMMITTEE OF THE WHOLE**

**No 1**

**Thursday 25 November 1999**

**No 1 ESSENTIAL SERVICES (YEAR 2000) BILL**

Question — That the Bill be reported without amendment — put.

Committee divided.

(Chairman — Mrs Maddigan)

AYES, 43

Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Ms Davies; Ms Delahunty (*Northcote*); Ms Duncan; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Hardman; Mr Helper; Mr Holding; Mr Howard; Mr Hulls; Mr Ingram; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lenders; Mr Lim; Ms Lindell; Mr Loney; Mr Maxfield; Mr Mildenhall; Mr Nardella; Ms Overington; Mr Pandazopoulos; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Thwaites; Mr Trezise; Mr Viney; Mr Wynne. Tellers: Ms Allan; Mr Langdon.

NOES, 42

Ms Asher; Mr Ashley; Mr Baillieu; Ms Burke; Mr Clark; Mr Cooper; Dr Dean; Mr Delahunty (*Wimmera*); Mr Dixon; Mr Doyle; Mrs Elliott; Mrs Fyffe; Mr Honeywood; Mr Jasper; Mr Kilgour; Mr Kotsiras; Mr Leigh; Mr Lupton; Mr McArthur; Ms McCall; Mr McIntosh; Mr McNamara; Mr Maclellan; Mr Mulder; Dr Napthine; Mr Paterson; Mr Perton; Mrs Peulich; Mr Phillips; Mr Plowman; Mr Richardson; Mr Rowe; Mr Ryan; Mrs Shardey; Mr Spry; Mr Steggall; Mr Thompson; Mr Vogels; Mr Wells; Mr Wilson. Tellers: Mr Maughan; Mr Smith.

And so it was resolved in the affirmative.



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**LEGISLATIVE ASSEMBLY OF VICTORIA**  
**DIVISIONS IN COMMITTEE OF THE WHOLE**

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**No 2**

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**Tuesday 30 November 1999**

**No 1    AUDIT (AMENDMENT) BILL — Clause 9**

**9.    *New Divisions 2 and 3 of Part 2 inserted***

For section 7A of the **Audit Act 1994** substitute—

**'Division 2—Accountability and Reporting**

**7A.    *Auditor-General's annual plan***

- (1) Before the beginning of each financial year, the Auditor-General must—
  - (a) prepare a draft annual plan describing the Auditor-General's proposed work program for that year; and
  - (b) submit the draft to the Parliamentary Committee.
- (2) The Parliamentary Committee must consider the draft annual plan and may comment on it.
- (3) After considering the draft annual plan, the Parliamentary Committee must return it with any comments to the Auditor-General.
- (4) The Auditor-General must complete the annual plan as soon as practicable after the passage of the annual appropriation Act for the year to which the plan relates, taking into account—
  - (a) the annual appropriation; and
  - (b) any comments received from the Parliamentary Committee.
- (5) The Auditor-General must present the completed annual plan to the Parliamentary Committee.

**7B.    *Annual report***

- (1) As soon as practicable after the end of each financial year, the Auditor-General must—
  - (a) prepare a report of the operations of the Victorian Auditor-General's Office during the financial year that complies with sub-section (2); and

- (b) prepare financial statements for the financial year that comply with sub-section (3) and give them to the independent auditor for auditing; and
  - (c) cause the report of operations and audited financial statements to be transmitted to each House of the Parliament.
- (2) The report of operations must—
- (a) comply with section 48 of the **Financial Management Act 1994** and directions under that Act that apply to reports of operations of departments, except to the extent determined by the Parliamentary Committee under section 7C; and
  - (b) include an account of the implementation of the annual plan required under section 7A; and
  - (c) set out the audit standards that the Auditor-General applies or intends to apply to the conduct of audits; and
  - (d) include the names of any persons to whom, during the financial year, the Auditor-General has delegated the power to make a report under section 9; and
  - (e) include details of any resolutions of the Parliamentary Committee under section 7C in respect of the report of operations and the disallowance of any such resolutions.
- (3) The financial statements must—
- (a) comply with section 49 of the **Financial Management Act 1994** and directions under that Act that apply to financial statements of departments, except to the extent determined by the Parliamentary Committee under section 7C; and
  - (b) include details of any resolutions of the Parliamentary Committee under section 7C in respect of the financial statements and the disallowance of any such resolutions.

**7C. Parliamentary Committee may alter obligations of Auditor-General**

- (1) The Parliamentary Committee may, by resolution, vary any obligation or requirement imposed on the Auditor-General or the Victorian Auditor-General's Office by or under—
- (a) section 7B(2)(a) or (3)(a); or
  - (b) the **Financial Management Act 1994** or the **Public Sector Management and Employment Act 1998**.
- (2) The chairman of the Parliamentary Committee must cause a copy of each resolution under sub-section (1) to be laid before each House of the Parliament within 6 sitting days of that House after the resolution is passed.
- (3) A resolution under sub-section (1) is disallowed in whole or in part if—
- (a) a notice of resolution to disallow the resolution is given in a House of the Parliament on or before the 18th sitting day of that House after a copy of the resolution is laid before that House; and
  - (b) the resolution to disallow is passed by that House on or before the 12th sitting day of that House after the giving of the notice of resolution.
- (4) Notice of a resolution to disallow a resolution under sub-section (1) may be expressed to apply to the whole or to any part of the resolution.
- (5) A resolution to disallow the whole or any part of a resolution under sub-section (1) has effect according to its tenor.

- (6) If a House of the Parliament is prorogued or the Legislative Assembly is dissolved—
- (a) the prorogation or dissolution does not affect the power of the House to pass a resolution disallowing a resolution under sub-section (1); and
  - (b) the calculation of sitting days of the House is to be made as if there had been no prorogation or dissolution.
- (7) The disallowance of a resolution under sub-section (1)—
- (a) does not affect the validity of anything done in accordance with the resolution by the Auditor-General or the Victorian Auditor-General's Office before the disallowance takes effect;
  - (b) does not expose the Auditor-General or the Victorian Auditor-General's Office to any liability or sanction for acting in accordance with the resolution before the disallowance takes effect.

*[Remainder of clause not printed]*

*(Mr Bracks)*

Amendment proposed — Clause 9, page 11, line 29, after "Committee" insert "or either House of the Parliament".

*(Dr Napthine)*

Question — That the words proposed to be inserted be so inserted — put.

Committee divided.

(Chairman — Mrs Maddigan)

AYES, 42

Ms Asher; Mr Ashley; Mr Baillieu; Ms Burke; Mr Clark; Mr Cooper; Dr Dean; Mr Delahunty (*Wimmera*); Mr Dixon; Mr Doyle; Mrs Elliott; Mrs Fyffe; Mr Honeywood; Mr Jasper; Mr Kilgour; Mr Kotsiras; Mr Leigh; Mr Lupton; Mr McArthur; Ms McCall; Mr McIntosh; Mr McNamara; Mr Maclellan; Mr Mulder; Dr Napthine; Mr Paterson; Mr Perton; Mrs Peulich; Mr Phillips; Mr Plowman; Mr Richardson; Mr Rowe; Mr Ryan; Mrs Shardey; Mr Spry; Mr Steggall; Mr Thompson; Mr Vogels; Mr Wells; Mr Wilson. Tellers: Mr Maughan; Mr Smith.

## NOES, 43

Ms Allan; Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Ms Davies; Ms Delahunty (*Northcote*); Ms Duncan; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Hardman; Mr Helper; Mr Holding; Mr Howard; Mr Hulls; Mr Ingram; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lenders; Mr Lim; Ms Lindell; Mr Loney; Mr Maxfield; Mr Mildenhall; Mr Nardella; Mr Pandazopoulos; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Thwaites; Mr Trezise; Mr Viney; Mr Wynne. Tellers: Mr Langdon; Ms Overington.

And so it passed in the negative.

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**LEGISLATIVE ASSEMBLY OF VICTORIA**

**DIVISIONS IN COMMITTEE OF THE WHOLE**

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**No 3**

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**Tuesday 5 September 2000**

**No 1 INFORMATION PRIVACY BILL — Clause 19**

**19. *Process for approval of code of practice or code variation***

- (1) An organisation may seek approval of a code of practice, or of a variation of an approved code of practice, by submitting the code or variation to the Privacy Commissioner.
- (2) The Governor in Council, on the recommendation of the Minister acting on the advice received from the Privacy Commissioner under sub-section (3), may by notice published in the Government Gazette approve a code of practice or a variation of an approved code of practice.
- (3) The Privacy Commissioner may advise the Minister to recommend to the Governor in Council that a code of practice, or a variation of an approved code of practice, be approved if in his or her opinion—
  - (a) the code or variation is consistent with the objects of this Act in relation to the personal information to which the code applies; and
  - (b) the code of practice prescribes standards that are at least as stringent as the standards prescribed by the Information Privacy Principles; and
  - (c) the code specifies the organisations bound (either wholly or to a limited extent) by the code or a way of determining the organisations that are, or will be, bound (either wholly or to a limited extent) by the code; and
  - (d) only organisations that consent to be bound by the code are, or will be, bound by the code.
- (4) Before deciding whether or not to advise the Minister to recommend approval of a code of practice or of a variation of an approved code of practice, the Privacy Commissioner—
  - (a) may consult any person or body that the Privacy Commissioner considers it appropriate to consult; and
  - (b) must have regard to the extent to which members of the public have been given an opportunity to comment on the code or variation.
- (5) A code of practice or variation comes into operation at the beginning of—
  - (a) the day on which the notice of approval under sub-section (2) is published in the Government Gazette; or

- (b) such later day as is expressed in that notice as the day on which the code or variation comes into operation.

(*Mr Brumby*)

Amendment proposed —

1. Clause 19, page 23, after line 8 insert—

- "( ) The Minister must ensure that a copy of an approved code of practice, or of an approved variation of an approved code of practice, is laid before each House of the Parliament on or before the 6th sitting day of that House after the day on which the notice of approval under sub-section (2) is published in the Government Gazette.
- ( ) The Scrutiny of Acts and Regulations Committee may report to each House of the Parliament if it considers that any approved code or variation laid before Parliament—
- (a) appears to be inconsistent with the objects of this Act in relation to the personal information to which the code applies; or
  - (b) appears to prescribe standards that are not at least as stringent as the standards prescribed by the Information Privacy Principles; or
  - (c) does not specify the organisations bound (either wholly or to a limited extent) by the code or a way of determining the organisations that are, or will be, bound (either wholly or to a limited extent) by the code; or
  - (d) requires explanation as to its form or intention.
- ( ) A report of the Scrutiny of Acts and Regulations Committee under sub-section (7) may contain any recommendations that the Committee considers appropriate, including a recommendation that an approved code or variation should be—
- (a) disallowed; or
  - (b) amended as suggested in the report.
- ( ) An approved code or variation laid before Parliament may be disallowed by either House of the Parliament.
- ( ) An approved code or variation is disallowed if—
- (a) a notice of a resolution to disallow is given in a House of the Parliament on or before the 18th sitting day of that House after the code or variation is laid before that House; and
  - (b) the resolution is passed by that House on or before the 12th sitting day of that House after the giving of the notice of the resolution.
- ( ) If a House of the Parliament is prorogued or the Legislative Assembly is dissolved—
- (a) the prorogation or dissolution does not affect the power of the House to pass a resolution disallowing an approved code or variation; and
  - (b) the calculation of sitting days of the House is to be made as if there had been no prorogation or dissolution.

- ( ) If an approved code or variation is disallowed, the disallowance has the same effect as a revocation of the approval of the code or variation.”

(*Mr Perton*)

Question — That the amendment be agreed to — put.

Committee divided.

(Chairman — Mrs Maddigan)

AYES, 40

Ms Asher; Mr Ashley; Mr Baillieu; Ms Burke; Mr Clark; Mr Cooper; Dr Dean; Mr Delahunty (*Wimmera*); Mr Dixon; Mr Doyle; Mrs Elliott; Mrs Fyffe; Mr Honeywood; Mr Jasper; Mr Kilgour; Mr Kotsiras; Mr Leigh; Mr Lupton; Mr McArthur; Ms McCall; Mr McIntosh; Mr Maclellan; Mr Mulder; Dr Naphthine; Mr Paterson; Mr Perton; Mrs Peulich; Mr Plowman; Mr Richardson; Mr Rowe; Mr Ryan; Mrs Shardey; Mr Spry; Mr Steggall; Mr Thompson; Mr Vogels; Mr Wells; Mr Wilson. Tellers: Mr Maughan; Mr Smith.

NOES, 45

Ms Allan (*Bendigo East*); Ms Allen (*Benalla*); Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Ms Davies; Ms Delahunty (*Northcote*); Ms Duncan; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Hardman; Mr Holding; Mr Howard; Mr Hulls; Mr Ingram; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lenders; Mr Lim; Ms Lindell; Mr Loney; Mr Maxfield; Mr Mildenhall; Mr Nardella; Ms Overington; Mr Pandazopoulos; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Viney; Mr Wynne. Tellers: Mr Helper; Mr Langdon.

And so it passed in the negative.

## Thursday 7 September 2000

### No 2 CONSTITUTION (PROPORTIONAL REPRESENTATION) BILL — Clause 4

#### 4. *Section 27A inserted*

After section 27 of the **Constitution Act 1975** insert—

#### “27A. *Casual vacancies*

- (1) If a person ceases to be a member of the Council otherwise than by reason of the dissolution of the Assembly, the vacancy must be filled—
  - (a) if the person who ceases to be a member was elected as a member of a registered political party, the vacancy is to be filled by a person who is eligible to be a member of the Council and who is nominated by the registered officer of that party;
  - (b) if the person who ceases to be a member was not so elected, the Electoral Commissioner must conduct a recount of the ballot-papers in that election in accordance with section 208I of **The Constitution Act**

**Amendment Act 1958** as if the names of candidates appearing on the ballot-papers did not include the name of that person and the vacancy is to be filled by the person who would have been elected on that basis if he or she is willing and eligible to be a member;

- (c) if, on a recount under paragraph (b), the vacancy is not filled, a further recount, or further recounts, must be conducted in accordance with that paragraph as if the names of candidates did not include—
  - (i) the name of the person who ceased to be a member; or
  - (ii) a person by whom the vacancy would have been filled under that paragraph if the person had been willing and eligible to fill the vacancy—

until the vacancy is filled in accordance with that paragraph, or cannot be so filled;

- (d) if the vacancy is not filled under paragraph (a), (b) or (c), a Council by-election must be held to fill the vacancy.
- (2) For the purposes of sub-section (1), a statement in writing signed by the registered officer of a registered political party stating that a person has been nominated by the registered officer of that party is conclusive evidence that the person has been so nominated.”.

*(Mr Bracks)*

Amendments proposed —

2. Clause 4, page 3, line 16, omit “(1)”.
3. Clause 4, page 3, lines 18 to 28, omit these lines and insert—  
“dissolution of the Assembly—  
(a) the”.
4. Clause 4, page 4, line 8, omit this line and insert—  
“(b) if, on a recount under paragraph (a), the”.
5. Clause 4, page 4, line 25, omit “, (b) or (c)” and insert “or (b)”.
6. Clause 4, page 4, lines 28 to 34, omit sub-clause (2).

*(Mr Ingram)*

Question — That amendment Nos 2 to 6 be agreed to — put.



Committee divided.

(Chairman — Mrs Maddigan)

AYES, 44

Ms Allan (*Bendigo East*); Ms Allen (*Benalla*); Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Ms Davies; Ms Delahunty (*Northcote*); Ms Duncan; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Hardman; Mr Helper; Mr Howard; Mr Hulls; Mr Ingram; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lenders; Mr Lim; Ms Lindell; Mr Loney; Mr Maxfield; Mr Mildenhall; Mr Nardella; Ms Overington; Mr Pandazopoulos; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Trezise; Mr Viney; Mr Wynne. Tellers: Mr Holding; Mr Langdon.

NOES, 41

Ms Asher; Mr Ashley; Mr Baillieu; Ms Burke; Mr Clark; Mr Cooper; Dr Dean; Mr Delahunty (*Wimmera*); Mr Dixon; Mr Doyle; Mrs Elliott; Mrs Fyffe; Mr Honeywood; Mr Jasper; Mr Kilgour; Mr Kotsiras; Mr Leigh; Mr Lupton; Mr McArthur; Ms McCall; Mr McIntosh; Mr Maclellan; Mr Mulder; Dr Napthine; Mr Paterson; Mr Perton; Mrs Peulich; Mr Phillips; Mr Plowman; Mr Richardson; Mr Rowe; Mr Ryan; Mrs Shardey; Mr Spry; Mr Steggall; Mr Thompson; Mr Vogels; Mr Wells; Mr Wilson. Tellers: Mr Maughan; Mr Smith.

And so it was resolved in the affirmative.

### No 3 CONSTITUTION (PROPORTIONAL REPRESENTATION) BILL — Clause 6

#### 6. *Amendment of section 159*

For section 159(1C) of **The Constitution Act Amendment Act 1958** substitute—

“(1C) A nomination must include a statement of the form in which the candidate’s name is, or candidate’s names are, as the case may be, to be printed on the ballot-papers for the election.

(1D) If—

- (a) persons to be nominated as candidates in a Council election wish to have their names grouped in the ballot-papers; and
- (b) those persons have been endorsed for that election by different registered political parties—

the nominations of the candidates may be combined in such manner as the Electoral Commissioner approves.”.

(*Mr Bracks*)

Amendment proposed —

7. Clause 6, lines 18 to 27, omit sub-clause (1D).

(*Mr Ingram*)

Question — That the amendment be agreed to — put.

Committee divided.

(Chairman — Mrs Maddigan)

AYES, 3

Mr Savage. *Tellers*: Ms Davies; Mr Ingram.

NOES, 82

Ms Allan (*Bendigo East*); Ms Allen (*Benalla*); Ms Asher; Mr Ashley; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Ms Burke; Mr Cameron; Ms Campbell; Mr Carli; Mr Clark; Mr Cooper; Dr Dean; Mr Delahunty (*Wimmera*); Ms Delahunty (*Northcote*); Mr Dixon; Mr Doyle; Ms Duncan; Mrs Elliott; Ms Fyffe; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Hardman; Mr Helper; Mr Holding; Mr Honeywood; Mr Howard; Mr Hulls; Mr Jasper; Mr Kilgour; Ms Kosky; Mr Kotsiras; Mr Languiller; Mr Leigh; Mr Leighton; Mr Lenders; Mr Lim; Ms Lindell; Mr Loney; Mr Lupton; Mr McArthur; Ms McCall; Mr McIntosh; Mr Maclellan; Mr Maughan; Mr Maxfield; Mr Mildenhall; Mr Mulder; Dr Napthine; Mr Nardella; Ms Overington; Mr Pandazopoulos; Mr Paterson; Mr Perton; Mrs Peulich; Mr Phillips; Ms Pike; Mr Plowman; Mr Richardson; Mr Robinson; Mr Rowe; Mr Ryan; Mr Seitz; Mrs Shardey; Mr Spry; Mr Steggall; Mr Stensholt; Mr Thompson; Mr Trezise; Mr Viney; Mr Vogels; Mr Wells; Mr Wilson; Mr Wynne. *Tellers*: Mr Langdon; Mr Smith.

And so it passed in the negative.

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LEGISLATIVE ASSEMBLY OF VICTORIA

DIVISIONS IN COMMITTEE OF THE WHOLE

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No 4

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Wednesday 25 October 2000

No 1 TERTIARY EDUCATION (AMENDMENT) BILL — Clause 3

3. *Repeal of voluntary student unionism provisions*

The Tertiary Education Act 1993 is amended as follows—

- (a) for the heading to Division 3 of Part 2 substitute—  
“Division 3—Student fees, subscriptions  
and charges”;
- (b) sections 12C, 12D, 12E and 12F are repealed;
- (c) in section 12G omit “voluntary” (wherever occurring);
- (d) section 22(3) is repealed.

(Ms Kosky)

Amendment proposed —

2. Clause 3, line 11, omit all words and expressions on this line and insert—  
“(b) section 12C is”.

(Ms Davies)

Question — That the amendment be agreed to — put.

Committee divided.

(Chairman — Mrs Maddigan)

AYES, 43

Ms Asher; Mr Ashley; Mr Baillieu; Ms Burke; Mr Clark; Mr Cooper; Ms Davies; Dr Dean; Mr Delahunty (*Wimmera*); Mr Dixon; Mr Doyle; Mrs Elliott; Mrs Fyffe; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr Leigh; Mr Lupton; Mr McArthur; Ms McCall; Mr McIntosh; Mr Maclellan; Mr Mulder; Dr Napthine; Mr Paterson; Mr Perton; Mrs Peulich; Mr Phillips; Mr Plowman; Mr Richardson; Mr Rowe; Mr Ryan; Mr Savage; Mrs Shardey; Mr Spry; Mr Steggall; Mr Thompson; Mr Vogels; Mr Wells; Mr Wilson. Tellers: Mr Maughan; Mr Smith.

## NOES, 42

Ms Allan (*Bendigo East*); Ms Allen (*Benalla*); Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Ms Delahunty (*Northcote*); Ms Duncan; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Helper; Mr Holding; Mr Howard; Mr Hulls; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lenders; Mr Lim; Ms Lindell; Mr Loney; Mr Maxfield; Mr Mildenhall; Mr Nardella; Ms Overington; Mr Pandazopoulos; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Viney; Mr Wynne. Tellers: Mr Hardman; Mr Langdon.

And so it was resolved in the affirmative.

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**LEGISLATIVE ASSEMBLY OF VICTORIA**

**DIVISIONS IN COMMITTEE OF THE WHOLE**

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**No 5**

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**Wednesday 15 November 2000**

**No 1 COUNTRY FIRE AUTHORITY (AMENDMENT) BILL — Clause 9**

**9. *Chief Executive Officer***

After section 16 of the Principal Act insert—

**“16A. *Chief Executive Officer***

- (1) The Authority must, with the approval of the Minister, appoint a person as Chief Executive Officer of the Authority.
- (2) The Chief Executive Officer holds office for the period, not exceeding 5 years, specified in the instrument of his or her appointment.
- (3) The Chief Executive Officer is responsible to the Authority for the carrying out of its functions.
- (4) The Chief Executive Officer must comply with the directions of the Authority.

**16B. *Acting Chief Executive Officer***

- (1) The Authority must appoint a person to be the Acting Chief Executive Officer of the Authority—
  - (a) while the office of Chief Executive Officer is vacant; or
  - (b) during any period when the Chief Executive Officer is unable, by reason of illness or absence, to perform the functions of that office.
- (2) The Acting Chief Executive Officer has all the powers and functions and may perform the duties of the Chief Executive Officer while he or she is acting.

**16C. *Delegation of powers of Chief Executive Officer***

The Chief Executive Officer may, by instrument, delegate to any person by name or to the holder of an office or position approved by the Authority, any responsibility, power, authority, duty or function conferred on the Chief Executive Officer under this Act or the regulations, except this power of delegation.”.

*(Mr Haermeyer)*

Amendment proposed —

1. Clause 9, line 20, omit “with the approval of” and insert “after consultation with”.

(*Mr Kilgour*)

Question — That the words proposed to be omitted stand part — put.

Committee divided.

(Chairman — Mrs Maddigan)

AYES, 45

Ms Allan (*Bendigo East*); Ms Allen (*Benalla*); Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Ms Davies; Ms Delahunty (*Northcote*); Ms Duncan; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Hardman; Mr Helper; Mr Holding; Mr Howard; Mr Hulls; Mr Ingram; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lenders; Mr Lim; Ms Lindell; Mr Loney; Mr Maxfield; Mr Mildenhall; Mr Nardella; Ms Overington; Mr Pandazopoulos; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Thwaites; Mr Trezise; Mr Viney; Mr Wynne. Tellers: Mr Langdon; Mr Stensholt.

NOES, 40

Ms Asher; Mr Ashley; Mr Baillieu; Ms Burke; Mr Clark; Mr Cooper; Dr Dean; Mr Delahunty (*Wimmera*); Mr Dixon; Mr Doyle; Mrs Elliott; Mrs Fyffe; Mr Honeywood; Mr Jasper; Mr Kilgour; Mr Kotsiras; Mr Leigh; Mr Lupton; Mr McArthur; Ms McCall; Mr McIntosh; Mr Maclellan; Mr Mulder; Mr Paterson; Mr Perton; Mrs Peulich; Mr Phillips; Mr Plowman; Mr Richardson; Mr Rowe; Mr Ryan; Mrs Shardey; Mr Spry; Mr Steggall; Mr Thompson; Mr Vogels; Mr Wells; Mr Wilson. Tellers: Mr Maughan; Mr Smith.

And so it was resolved in the affirmative.

LEGISLATIVE ASSEMBLY OF VICTORIA  
DIVISIONS IN COMMITTEE OF THE WHOLE

No 6

Thursday 23 November 2000

No 1 CRIMES (QUESTIONING OF SUSPECTS) BILL — Clause 1

1. *Purpose*

The main purpose of this Act is to amend the **Crimes Act 1958** so as to make further provision for the questioning or investigation of certain persons who are suspected of having committed an offence.

(*Mr Hulls*)

Amendment proposed —

1. Clause 1, lines 5 and 6, omit “who are suspected of having committed an offence” and insert “in respect of certain offences”.

(*Dr Dean*)

Question — That the words proposed to be omitted stand part — put.

Committee divided.

(Chairman — Mrs Maddigan)

AYES, 45

Ms Allen (*Benalla*); Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Ms Davies; Ms Delahunty (*Northcote*); Ms Duncan; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Hardman; Mr Helper; Mr Holding; Mr Howard; Mr Hulls; Mr Ingram; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lenders; Mr Lim; Ms Lindell; Mr Loney; Mr Maxfield; Mr Mildenhall; Mr Nardella; Ms Overington; Mr Pandazopoulos; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Viney; Mr Wynne. Tellers: Ms Allan (*Bendigo East*); Mr Langdon.

## NOES, 41

Ms Asher; Mr Ashley; Mr Baillieu; Ms Burke; Mr Clark; Mr Cooper; Dr Dean; Mr Delahunty (*Wimmera*); Mr Dixon; Mr Doyle; Mrs Elliott; Mrs Fyffe; Mr Honeywood; Mr Jasper; Mr Kilgour; Mr Kotsiras; Mr Leigh; Mr Lupton; Mr McArthur; Ms McCall; Mr McIntosh; Mr Maclellan; Mr Mulder; Dr Napthine; Mr Paterson; Mr Perton; Mrs Peulich; Mr Phillips; Mr Plowman; Mr Richardson; Mr Rowe; Mr Ryan; Mrs Shardey; Mr Spry; Mr Steggall; Mr Thompson; Mr Vogels; Mr Wells; Mr Wilson. Tellers: Mr Maughan; Mr Smith.

And so it was resolved in the affirmative.



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**LEGISLATIVE ASSEMBLY OF VICTORIA**  
**DIVISIONS IN COMMITTEE OF THE WHOLE**

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**No 7**

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**Wednesday 4 April 2001**

No 1    **CONSTITUTION (SUPREME COURT) BILL — Clause 1**

**1. Purposes**

The main purposes of this Act are—

- (a) to make provision for the temporary assignment of Judges of Appeal as additional Judges of the Trial Division of the Supreme Court; and
- (b) to broaden the regulation-making powers under the **Magistrates' Court Act 1989** in respect of certain warrants; and
- (c) to make miscellaneous amendments to the **Magistrates' Court (Infringements) Act 2000**.

*(Mr Cameron)*

Question — That clause 1 stand part of the Bill — put.

Committee divided.

(Chairman — Mr Nardella)

AYES, 44

Ms Allan (*Bendigo East*); Ms Allen (*Benalla*); Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Ms Davies; Ms Delahunty (*Northcote*); Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Hardman; Mr Helper; Mr Holding; Mr Howard; Mr Ingram; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lenders; Mr Lim; Ms Lindell; Mr Loney; Mrs Maddigan; Mr Maxfield; Mr Mildenhall; Ms Overington; Mr Pandazopoulos; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Viney; Mr Wynne.  
Tellers: Ms Duncan; Mr Langdon.

## NOES, 41

Ms Asher; Mr Ashley; Mr Baillieu; Ms Burke; Mr Clark; Mr Cooper; Dr Dean; Mr Delahunty (*Wimmera*); Mr Dixon; Mr Doyle; Mrs Elliott; Mrs Fyffe; Mr Honeywood; Mr Jasper; Mr Kilgour; Mr Kotsiras; Mr Leigh; Mr Lupton; Mr McArthur; Ms McCall; Mr McIntosh; Mr Maclellan; Mr Mulder; Dr Naphine; Mr Paterson; Mr Perton; Mrs Peulich; Mr Phillips; Mr Plowman; Mr Richardson; Mr Rowe; Mr Ryan; Mrs Shardey; Mr Spry; Mr Steggall; Mr Thompson; Mr Vogels; Mr Wells; Mr Wilson. Tellers: Mr Maughan; Mr Smith.

And so it was resolved in the affirmative.

**No 2 CONSTITUTION (SUPREME COURT) BILL — Clause 3**

**3. *Additional Judges of Trial Division***

After section 80B of the **Constitution Act 1975** insert—

**“80C. *Additional Judges of Trial Division***

- (1) If the Chief Justice, with the concurrence of the President of the Court of Appeal, determines that a Judge of Appeal should act as an additional Judge of the Trial Division for a period, not exceeding 6 months, the President must nominate a Judge of Appeal to act as a Judge of the Trial Division and, if that Judge is willing, the Judge may act as an additional Judge of the Trial Division for that period.
- (2) If—
  - (a) the Chief Justice, with the concurrence of the President of the Court of Appeal, determines that it is expedient that a specified Judge of Appeal should act as an additional Judge of the Trial Division in a specified proceeding before the Trial Division; and
  - (b) the Judge of Appeal is willing to act as an additional Judge of the Trial Division in that proceeding—

the Judge may act as an additional Judge of the Trial Division for the purposes of the proceeding.
- (3) A Judge of Appeal who, under this section, has acted as an additional Judge of the Trial Division may attend the Trial Division for the purposes of giving judgment in, or otherwise completing, any proceeding heard by the Trial Division while the Judge so acted, notwithstanding that the Judge is no longer an additional Judge of the Trial Division.”

*(Mr Cameron)*

Amendment proposed—

Clause 3, omit this clause.

*(Dr Dean)*

Question — That the words proposed to be omitted stand part — put.

Committee divided.

(Chairman — Mr Nardella)

AYES, 44

Ms Allan (*Bendigo East*); Ms Allen (*Benalla*); Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Ms Davies; Ms Delahunty (*Northcote*); Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Hardman; Mr Helper; Mr Holding; Mr Howard; Mr Ingram; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lenders; Mr Lim; Ms Lindell; Mr Loney; Mrs Maddigan; Mr Maxfield; Mr Mildenhall; Ms Overington; Mr Pandazopoulos; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Viney; Mr Wynne. Tellers: Ms Duncan; Mr Langdon.

NOES, 41

Ms Asher; Mr Ashley; Mr Baillieu; Ms Burke; Mr Clark; Mr Cooper; Dr Dean; Mr Delahunty (*Wimmera*); Mr Dixon; Mr Doyle; Mrs Elliott; Mrs Fyffe; Mr Honeywood; Mr Jasper; Mr Kilgour; Mr Kotsiras; Mr Leigh; Mr Lupton; Mr McArthur; Ms McCall; Mr McIntosh; Mr Maclellan; Mr Mulder; Dr Napthine; Mr Paterson; Mr Perton; Mrs Peulich; Mr Phillips; Mr Plowman; Mr Richardson; Mr Rowe; Mr Ryan; Mrs Shardey; Mr Spry; Mr Steggall; Mr Thompson; Mr Vogels; Mr Wells; Mr Wilson. Tellers: Mr Maughan; Mr Smith.

And so it was resolved in the affirmative.

## Thursday 5 April 2001

### No 3 WHISTLEBLOWERS PROTECTION BILL — Clause 3

#### 3. *Definitions*

(1) In this Act—

“**corrupt conduct**” means—

- (a) conduct of a person (whether or not a public officer) that adversely affects, or could adversely affect, either directly or indirectly, the honest performance of a public officer’s or public body’s functions; or
- (b) conduct of a public officer that amounts to the performance of any of his or her functions as a public officer dishonestly or with inappropriate partiality; or
- (c) conduct of a public officer, a former public officer or a public body that amounts to a breach of public trust; or
- (d) conduct of a public officer, a former public officer or a public body that amounts to the misuse of information or material acquired in the course of the performance of their functions as such (whether for the benefit of that person or body or otherwise); or
- (e) a conspiracy or attempt to engage in conduct referred to in paragraphs (a) to (d);

“**councillor**” means a councillor of a municipal council;

“**Deputy Ombudsman**” means the Deputy Ombudsman within the meaning of the **Ombudsman Act 1973**;

“**detrimental action**” includes—

- (a) action causing injury, loss or damage; and
- (b) intimidation or harassment; and
- (c) discrimination, disadvantage or adverse treatment in relation to a person’s employment, career, profession, trade or business, including the taking of disciplinary action;

“**disclosed matter**” means a matter disclosed in a public interest disclosure;

*[Definitions “improper conduct” to “public body” inclusive not printed]*

“**public interest disclosure**” means a disclosure made by a person under Part 2 that is determined by the Ombudsman under Part 4 to be a public interest disclosure;

“**public officer**” means—

- (a) a member of Parliament;
- (b) a councillor;
- (c) a member, officer or employee of a public body other than a university;
- (d) a member of the governing body of a public body other than a university;
- (e) an officer or employee of a municipal council;
- (f) an officer or employee or a member of the academic staff of a university, or a member of the governing authority of a university;
- (g) a member of the police force;
- (h) a protective services officer appointed under Part VIA of the **Police Regulation Act 1958**;
- (i) a person who is employed in the office of the Chief Commissioner of Police and who is not a member of the police force;
- (j) the holder of an office established by or under an Act to which the right to appoint is vested in the Governor in Council or a Minister;
- (k) a member of the teaching service within the meaning of the **Teaching Service Act 1981**—

but does not include a person specified in section 4(2);

“**relevant Minister**” means—

- (a) in relation to a public body, the Minister responsible for that public body; or
- (b) in relation to a public officer, means the Minister responsible for that public officer;

“**university**” means an institution listed in Schedule 1 to the **Tertiary Education Act 1993** that is a body politic and is governed by a council, some of the members of which are appointed by the Governor in Council or a Minister.

- (2) For the purposes of this Act, the chief executive officer of a municipal council is to be taken to be the chief executive officer of a public body in relation to an officer or employee of that council.
- (3) For the purposes of this Act, the Chief Commissioner of Police is to be taken to be the chief executive officer of a public body in relation to a person who is employed in the office of the Chief Commissioner of Police and who is not a member of the police force.
- (4) For the purposes of this Act, a reference to a member of the police force includes a reference to a protective services officer.

*[Underlining denotes words and expressions referred to by Amendment No 3]*

*(Mr Cameron)*

Amendments proposed —

2. Clause 3, page 3, line 26, omit “public interest disclosure” and insert “disclosure determined by the Ombudsman under Part 4 or Part 8 to be a public interest disclosure”.
3. Clause 3, page 6, lines 9 to 12, omit all words and expressions on these lines.

*(Mr Cameron)*

Question — That the amendments be agreed to — put.

Committee divided.

(Chairman — Mrs Maddigan)

AYES, 44

Ms Allan (*Bendigo East*); Ms Allen (*Benalla*); Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Ms Davies; Ms Delahunty (*Northcote*); Ms Duncan; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Hardman; Mr Helper; Mr Holding; Mr Howard; Mr Ingram; Ms Kosky; Mr Leighton; Mr Lenders; Mr Lim; Ms Lindell; Mr Loney; Mr Maxfield; Mr Mildenhall; Mr Nardella; Ms Overington; Mr Pandazopoulos; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Viney; Mr Wynne. Tellers: Mr Langdon; Mr Languiller.

## NOES, 40

Ms Asher; Mr Ashley; Mr Baillieu; Ms Burke; Mr Clark; Dr Dean; Mr Delahunty (*Wimmera*); Mr Dixon; Mr Doyle; Mrs Elliott; Mrs Fyffe; Mr Honeywood; Mr Jasper; Mr Kilgour; Mr Kotsiras; Mr Leigh; Mr Lupton; Mr McArthur; Ms McCall; Mr McIntosh; Mr Maclellan; Mr Mulder; Dr Napthine; Mr Paterson; Mr Perton; Mrs Peulich; Mr Phillips; Mr Plowman; Mr Richardson; Mr Rowe; Mr Ryan; Mrs Shardey; Mr Spry; Mr Steggall; Mr Thompson; Mr Vogels; Mr Wells; Mr Wilson. Tellers: Mr Maughan; Mr Smith.

And so it was resolved in the affirmative.

**No 4 WHISTLEBLOWERS PROTECTION BILL — Clause 10**

**10. *What if the information is protected by legal professional privilege?***

Nothing in this Act entitles a person to disclose information that is the subject of legal professional privilege.

(*Mr Cameron*)

Amendments proposed —

1. Clause 10, lines 25 and 26, omit all words and expressions on these lines and insert “**10. *Privileges of Parliament and legal professional privilege not affected***”.
2. Clause 10, after line 26 insert—
  - “( ) Nothing in this Act derogates from the privileges, immunities and powers held, possessed or enjoyed by custom, statute or other law or otherwise of—
    - (a) the Parliament; and
    - (b) each House of Parliament; and
    - (c) the President of the Legislative Council; and
    - (d) the Speaker of the Legislative Assembly; and
    - (e) the members and Committees of each House of Parliament; and
    - (f) the joint Committees of the Parliament.”.
3. Clause 10, line 27, before “Nothing” insert “(2)”.

(*Dr Dean*)

Question — That the words proposed to be omitted stand part — put.

Committee divided.

(Chairman — Mrs Maddigan)

AYES, 44

Ms Allan (*Bendigo East*); Ms Allen (*Benalla*); Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Ms Davies; Ms Delahunty (*Northcote*); Ms Duncan; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Hardman; Mr Helper; Mr Holding; Mr Howard; Mr Ingram; Ms Kosky; Mr Leighton; Mr Lenders; Mr Lim; Ms Lindell; Mr Loney; Mr Maxfield; Mr Mildenhall; Mr Nardella; Ms Overington; Mr Pandazopoulos; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Viney; Mr Wynne. Tellers: Mr Langdon; Mr Languiller.

NOES, 40

Ms Asher; Mr Ashley; Mr Baillieu; Ms Burke; Mr Clark; Dr Dean; Mr Delahunty (*Wimmera*); Mr Dixon; Mr Doyle; Mrs Elliott; Mrs Fyffe; Mr Honeywood; Mr Jasper; Mr Kilgour; Mr Kotsiras; Mr Leigh; Mr Lupton; Mr McArthur; Ms McCall; Mr McIntosh; Mr Maclellan; Mr Mulder; Dr Naphthine; Mr Paterson; Mr Perton; Mrs Peulich; Mr Phillips; Mr Plowman; Mr Richardson; Mr Rowe; Mr Ryan; Mrs Shardey; Mr Spry; Mr Steggall; Mr Thompson; Mr Vogels; Mr Wells; Mr Wilson. Tellers: Mr Maughan; Mr Smith.

And so it was resolved in the affirmative.

**LEGISLATIVE ASSEMBLY OF VICTORIA**  
**DIVISIONS IN COMMITTEE OF THE WHOLE**

**No 8**

**Tuesday 1 May 2001**

**No 1 STATUTE LAW AMENDMENT (RELATIONSHIPS) BILL — New Clause AA**

Amendment proposed — That the following new clause be inserted before clause 2:

**“AA. Purpose and object**

- (1) The purpose of this Act is to amend various Acts in relation to domestic relationships.
- (2) The object of this Act is to recognise the rights and obligations of partners in domestic relationships where there is mutual commitment to an intimate personal relationship and shared life as a couple, irrespective of the gender of each partner.”

*(Mr Hulls)*

Question — That the words proposed to be inserted be so inserted — put.

Committee divided.

(Chairman — Mrs Maddigan)

AYES, 33

Ms Asher; Mr Ashley; Mr Baillieu; Ms Burke; Mr Clark; Mr Cooper; Dr Dean; Mr Dixon; Mr Doyle; Mrs Elliott; Mrs Fyffe; Mr Honeywood; Mr Kotsiras; Mr Leigh; Mr McArthur; Ms McCall; Mr McIntosh; Mr Maclellan; Mr Mulder; Dr Napthine; Mr Paterson; Mr Perton; Mr Phillips; Mr Plowman; Mr Richardson; Mr Rowe; Mrs Shardey; Mr Spry; Mr Thompson; Mr Wells; Mr Wilson.  
Tellers: Mr Lupton; Mr Smith.

NOES, 50

Ms Allan (*Bendigo East*); Ms Allen (*Benalla*); Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Ms Davies; Mr Delahunty (*Wimmera*); Ms Duncan; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Hardman; Mr Helper; Mr Holding; Mr Howard; Mr Hulls; Mr Ingram; Mr Jasper; Mr Kilgour; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lenders; Mr Lim; Ms Lindell; Mr Loney; Mr Maxfield; Mr Mildenhall; Mr Nardella; Ms Overington; Mr Pandazopoulos; Ms Pike; Mr Robinson; Mr Ryan; Mr Savage; Mr Seitz; Mr Steggall; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Viney; Mr Wynne. Tellers: Mr Langdon; Mr Maughan.

And so it passed in the negative.



## No 2 STATUTE LAW AMENDMENT (RELATIONSHIPS) BILL — Schedule 1

**SCHEDULE 1**  
**PROPERTY RELATED BENEFITS**

**1. Administration and Probate Act 1958****1.1** In section 3(1) insert the following definitions—

‘ **“domestic partner”** of a person who dies means a person who, although not married to the person—

- (a) was living with the person at the time of the person's death as a couple on a genuine domestic basis (irrespective of gender); and
- (b) either—
  - (i) had lived with the person in that manner continuously for a period of at least 2 years immediately before the person's death; or
  - (ii) is the parent of a child of the person who was under 18 years of age at the time of the person's death;

**“parent”** of a child includes a person who has day to day care and control of the child and with whom the child is ordinarily resident;

**“partner”** of a person who dies means the person's spouse or domestic partner;

**“spouse”** of a person who dies means a person who was married to the person at the time of the person's death;’.

*[Sub-clauses 1.2 to 1.5 not printed]*

**1.7** In section 51(1) and (2), for “spouse” substitute “partner”.**1.8** After section 51 insert—**‘51A. Distribution between spouse and domestic partner**

**(1) If an intestate leaves both a spouse and a domestic partner, the entitlement to the partner's share of the intestate's residuary estate is to be determined as follows—**

- (a) the partner's share of the residuary estate is to be distributed equally between the domestic partner and the spouse if the domestic partner had lived as the domestic partner of the intestate continuously for a period of less than 5 years immediately before the intestate's death;**
- (b) the domestic partner is exclusively entitled to the partner's share if the domestic partner had lived as the domestic partner of the intestate continuously for a period of 5 years or more immediately before the intestate's death.**

**(2) In this section—**

**“partner's share” of an intestate's residuary estate means the share of the estate to which the partner of the intestate is entitled under this Division.’.**

**1.9** In section 52(1)—

- (a) after “section 51” insert “and 51A”;**
- (b) in paragraphs (a), (b), (c) and (ea), for “widow or widower” substitute “partner”.**

[Remainder of Schedule 1 not printed]

[Underlining denotes words and expressions referred to by the amendment]

(Mr Hulls)

Amendment proposed —

Schedule 1, page 6, lines 7 to 33, omit all words and expressions on these lines and insert—

‘. In section 52(1)(a), (b), (e) and (ea), for “widow or widower” **substitute** “partner”.’.

(Dr Dean)

Question — That the words proposed to be omitted stand part — put.

Committee divided.

(Chairman — Mrs Maddigan)

AYES, 50

Ms Allan (*Bendigo East*); Ms Allen (*Benalla*); Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Ms Davies; Mr Delahunty (*Wimmera*); Ms Duncan; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Hardman; Mr Helper; Mr Holding; Mr Howard; Mr Hulls; Mr Ingram; Mr Jasper; Mr Kilgour; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lenders; Mr Lim; Ms Lindell; Mr Loney; Mr Maxfield; Mr Mildenhall; Mr Nardella; Ms Overington; Mr Pandazopoulos; Ms Pike; Mr Robinson; Mr Ryan; Mr Savage; Mr Seitz; Mr Steggall; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Viney; Mr Wynne. Tellers: Mr Langdon; Mr Maughan.

NOES, 34

Ms Asher; Mr Ashley; Mr Baillieu; Ms Burke; Mr Clark; Mr Cooper; Dr Dean; Mr Dixon; Mr Doyle; Mrs Elliott; Mrs Fyffe; Mr Honeywood; Mr Kotsiras; Mr Leigh; Mr Lupton; Mr McArthur; Mr McIntosh; Mr Maclellan; Mr Mulder; Dr Naphine; Mr Paterson; Mr Perton; Mr Phillips; Mr Plowman; Mr Richardson; Mr Rowe; Mrs Shardey; Mr Spry; Mr Thompson; Mr Vogels; Mr Wells; Mr Wilson. Tellers: Ms McCall; Mr Smith.

And so it was resolved in the affirmative.

**No 3 STATUTE LAW AMENDMENT (RELATIONSHIPS) BILL** — Schedule 1

**SCHEDULE 1  
PROPERTY RELATED BENEFITS**

[Clauses 1 to 8 not printed]

**9. Property Law Act 1958**

9.1 In the heading to Part IX, for “**DE FACTO**” **substitute** “**DOMESTIC**”.

## 9.2 In section 275—

(a) insert the following definitions—

‘ “**domestic partner**” of a person means a person with whom the person is or has been in a domestic relationship;

“**domestic relationship**” means the relationship between two people who, although not married to each other, are living or have lived together as a couple on a genuine domestic basis (irrespective of gender);’;

(b) for the definition of “child” substitute—‘ “**child**” in relation to domestic partners means—

(a) a child born as a result of sexual relations between the partners; or

(b) a child of one of the partners (whether or not the other domestic partner is presumed to be the father under Part 2 of the **Status of Children Act 1974**); or

(c) a child adopted by the partners;’.

(c) the definitions of “de facto partner” and “de facto relationship” are **repealed**;

(d) in the definition of “financial resources”, for “de facto” (wherever occurring) substitute “domestic”.

## 9.3 For section 276 substitute—

**“276. Application and transitional**

(1) This Part, as amended by item 9 of Schedule 1 to the **Statute Law Amendment (Relationships) Act 2000** applies to a person who has been a domestic partner whether before or after the commencement of that item, but does not apply to a person who was a partner in a domestic relationship that ended before that commencement.

(2) This Part, as in force immediately before the commencement of item 9 of Schedule 1 to the **Statute Law Amendment (Relationships) Act 2000** continues to apply in relation to a person who was a partner in a de facto relationship (within the meaning of this Part as then in force) that ended before that commencement whether or not proceedings had been commenced under this Part as then in force.”.

9.4 Insert the following heading to section 277— **“277. Other rights of domestic partners not affected by this Part”.**

## 9.5 In sections 277, 278(1), 279(1), 280(a), 281, 282, 284, 285, 286(1) and (4), 287(1) and 288, for “de facto” (wherever occurring) substitute “domestic”.

*[Remainder of Schedule 1 not printed]*

*(Mr Hulls)*

## Amendment proposed—

## 9. Schedule 1, page 13, after line 35 insert—

‘. At the end of section 275 insert—

‘(2) For the purposes of the definition of “domestic relationship” in sub-section (1), in determining whether a domestic relationship exists or has existed, all the

circumstances of the relationship are to be taken into account, including any one or more of the following matters as may be relevant in a particular case —

- (a) the duration of the relationship;
- (b) the nature and extent of common residence;
- (c) whether or not a sexual relationship exists;
- (d) the degree of financial dependence or interdependence, and any arrangements for financial support, between the parties;
- (e) the ownership, use and acquisition of property;
- (f) the degree of mutual commitment to a shared life;
- (g) the care and support of children;
- (h) the reputation and public aspects of the relationship.'.'.

(Ms Davies)

Question — That the amendment be agreed to — put.

Committee divided.

(Chairman — Mrs Maddigan)

AYES, 75

Ms Allan (*Bendigo East*); Ms Allen (*Benalla*); Ms Asher; Mr Ashley; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Ms Burke; Mr Cameron; Ms Campbell; Mr Carli; Mr Cooper; Ms Davies; Dr Dean; Mr Dixon; Mr Doyle; Ms Duncan; Mrs Elliott; Ms Fyffe; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Hardman; Mr Helper; Mr Holding; Mr Honeywood; Mr Howard; Mr Hulls; Ms Kosky; Mr Kotsiras; Mr Languiller; Mr Leigh; Mr Leighton; Mr Lenders; Mr Lim; Ms Lindell; Mr Loney; Mr Lupton; Mr McArthur; Ms McCall; Mr McIntosh; Mr Maclellan; Mr Maxfield; Mr Mildenhall; Mr Mulder; Dr Naphine; Mr Nardella; Ms Overington; Mr Pandazopoulos; Mr Paterson; Mr Perton; Mr Phillips; Ms Pike; Mr Plowman; Mr Richardson; Mr Robinson; Mr Rowe; Mr Seitz; Mrs Shardey; Mr Spry; Mr Stensholt; Mr Thompson; Mr Thwaites; Mr Trezise; Mr Viney; Mr Vogels; Mr Wells; Mr Wilson; Mr Wynne. Tellers: Mr Langdon; Mr Smith.

NOES, 9

Mr Clark; Mr Delahunty (*Wimmera*); Mr Ingram; Mr Jasper; Mr Kilgour; Mr Ryan; Mr Steggall. Tellers: Mr Maughan; Mr Savage.

And so it was resolved in the affirmative.

**LEGISLATIVE ASSEMBLY OF VICTORIA**  
**DIVISIONS IN COMMITTEE OF THE WHOLE**

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**No 9**

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**Wednesday 30 May 2001**

**No 1    CORRECTIONS AND SENTENCING ACTS (HOME DETENTION) BILL — Clause 1**

**1.    *Purposes***

The purposes of this Act are—

- (a) to amend the **Sentencing Act 1991**—
- (i) to empower a court that imposes a sentence to a term of imprisonment to order that the term be served by way of home detention; and
  - (ii) to define the circumstances in which a home detention order can be made; and
  - (iii) to define the classes of offenders in respect of whom a home detention order can be made; and
  - (iv) to provide for the assessment of offenders to determine their suitability for home detention; and
  - (v) to provide for the making and revocation of home detention orders; and
  - (vi) to provide for the imposition of conditions in relation to home detention; and
  - (vii) to provide for conditions to specify periods of confinement and the circumstances in which an offender may be absent from home under a home detention order; and
  - (viii) to regulate the conduct of the offender under a home detention order and provide for the monitoring of that conduct; and
- (b) to amend the **Corrections Act 1986**—
- (i) to empower the Adult Parole Board to make home detention orders in respect of prisoners nearing the end of a term of imprisonment; and
  - (ii) to define the class of prisoners who are eligible to serve part of a sentence of imprisonment by way of home detention; and
  - (iii) to provide for the assessment of prisoners to determine their suitability for home detention; and
  - (iv) to provide for the making and revocation of home detention orders; and

- (v) to provide for the imposition of conditions in relation to home detention; and
- (vi) to provide for conditions to specify periods of confinement and the circumstances in which the offender may be absent from home under a home detention order; and
- (vii) to regulate the conduct of the offender under a home detention order and provide for the monitoring of that conduct.

*(Mr Haermeyer)*

Amendment proposed — Clause 1, line 3, omit “—”.

*(Mr Kilgour)*

Question — That expression proposed to be omitted stand part — put.

Committee divided.

(Chairman — Mrs Maddigan)

AYES, 44

Ms Allan (*Bendigo East*); Ms Allen (*Benalla*); Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Ms Davies; Ms Delahunty (*Northcote*); Ms Duncan; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Hardman; Mr Holding; Mr Howard; Mr Ingram; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lenders; Mr Lim; Ms Lindell; Mr Loney; Mr Maxfield; Mr Mildenhall; Mr Nardella; Ms Overington; Mr Pandazopoulos; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Viney; Mr Wynne. Tellers: Mr Helper; Mr Langdon.

NOES, 40

Ms Asher; Mr Ashley; Mr Baillieu; Ms Burke; Mr Clark; Mr Cooper; Dr Dean; Mr Delahunty (*Wimmera*); Mr Dixon; Mr Doyle; Mrs Elliott; Mrs Fyffe; Mr Honeywood; Mr Jasper; Mr Kilgour; Mr Kotsiras; Mr Leigh; Mr Lupton; Mr McArthur; Ms McCall; Mr McIntosh; Mr Maclellan; Mr Mulder; Dr Napthine; Mr Paterson; Mr Perton; Mrs Peulich; Mr Phillips; Mr Plowman; Mr Rowe; Mr Ryan; Mrs Shardey; Mr Spry; Mr Steggall; Mr Thompson; Mr Vogels; Mr Wells; Mr Wilson. Tellers: Mr Maughan; Mr Smith.

And so it was resolved in the affirmative.

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**LEGISLATIVE ASSEMBLY OF VICTORIA**  
**DIVISIONS IN COMMITTEE OF THE WHOLE**

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**No 10**

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**Wednesday 6 June 2001**

**No 1 RACIAL AND RELIGIOUS TOLERANCE BILL — Clause 19**

**19. *Who may complain?***

- (1) The following may complain to the Commission—
- (a) a person who claims that another person has contravened a provision of Part 2 in relation to that person;
  - (b) if that person is unable to complain because of impairment—
    - (i) a person authorised by that person to act on his or her behalf; or
    - (ii) if that person is unable to authorise another person, any other person on his or her behalf;
  - (c) if that person is a child—
    - (i) the child; or
    - (ii) a parent of the child on the child's behalf; or
    - (iii) if the Commission is satisfied that the child or a parent of the child consents, any other person on the child's behalf.
- (2) A person may complain on behalf of the person and another person or persons if the Commission is satisfied that—
- (a) each person named in the complaint—
    - (i) is entitled to complain under sub-section (1)(a); and
    - (ii) has consented to the complaint being made on the person's behalf; and
  - (b) the alleged contravention arises out of the same conduct.
- (3) A representative body may complain to the Commission on behalf of a named person or persons if the Commission is satisfied that—
- (a) each person named in the complaint—
    - (i) is entitled to complain under sub-section (1)(a); and
    - (ii) has consented to the complaint being made by the body on the person's behalf; and
  - (b) the representative body has a sufficient interest in the complaint; and
  - (c) the alleged contravention arises out of the same conduct.
- (4) A representative body has sufficient interest in a complaint if the conduct that constitutes the alleged contravention is a matter of genuine concern to the body because

of the way conduct of that nature adversely affects or has the potential adversely to affect the interests of the body or the interests or welfare of the persons it represents.

- (5) An authorisation under sub-section (1)(b)(i) may be given—
  - (a) in writing; or
  - (b) in any other manner approved by the Commission.
- (6) Two or more people may complain jointly.
- (7) It is not necessary for the alleged contravention to relate exclusively to the complainant.

*(Mr Bracks)*

Amendment proposed — Clause 19, line 6, after “person” insert “(unless that person is a child)”.

*(Mr Savage)*

Question — That the words proposed to be inserted be so inserted — put.

Committed divided.

(Chairman — Mrs Maddigan)

AYES, 2

Tellers: Mr Ingram; Mr Savage.

NOES, 76

Ms Allan (*Bendigo East*); Ms Allen (*Benalla*); Ms Asher; Mr Ashley; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Ms Burke; Mr Cameron; Ms Campbell; Mr Carli; Mr Clark; Ms Davies; Dr Dean; Mr Delahunty (*Wimmera*); Ms Delahunty (*Northcote*); Mr Dixon; Mr Doyle; Ms Duncan; Mrs Elliott; Ms Fyffe; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Hardman; Mr Helper; Mr Holding; Mr Honeywood; Mr Howard; Mr Hulls; Mr Jasper; Mr Kilgour; Ms Kosky; Mr Kotsiras; Mr Languiller; Mr Leigh; Mr Leighton; Mr Lenders; Mr Lim; Ms Lindell; Mr Loney; Mr McArthur; Mr McIntosh; Mr Maclellan; Mr Maughan; Mr Maxfield; Mr Mildenhall; Mr Mulder; Dr Naphthine; Mr Nardella; Ms Overington; Mr Pandazopoulos; Mr Paterson; Mr Perton; Mr Phillips; Ms Pike; Mr Plowman; Mr Richardson; Mr Robinson; Mr Ryan; Mr Seitz; Mrs Shardey; Mr Steggall; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Viney; Mr Wells; Mr Wilson; Mr Wynne.  
Tellers: Mr Langdon; Mr Smith.

And so it passed in the negative.



**LEGISLATIVE ASSEMBLY OF VICTORIA**  
**DIVISIONS IN COMMITTEE OF THE WHOLE**

**No 11**

**Thursday 11 October 2001**

**No 1 INFERTILITY TREATMENT (AMENDMENT) BILL**

Insert the following new clause to follow clause 3:

***'A. New section 11A inserted***

After section 11 of the Principal Act insert—

***"11A. Death of spouse during treatment procedure***

(1) If—

- (a) a woman and her spouse have consented to the carrying out of a treatment procedure involving the medical procedure of transferring to the body of that woman an embryo formed outside the body of any woman; and
- (b) the spouse of that woman dies before an embryo is transferred to the body of the woman—

the transfer of an embryo to the body of that woman must not take place unless the requirements of sub-section (2) are met.

- (2) Before the transfer of an embryo to the body of a woman whose spouse has died may occur—
  - (a) a period of at least 12 months must have elapsed since the death of the spouse; and
  - (b) the woman must have received counselling in relation to the effect of the spouse's death and undergoing the treatment procedure from a counsellor who has been approved under Part 8 to give counselling to women undergoing treatment procedures.".

*(Ms Davies)*

Question — That the new clause be read a second time and added to the Bill — put.

Committed divided.

(Chairman — Mrs Maddigan)

AYES 3

Ms Davies. Tellers: Mr Ingram; Mr Savage.

NOES 79

Ms Allan (*Bendigo East*); Ms Allen (*Benalla*); Ms Asher; Mr Ashley; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Ms Burke; Mr Cameron; Ms Campbell; Mr Carli; Mr Clark; Mr Cooper; Dr Dean; Mr Delahunty (*Wimmera*); Ms Delahunty (*Northcote*); Mr Dixon; Mr Doyle; Ms Duncan; Ms Fyffe; Ms Garbutt; Ms Gillett; Mr Hamilton; Mr Hardman; Mr Helper; Mr Holding; Mr Honeywood; Mr Howard; Mr Hulls; Mr Jasper; Ms Kosky; Mr Kotsiras; Mr Languiller; Mr Leigh; Mr Leighton; Mr Lenders; Mr Lim; Ms Lindell; Mr Loney; Mr Lupton; Mr McArthur; Ms McCall; Mr McIntosh; Mr Maughan; Mr Maxfield; Mr Mildenhall; Mr Mulder; Dr Napthine; Mr Nardella; Ms Overington; Mr Pandazopoulos; Mr Paterson; Mr Perton; Mrs Peulich; Mr Phillips; Ms Pike; Mr Plowman; Mr Richardson; Mr Robinson; Mr Rowe; Mr Ryan; Mr Seitz; Mrs Shardey; Mr Spry; Mr Steggall; Mr Stensholt; Mr Thompson; Mr Thwaites; Mr Trezise; Mr Viney; Mr Vogels; Mr Wells; Mr Wilson; Mr Wynne. Tellers: Mr Langdon; Mr Smith.

And so it passed in the negative.

LEGISLATIVE ASSEMBLY OF VICTORIA

DIVISIONS IN COMMITTEE OF THE WHOLE

No 12

Thursday 1 November 2001

No 1 WATER (IRRIGATION FARM DAMS) BILL — Clause 6

6. *Private rights to water*

(1) In section 8(1)(d) of the Principal Act, after “(d)” insert “subject to section 33C.”.

(2) In section 8 of the Principal Act, after sub-section (5) insert—

“(5A) Sub-sections (4)(c) and (5) do not apply to the use, other than domestic and stock use, of water from a spring or soak or water from a private dam (to the extent that it is not rainwater supplied to the dam from the roof of a building).”.

(3) In section 8(6)(d) of the Principal Act, for “groundwater” substitute “water”.

*(Ms Garbutt)*

Amendment proposed—

1. Clause 6, page 5, line 2, omit ‘building).’ and insert “building or permitted under sub-section (5B).”.

*(Mr McArthur)*

Question — That Amendment No 1 be agreed to — put.

Committed divided.

(Chairman — Mrs Maddigan)

AYES 34

Ms Asher; Mr Ashley; Mr Baillieu; Ms Burke; Mr Clark; Mr Cooper; Dr Dean; Mr Dixon; Mr Doyle; Mrs Fyffe; Mr Honeywood; Mr Kotsiras; Mr Leigh; Mr Lupton; Mr McArthur; Ms McCall; Mr McIntosh; Mr Maclellan; Dr Napthine; Mr Paterson; Mr Perton; Mrs Peulich; Mr Phillips; Mr Plowman; Mr Richardson; Mr Rowe; Mrs Shardey; Mr Spry; Mr Thompson; Mr Vogels; Mr Wells; Mr Wilson. Tellers: Mr Mulder; Mr Smith.

## NOES 50

Ms Allan (*Bendigo East*); Ms Allen (*Benalla*); Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Ms Davies; Mr Delahunty (*Wimmera*); Ms Delahunty (*Northcote*); Ms Duncan; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Hardman; Mr Helper; Mr Holding; Mr Howard; Mr Hulls; Mr Ingram; Mr Jasper; Mr Kilgour; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lenders; Mr Lim; Ms Lindell; Mr Loney; Mr Maxfield; Mr Mildenhall; Mr Nardella; Ms Overington; Mr Pandazopoulos; Ms Pike; Mr Ryan; Mr Robinson; Mr Seitz; Mr Steggall; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Viney; Mr Wynne. Tellers: Mr Langdon; Mr Maughan.

And so it passed in the negative.

**LEGISLATIVE ASSEMBLY OF VICTORIA**  
**DIVISIONS IN COMMITTEE OF THE WHOLE**

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**No 13**

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**Wednesday 7 November 2001**

**No 1 WATER (IRRIGATION FARM DAMS) BILL — Clause 10**

**10. *New Division 3 of Part 3 substituted***

In Part 3 of the Principal Act, for Division 3 **substitute—**

**“Division 3—Water Supply Protection Areas**

*[proposed sections 27 to 32 inclusive not printed]*

**32A. *Management plan***

- (1) The object of a management plan is to make sure that the water resources of the relevant water supply protection area are managed in an equitable manner and so as to ensure the long-term sustainability of those resources.
- (2) A management plan may relate to groundwater resources, surface water resources or both in the relevant water supply protection area.  

*[proposed sub-section 3 not printed]*
- (4) A draft management plan may make a recommendation to the Minister as to the total volume of water that should be declared to be the permissible annual volume for the area concerned.
- (5) A draft management plan must name the Authority which is to have the duty of administering and enforcing the plan if it is approved.
- (6) The Minister may—
  - (a) approve a draft management plan; or
  - (b) refuse to approve a draft management plan.
- (7) The Minister must cause—
  - (a) notice of the approval or refusal (as the case requires) of a draft management plan to be published and given in accordance with section 27(4)(a); and
  - (b) if the draft management plan is refused, the reasons for the refusal to be published with that notice.
- (8) An approved management plan is binding on every person (including every public statutory body) except to the extent that the Minister otherwise specifies by notice published in the Government Gazette.
- (9) On the approval of a draft management plan that prescribes a requirement, restriction or condition to which a licence issued under section 51 or 67 is to be

subject, every licence issued under section 51 or 67, whether issued before or after the commencement of section 10 of the **Water (Irrigation Farm Dams) Act 2001**, is deemed to be subject to that requirement, restriction or condition, despite anything to the contrary specified in the licence or any condition that is prescribed or fixed or imposed by the Minister under section 56 or 71 (as the case requires) in relation to the licence.

(10) A person must not contravene an approved management plan.

Penalty: 20 penalty units.

(Ms Garbutt)

Amendment proposed—

11. Clause 10, page 16, after line 4 insert—

“(6) A draft management plan must contain a map of all waterways in the water supply protection area to which the draft management plan relates.

(7) On approval of a draft management plan, only those waterways shown on the map referred to in sub-section (6) are waterways for the purposes of this Division.”.

(Mr McArthur)

Question — That Amendment No 11 be agreed to — put.

Committed divided.

(Chairman — Mrs Maddigan)

AYES 40

Ms Asher; Mr Ashley; Mr Baillieu; Ms Burke; Mr Clark; Mr Cooper; Dr Dean; Mr Delahunty (*Wimmera*); Mr Dixon; Mr Doyle; Mrs Fyffe; Mr Honeywood; Mr Jasper; Mr Kilgour; Mr Kotsiras; Mr Leigh; Mr Lupton; Mr McArthur; Ms McCall; Mr McIntosh; Mr Maclellan; Mr Mulder; Dr Napthine; Mr Paterson; Mr Perton; Mrs Peulich; Mr Phillips; Mr Plowman; Mr Richardson; Mr Rowe; Mr Ryan; Mrs Shardey; Mr Spry; Mr Steggall; Mr Thompson; Mr Vogels; Mr Wells; Mr Wilson. Tellers: Mr Maughan; Mr Smith.

NOES 45

Ms Allan (*Bendigo East*); Ms Allen (*Benalla*); Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Ms Davies; Ms Delahunty (*Northcote*); Ms Duncan; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Hardman; Mr Helper; Mr Holding; Mr Howard; Mr Hulls; Mr Ingram; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Mr Loney; Mr Maxfield; Mr Mildenhall; Mr Nardella; Ms Overington; Mr Pandazopoulos; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Viney; Mr Wynne. Tellers: Mr Langdon; Mr Lenders.

And so it passed in the negative.

## No 2 WATER (IRRIGATION FARM DAMS) BILL — Clause 10

10. *New Division 3 of Part 3 substituted*

In Part 3 of the Principal Act, for Division 3 substitute—

**“Division 3—Water Supply Protection Areas**

*[proposed sections 27 to 32 inclusive not printed]*

**32A. Management plan**

- (1) The object of a management plan is to make sure that the water resources of the relevant water supply protection area are managed in an equitable manner and so as to ensure the long-term sustainability of those resources.
- (2) A management plan may relate to groundwater resources, surface water resources or both in the relevant water supply protection area.  
*[proposed sub-section 3 not printed]*
- (4) A draft management plan may make a recommendation to the Minister as to the total volume of water that should be declared to be the permissible annual volume for the area concerned.
- (5) A draft management plan must name the Authority which is to have the duty of administering and enforcing the plan if it is approved.
- (6) The Minister may—
  - (a) approve a draft management plan; or
  - (b) refuse to approve a draft management plan.
- (7) The Minister must cause—
  - (a) notice of the approval or refusal (as the case requires) of a draft management plan to be published and given in accordance with section 27(4)(a); and
  - (b) if the draft management plan is refused, the reasons for the refusal to be published with that notice.
- (8) An approved management plan is binding on every person (including every public statutory body) except to the extent that the Minister otherwise specifies by notice published in the Government Gazette.
- (9) On the approval of a draft management plan that prescribes a requirement, restriction or condition to which a licence issued under section 51 or 67 is to be subject, every licence issued under section 51 or 67, whether issued before or after the commencement of section 10 of the **Water (Irrigation Farm Dams) Act 2001**, is deemed to be subject to that requirement, restriction or condition, despite anything to the contrary specified in the licence or any condition that is prescribed or fixed or imposed by the Minister under section 56 or 71 (as the case requires) in relation to the licence.
- (10) A person must not contravene an approved management plan.

Penalty: 20 penalty units.

Amendment proposed—

14. Clause 10, page 16, after line 16 insert—

“(10) The Minister must cause an approved management plan to be laid before each House of Parliament within 5 sitting days of that House after it is approved under sub-section (8).

(11) An approved management plan does not take effect unless it is also approved by a resolution passed by each House of Parliament within 10 sitting days after it is laid before that House.”.

(*Mr McArthur*)

Question — That Amendment No 14 be agreed to — put.

Committed divided.

(Chairman — Mrs Maddigan)

AYES 33

Ms Asher; Mr Ashley; Mr Baillieu; Ms Burke; Mr Clark; Mr Cooper; Dr Dean; Mr Dixon; Mr Doyle; Mrs Fyffe; Mr Honeywood; Mr Kotsiras; Mr Lupton; Mr McArthur; Ms McCall; Mr McIntosh; Mr Maclellan; Dr Napthine; Mr Paterson; Mr Perton; Mrs Peulich; Mr Phillips; Mr Plowman; Mr Richardson; Mr Rowe; Mrs Shardey; Mr Spry; Mr Thompson; Mr Vogels; Mr Wells; Mr Wilson. Tellers: Mr Mulder; Mr Smith.

NOES 51

Ms Allan (*Bendigo East*); Ms Allen (*Benalla*); Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Ms Davies; Mr Delahunty (*Wimmera*); Ms Delahunty (*Northcote*); Ms Duncan; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Hardman; Mr Helper; Mr Holding; Mr Howard; Mr Hulls; Mr Ingram; Mr Jasper; Mr Kilgour; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lenders; Mr Lim; Ms Lindell; Mr Loney; Mr Maxfield; Mr Mildenhall; Mr Nardella; Ms Overington; Mr Pandazopoulos; Ms Pike; Mr Robinson; Mr Ryan; Mr Savage; Mr Seitz; Mr Steggall; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Viney; Mr Wynne. Tellers: Mr Langdon; Mr Maughan.

And so it passed in the negative.

### No 3 WATER (IRRIGATION FARM DAMS) BILL — Clause 26

#### 26. *Period of licences*

(1) In section 56(1)(a) of the Principal Act, after sub-paragraph (xii) insert—

“(xiii) notification of change of ownership of land on which water is taken under a licence issued under section 51(1A); and”.

(2) In section 56(3) of the Principal Act, for “section 51” substitute “section 51(1)”.

(3) In section 56 of the Principal Act, after sub-section (3) insert—

“(3A) Unless sooner revoked, cancelled or surrendered, a licence issued under section 51(1A) remains in force for a period of 5 years but may be renewed under section 58 unless an approved management plan for a relevant water supply protection area states otherwise.”.



(4) In section 56(4) of the Principal Act, for “section 51” substitute “section 51(1)”.

(*Ms Garbutt*)

Amendment proposed—

30. Clause 26, lines 13 to 17, omit all words and expressions on these lines and insert—

“51(1A) remains in force for an unlimited period.”.

(*Mr McArthur*)

Question — That Amendment No 30 be agreed to — put.

Committed divided.

(Chairman — *Mrs Maddigan*)

AYES 40

Ms Asher; Mr Ashley; Mr Baillieu; Ms Burke; Mr Clark; Mr Cooper; Dr Dean; Mr Delahunty (*Wimmera*); Mr Dixon; Mr Doyle; Mrs Fyffe; Mr Honeywood; Mr Jasper; Mr Kilgour; Mr Kotsiras; Mr Leigh; Mr Lupton; Mr McArthur; Ms McCall; Mr McIntosh; Mr Maclellan; Mr Mulder; Dr Napthine; Mr Paterson; Mr Perton; Mrs Peulich; Mr Phillips; Mr Plowman; Mr Richardson; Mr Rowe; Mr Ryan; Mrs Shardey; Mr Spry; Mr Steggall; Mr Thompson; Mr Vogels; Mr Wells; Mr Wilson. Tellers: Mr Maughan; Mr Smith.

NOES 45

Ms Allan (*Bendigo East*); Ms Allen (*Benalla*); Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Ms Davies; Ms Delahunty (*Northcote*); Ms Duncan; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Helper; Mr Holding; Mr Howard; Mr Hulls; Mr Ingram; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lenders; Mr Lim; Ms Lindell; Mr Loney; Mr Maxfield; Mr Mildenhall; Mr Nardella; Ms Overington; Mr Pandazopoulos; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Viney; Mr Wynne. Tellers: Mr Hardman; Mr Langdon.

And so it passed in the negative.

**LEGISLATIVE ASSEMBLY OF VICTORIA**

**DIVISIONS IN COMMITTEE OF THE WHOLE**

**No 14**

**Thursday 29 November 2001**

No 1 **AUDIT (FURTHER AMENDMENT) BILL – Clause 16**

**16. New section 16AB inserted**

After section 16A of the **Audit Act 1994** insert—

**“16AB. Transmission of reports to Parliament**

- (1) This section applies to a report under section 16 or 16A.
- (2) The Auditor-General must cause the report to be transmitted to each House of the Parliament—
  - (a) in the case of a report under section 16— as soon as practicable after it has been completed;
  - (b) in the case of a report under section 16A— on or before 24 November next following the financial year to which it relates.
- (3) The clerk of each House of the Parliament must cause the report to be laid before the House on the day on which it is received or on the next sitting day of the House.
- (4) When the Auditor-General has transmitted a report to a House of the Parliament under this section, whether or not it has been laid before that House—
  - (a) a person may read, make a copy of, take an extract from or take notes of the report;
  - (b) a person does not incur any civil or criminal liability for the doing by the person or another person of anything referred to in paragraph (a).”

*(Ms Kosky)*

Amendment proposed—

Clause 16, page 15, lines 7 to 17, omit all words and expressions on these lines and insert—

- (4) If the Auditor-General proposes to transmit a report to the Parliament when the Parliament is in recess, the Auditor-General must—
  - (a) give one business day’s notice of his or her intention to do so to the clerk of each House of the Parliament; and
  - (b) give the report to the clerk of each House on the day indicated in the notice; and
  - (c) publish the report on the Auditor-General’s Internet website as soon as practicable after giving it to the clerks.
- (5) The clerk of each House must—

- (a) notify each member of the House of the receipt of a notice under sub-section (4)(a) on the same day that the clerk receives that notice; and
  - (b) give a copy of a report to each member of the House as soon as practicable after the report is received under sub-section (4)(b); and
  - (c) cause the report to be laid before the House on the next sitting day of the House.
- (6) A report that is given to the clerks under sub-section (4)(b) is taken to have been published by order, or under the authority, of the Houses of the Parliament.
- (7) The publication of a report by the Auditor-General under sub-section (4)(c) is absolutely privileged and the provisions of sections 73 and 74 of the **Constitution Act 1975** and any other enactment or rule of law relating to the publication of the proceedings of the Parliament apply to and in relation to the publication of the report as if it were a report to which those sections applied and had been published by the Government Printer under the authority of the Parliament.
- (8) For the purposes of this section, the Parliament is in recess when each House stands adjourned to a date to be fixed by the presiding officer of that House." '.

*(Mr Savage)*

Amendment proposed to the amendment moved by Mr Savage—

1. In proposed sub-section (4), omit "when the Parliament is in recess".

*(Mr Clark)*

Question — That the amendment to the amendment moved by the Member for Mildura be agreed to — put.

Committed divided.

(Chairman — Mrs Maddigan)

AYES 39

Ms Asher; Mr Ashley; Mr Baillieu; Ms Burke; Mr Clark; Mr Cooper; Dr Dean; Mr Delahunty (*Wimmera*); Mr Dixon; Mr Doyle; Mrs Fyffe; Mr Honeywood; Mr Jasper; Mr Kilgour; Mr Kotsiras; Mr Leigh; Mr Lupton; Mr McArthur; Ms McCall; Mr McIntosh; Mr Mulder; Dr Napthine; Mr Paterson; Mr Perton; Mrs Peulich; Mr Phillips; Mr Plowman; Mr Richardson; Mr Rowe; Mr Ryan; Mrs Shardey; Mr Spry; Mr Steggall; Mr Thompson; Mr Vogels; Mr Wells; Mr Wilson. Tellers: Mr Maughan; Mr Smith.

## NOES 45

Ms Allan (*Bendigo East*); Ms Allen (*Benalla*); Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Ms Davies; Ms Delahunty (*Northcote*); Ms Duncan; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Helper; Mr Holding; Mr Howard; Mr Hulls; Mr Ingram; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lenders; Mr Lim; Ms Lindell; Mr Loney; Mr Maxfield; Mr Mildenhall; Mr Nardella; Ms Overington; Mr Pandazopoulos; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Viney; Mr Wynne. Tellers: Mr Hardman; Mr Langdon.

And so it passed in the negative.

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**LEGISLATIVE ASSEMBLY OF VICTORIA**

**DIVISIONS IN COMMITTEE OF THE WHOLE**

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**No 15**

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**Wednesday 15 May 2002**

**No 1 ELECTORAL BILL — Clause 1**

**1. *Purpose and outline of Act***

- (1) The purpose of this Act is to reform the law relating to elections in Victoria.
- (2) In outline this Act—
  - establishes the Victorian Electoral Commission consisting of one member, the Electoral Commissioner;
  - provides for the appointment of the Electoral Commissioner, the Deputy Electoral Commissioner, election managers and election officials and the employment of staff;
  - sets out the Commission's responsibilities, functions and powers;
  - sets out the enrolment process and provides for the collection and dissemination of enrolment information;
  - provides for the registration of political parties;
  - sets out election procedures and arrangements for holding elections;
  - specifies who is entitled to vote and how voting may occur;
  - provides for the scrutiny and counting of votes;
  - provides for the Court of Disputed Returns;
  - sets out offences, requires compulsory voting and enables the issuing of infringement notices;
  - repeals provisions of **The Constitution Act Amendment Act 1958** and consequentially amends certain other Acts;
  - provides for election funding and financial disclosure.
- (3) Sub-section (2) is intended only as a guide to readers as to the general scheme of this Act.

*(Mr Hulls)*

Amendment proposed —

1. Clause 1, page 2, lines 30 and 31, omit “election funding and financial disclosure” and insert “disclosure of electoral expenditure”.

(*Mr Savage*)

Question — That the word ‘election’ stand part of the Bill — put.

Committee divided.

(Chairman — Mrs Maddigan)

AYES 80

Ms Allan (*Bendigo East*); Ms Allen (*Benalla*); Ms Asher; Mr Ashley; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Ms Burke; Mr Cameron; Ms Campbell; Mr Carli; Mr Clark; Mr Cooper; Mr Delahunty (*Wimmera*); Ms Delahunty (*Northcote*); Mr Dixon; Mr Doyle; Ms Duncan; Mrs Elliott; Ms Fyffe; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Hardman; Mr Helper; Mr Holding; Mr Honeywood; Mr Howard; Mr Hulls; Mr Jasper; Ms Kosky; Mr Kotsiras; Mr Languiller; Mr Leigh; Mr Leighton; Mr Lenders; Mr Lim; Ms Lindell; Mr Loney; Mr Lupton; Mr McArthur; Ms McCall; Mr McIntosh; Mr Maclellan; Mr Maughan; Mr Maxfield; Mr Mildenhall; Mr Mulder; Dr Naphthine; Mr Nardella; Ms Overington; Mr Pandazopoulos; Mr Paterson; Mr Perton; Mrs Peulich; Mr Phillips; Ms Pike; Mr Richardson; Mr Robinson; Mr Rowe; Mr Ryan; Mr Seitz; Mrs Shardey; Mr Spry; Mr Steggall; Mr Stensholt; Mr Thompson; Mr Thwaites; Mr Trezise; Mr Viney; Mr Vogels; Mr Wells; Mr Wilson; Mr Wynne. Tellers: Mr Langdon; Mr Smith.

NOES 3

Ms Davies. Tellers: Mr Ingram; Mr Savage.

And so it was resolved in the affirmative.

**LEGISLATIVE ASSEMBLY OF VICTORIA**

**DIVISIONS IN COMMITTEE OF THE WHOLE**

**No 16**

**Tuesday 4 June 2002**

**No 1 GAMING LEGISLATION (AMENDMENT) BILL — Clause 2**

**2. Commencement**

- (1) This Act (except sections 3(3), 6, 7(2), 8, 9, 15, 26, 27, 28(1) and (3), 30, 32, 34, 36(4) and (6), 37, 38, 39(1), 40, 41, 42, 45, 50, 52(2), 54, 62 and 64) comes into operation on the day after the day on which it receives the Royal Assent.
- (2) Section 52(2) is deemed to have come into operation on 1 March 2001.
- (3) Sections 3(3), 8, 15, 26 (except sub-sections (2), (3), (4) and (6)), 28(3), 32(3), 38 and 40 come into operation on 1 January 2003.
- (4) Sections 26(3) and (6), 41, 45 and 50 come into operation on 1 July 2003.
- (5) Subject to sub-sections (6), (7) and (8), sections 6, 7(2), 9, 26(2) and (4), 27, 28(1), 30, 32(1) and (2), 34, 36(4) and (6), 37, 39(1), 42, 54, 62 and 64 come into operation on a day or days to be proclaimed.
- (6) If section 9 does not come into operation before 1 July 2002, it comes into operation on that day.
- (7) If section 26(2) or (4), 27, 28(1), 32(1), 39(1) or 42 does not come into operation before 1 September 2002, it comes into operation on that day.
- (8) If section 6, 7(2), 30, 32(2), 34, 36(4) or (6), 37, 54, 62 or 64 does not come into operation before 1 July 2003, it comes into operation on that day.

Amendment proposed —

*(Mr Pandazopoulos)*

1. Clause 2, line 6, omit "50, 52(2), 54, 62 and 64" and insert "51(2), 53, 61 and 63".

*(Mr Ingram)*

Question — That Amendment No 1 be agreed to — put.

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Committee divided.

(Chairman — Mrs Maddigan)

AYES 3

Mr Savage. Tellers: Ms Davies; Mr Ingram.

NOES 82

Ms Allan (*Bendigo East*); Ms Allen (*Benalla*); Ms Asher; Mr Ashley; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Ms Burke; Mr Cameron; Ms Campbell; Mr Carli; Mr Clark; Mr Cooper; Dr Dean; Mr Delahunty (*Wimmera*); Ms Delahunty (*Northcote*); Mr Dixon; Mr Doyle; Ms Duncan; Mrs Elliott; Ms Fyffe; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Hardman; Mr Helper; Mr Honeywood; Mr Howard; Mr Hulls; Mr Jasper; Mr Kilgour; Ms Kosky; Mr Kotsiras; Mr Languiller; Mr Leigh; Mr Leighton; Mr Lenders; Mr Lim; Ms Lindell; Mr Loney; Mr Lupton; Mr McArthur; Ms McCall; Mr McIntosh; Mr Maclellan; Mr Maughan; Mr Maxfield; Mr Mildenhall; Mr Mulder; Dr Naphine; Mr Nardella; Ms Overington; Mr Pandazopoulos; Mr Paterson; Mr Perton; Mrs Peulich; Mr Phillips; Ms Pike; Mr Plowman; Mr Richardson; Mr Robinson; Mr Rowe; Mr Ryan; Mr Seitz; Mrs Shardey; Mr Spry; Mr Steggall; Mr Stensholt; Mr Thompson; Mr Thwaites; Mr Trezise; Mr Viney; Mr Vogels; Mr Wells; Mr Wilson; Mr Wynne. Tellers: Mr Langdon; Mr Smith.

And so it passed in the negative.



**LEGISLATIVE ASSEMBLY OF VICTORIA**  
**DIVISIONS IN COMMITTEE OF THE WHOLE**

**No 17**

**Thursday 12 September 2002**

**No 1 RESIDENTIAL TENANCIES (AMENDMENT) BILL — Clause 44**

**44. Caravan park residency period**

In the Principal Act—

- (a) in section 3, in paragraph (b)(ii) of the definition of “resident”, for “90 consecutive days” **substitute** “60 consecutive days”;
- (b) in section 145(b), for “90 consecutive days” **substitute** “60 consecutive days”.

*(Ms Pike)*

Question — That clause 44 stand part of the Bill — put.

Committee divided.

(Chairman — Mrs Maddigan)

AYES 40

Ms Allan (*Bendigo East*); Ms Allen (*Benalla*); Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Ms Delahunty (*Northcote*); Ms Duncan; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Hardman; Mr Helper; Mr Holding; Mr Hulls; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lenders; Mr Lim; Mr Loney; Mr Maxfield; Mr Mildenhall; Mr Nardella; Mr Pandazopoulos; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Viney; Mr Wynne.  
Tellers: Mr Langdon; Ms Lindell.

NOES 41

Ms Asher; Mr Ashley; Mr Baillieu; Ms Burke; Mr Clark; Ms Davies; Dr Dean; Mr Delahunty (*Wimmera*); Mr Dixon; Mr Doyle; Mrs Elliott; Mrs Fyffe; Mr Honeywood; Mr Ingram; Mr Kilgour; Mr Kotsiras; Mr Leigh; Mr Lupton; Mr McArthur; Ms McCall; Mr McIntosh; Mr Maclellan; Mr Mulder; Dr Napthine; Mr Paterson; Mr Perton; Mrs Peulich; Mr Phillips; Mr Plowman; Mr Ryan; Mr Richardson; Mr Rowe; Mr Savage; Mrs Shardey; Mr Steggall; Mr Thompson; Mr Vogels; Mr Wells; Mr Wilson. Tellers: Mr Maughan; Mr Smith.

And so it passed in the negative.

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**LEGISLATIVE ASSEMBLY OF VICTORIA**  
**DIVISIONS IN COMMITTEE OF THE WHOLE**

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**No 18**

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**Thursday 10 October 2002**

**No 1 CRIMES (PROPERTY DAMAGE AND COMPUTER OFFENCES) BILL — Clause 4**

**4. *New section 201A inserted***

After section 201 of the Principal Act insert—

***'201A. Intentionally or recklessly causing a bushfire***

- (1) A person who—
  - (a) intentionally or recklessly causes a fire; and
  - (b) is reckless as to the spread of the fire to vegetation on property belonging to another—

is guilty of an offence and liable to level 4 imprisonment (15 years maximum).
- (2) For the purposes of sub-section (1)(b), circumstances in which a person is not to be taken to be reckless as to the spread of a fire include the following—
  - (a) the person caused the fire in the course of carrying out a fire prevention, fire suppression or other land management activity; and
  - (b) at the time the activity was carried out—
    - (i) there was in force a provision made by or under an Act or by a Code of Practice approved under an Act, that regulated or otherwise applied to the carrying out of the activity and the person in carrying out that activity acted in accordance with the provision; and
    - (ii) the person believed that his or her conduct in carrying out the activity was justified having regard to all of the circumstances.
- (3) For the purposes of sub-section (2)(b)(ii) it is sufficient that a person honestly believed that the conduct was justified.
- (4) In this section—
  - (a) a reference to causing a fire includes—
    - (i) lighting a fire;
    - (ii) maintaining a fire;
    - (iii) failing to contain a fire, except where the fire was lit by another person or the fire is beyond the control of the person who lit the fire;

- (b) “**spread of the fire**” means spread of the fire beyond the capacity of the person who caused the fire to extinguish it.’

(*Mr Hulls*)

Amendment proposed—

1. Clause 4, lines 12 and 13, omit all words and expressions in these lines and insert—
  - “is guilty of an offence and liable to imprisonment for a term not exceeding 20 years and, unless there are exceptional circumstances, not less than 5 years.
  - (2) If the court is satisfied that there are exceptional circumstances, it may impose a sentence of imprisonment for a term less than 5 years and, if it does so, the court must—
    - (a) give reasons for its decision; and
    - (b) cause a note of the reasons to be entered in the records of the court.
  - (3) Nothing in this section affects Division 7 of Part 4 of the **Children and Young Persons Act 1989** or Subdivision (4) of Division 2 of Part 3 of the **Sentencing Act 1991**.

Note: Under Division 7 of Part 4 of the **Children and Young Persons Act 1989** the maximum period for which a child may be detained is 1 year in a youth residential centre or 2 years in a youth training centre. Under Subdivision (4) of Division 2 of Part 3 of the **Sentencing Act 1991** the County Court or the Supreme Court may direct that a young offender be detained in a youth training centre or a youth residential centre for a maximum period of 3 years.”

(*Mr Perton*)

Question — That Amendment No 1 be agreed to — put.

Committee divided.

(Chairman — Mrs Maddigan)

AYES 41

Ms Asher; Mr Ashley; Mr Baillieu; Ms Burke; Mr Clark; Mr Cooper; Dr Dean; Mr Delahunty (*Wimmera*); Mr Dixon; Mr Doyle; Mrs Elliott; Mrs Fyffe; Mr Honeywood; Mr Jasper; Mr Kilgour; Mr Kotsiras; Mr Leigh; Mr Lupton; Mr McArthur; Ms McCall; Mr McIntosh; Mr Maclellan; Mr Mulder; Dr Napthine; Mr Paterson; Mr Perton; Mrs Peulich; Mr Phillips; Mr Plowman; Mr Richardson; Mr Rowe; Mr Ryan; Mrs Shardey; Mr Spry; Mr Steggall; Mr Thompson; Mr Vogels; Mr Wells; Mr Wilson. Tellers: Mr Maughan; Mr Smith.

## NOES 45

Ms Allan (*Bendigo East*); Ms Allen (*Benalla*); Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Ms Davies; Ms Delahunty (*Northcote*); Ms Duncan; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Hardman; Mr Helper; Mr Howard; Mr Hulls; Mr Ingram; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lenders; Mr Lim; Ms Lindell; Mr Loney; Mr Maxfield; Mr Mildenhall; Mr Nardella; Ms Overington; Mr Pandazopoulos; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Viney; Mr Wynne. Tellers: Mr Holding; Mr Langdon.

And so it passed in the negative.

LEGISLATIVE ASSEMBLY OF VICTORIA  
DIVISIONS IN COMMITTEE OF THE WHOLE

No 19

Thursday 17 October 2002

No 1 NATIONAL PARKS (BOX-IRONBARK AND OTHER PARKS) BILL — Clause 5

5. *Amendment to section 25B—Extraction of forest produce*

In section 25B(1) of the **National Parks Act 1975**—

- (a) omit “, 28”;
- (b) omit “or Part 12 of Schedule Three”;
- (c) omit “or the taking of firewood is authorised by Part 30 of Schedule Two”.

(Ms Garbutt)

Amendment proposed—

1. Clause 5, line 30, after this line insert—

(2) In section 25B of the **National Parks Act 1975**, after sub-section (1) insert—

"(1A) In relation to any part of a park described in Part 30, 41, 42 or 43 of Schedule Two or in Part 13, 15, 26, 30 or 38 of Schedule Two B or Part 8 of Schedule Four, the Governor in Council may, by notice published in the Government Gazette, authorise the taking of forest produce for the purposes of ecological thinning, subject to the conditions set out in the notice."

(3) In section 25B(4) of the **National Parks Act 1975**—

- (a) after "agreement under sub-section (1)" insert "or a notice under sub-section (1A)";
- (b) in paragraph (b), after "the agreement" insert "or the notice (as the case so requires)".

(4) In section 25B(5) of the **National Parks Act 1975**, after "the agreement entered into under sub-section (1)" insert "or the notice made under sub-section (1A) (as the case so requires)".

(Mr Maughan)

Question — That Amendment No 1 be agreed to — put.

Committee divided.

(Chairman — Mrs Maddigan)

AYES 8

Mr Delahunty (*Wimmera*); Mr Jasper; Mr Kilgour; Mr Ryan; Mr Savage; Mr Steggall.  
Tellers: Mr Ingram; Mr Maughan.

NOES 77

Ms Allan (*Bendigo East*); Ms Allen (*Benalla*); Ms Asher; Mr Ashley; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Ms Burke; Mr Cameron; Ms Campbell; Mr Carli; Mr Clark; Mr Cooper; Ms Davies; Dr Dean; Ms Delahunty (*Northcote*); Mr Dixon; Mr Doyle; Ms Duncan; Mrs Elliott; Ms Fyffe; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hamilton; Mr Hardman; Mr Helper; Mr Holding; Mr Honeywood; Mr Howard; Mr Hulls; Ms Kosky; Mr Kotsiras; Mr Languiller; Mr Leigh; Mr Leighton; Mr Lenders; Mr Lim; Ms Lindell; Mr Loney; Mr Lupton; Mr McArthur; Ms McCall; Mr McIntosh; Mr Maclellan; Mr Maxfield; Mr Mildenhall; Mr Mulder; Dr Naphthine; Mr Nardella; Ms Overington; Mr Pandazopoulos; Mr Paterson; Mrs Peulich; Mr Phillips; Ms Pike; Mr Plowman; Mr Richardson; Mr Robinson; Mr Rowe; Mr Seitz; Mrs Shardey; Mr Spry; Mr Stensholt; Mr Thompson; Mr Thwaites; Mr Trezise; Mr Viney; Mr Vogels; Mr Wells; Mr Wilson; Mr Wynne. Tellers: Mr Langdon; Mr Smith.

And so it passed in the negative.



**MINUTES OF THE PROCEEDINGS**

OF THE

**JOINT SITTING**

**OF THE HOUSES OF PARLIAMENT OF THE  
STATE OF VICTORIA**

TO ELECT TWO MEMBERS OF THE PARLIAMENT TO THE VICTORIAN HEALTH  
PROMOTION FOUNDATION

**15 DECEMBER 1999**

*Held in accordance with the provisions of the Tobacco Act 1987*

**MINUTES OF THE PROCEEDINGS**  
*of the*  
**JOINT SITTING**  
*held in the*  
**LEGISLATIVE ASSEMBLY CHAMBER**

**Wednesday 15 December 1999**

**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 S P Bracks, MP, Premier, moved — That the Honourable Alex Andrianopoulos, MP, Speaker of the Legislative Assembly, be appointed President of this Joint Sitting which motion having been seconded by the Honourable Dr D V Napthine, MP, was resolved in the affirmative.

The Honourable Alex Andrianopoulos, MP, 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 of the *Tobacco Act 1987* provides that the Joint Sitting shall be conducted in accordance with rules adopted for the purpose by members at the sitting. Accordingly, the Honourable S P Bracks, MP 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 elected 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 elected, 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 elected.
- 4 If more than the required number of members are proposed and seconded in respect of the vacancies the members to be elected 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 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 one of the Clerks, shall ascertain the number of votes for each member. 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 duly 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 Foundation".
- 10 The President shall advise the responsible minister of the members elected.
- 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 Dr D V Napthine, MP, 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 two members to be elected to the Victorian Health Promotion Foundation.

The Honourable S P Bracks, MP, proposed that the Honourable Ronald Alexander Best, MLC, and Ms Jennifer Margaret Lindell, MP, be elected to the Victorian Health Promotion Foundation, and stated that they were willing to be elected, if chosen; which proposal was seconded by the Honourable Dr D V Naphine, MP.

The President asked if there were any further proposals and, there being no further proposals, thereupon declared that the Honourable Ronald Alexander Best, MLC, and Ms Jennifer Margaret Lindell, MP, had been elected.

The President declared the Joint Sitting closed.

**W R TUNNECLIFFE**  
*Clerk of the Legislative Council*

**R W PURDEY**  
*Clerk of the Legislative Assembly*



PARLIAMENT OF VICTORIA

**MINUTES OF THE PROCEEDINGS**

OF THE

**JOINT SITTING**

**OF THE HOUSES OF PARLIAMENT OF THE  
STATE OF VICTORIA**

TO CONSIDER THE PASSAGE OF A RESOLUTION TO INVITE THE  
TWO CHAMBERS OF THE COMMONWEALTH PARLIAMENT TO  
RETURN TO THE VICTORIAN PARLIAMENT TO COMMEMORATE THE  
CENTENARY OF THE FIRST SITTINGS OF THE COMMONWEALTH  
PARLIAMENT IN 1901

**10 MAY 2000**

**MINUTES OF THE PROCEEDINGS**  
*of the*  
**JOINT SITTING**  
*held in the*  
**LEGISLATIVE ASSEMBLY CHAMBER**

**Wednesday 10 May 2000**

**INVITATION TO THE COMMONWEALTH PARLIAMENT TO MEET IN THE  
VICTORIAN PARLIAMENT**

*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 A Andrianopoulos, MP moved — That the Honourable Bruce Anthony Chamberlain, MLC, President of the Legislative Council, be appointed President of this Joint Sitting which motion having been seconded by the Honourable B W Bishop, MLC, was resolved in the affirmative.

The Honourable Bruce Anthony Chamberlain, MLC, having expressed his acknowledgement of the honour conferred upon him by the Joint Sitting, then took the Chair.

- 2 **RULES OF PROCEDURE** — The Honourable S P Bracks, MP 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 No member may speak for more than 3 minutes on any question before the Joint Sitting.
  - 3 On any question arising in the Joint Sitting each member of the Legislative Council and each member of the Legislative Assembly shall have one vote.

- 4 Questions shall be decided by a simple majority of the members present and voting.
- 5 If a Division is called, the procedure to be followed shall be in accordance with Chapter 10 of the Standing Orders of the Legislative Assembly.
- 6 In the event of an equality of votes, the President of the Joint Sitting shall be entitled to a vote.
- 7 The Presiding Officers shall advise the President of the Senate and the Speaker of the House of Representatives of the resolution passed by this Joint Sitting.
- 8 The proceedings of the Joint Sitting shall be recorded by the Clerk of the Joint Sitting and such records shall constitute the Minutes of the Proceedings of the Joint Sitting.
- 9 The televising of the Joint Sitting be permitted in accordance with the guidelines for the televising and broadcasting of proceedings adopted by resolution of the Legislative Assembly on 18 February 1998, as amended on 27 May 1999.

The Honourable Dr D Napthine, MP seconded the motion.

Question — put and resolved in the affirmative.

- 3 **INVITATION TO THE COMMONWEALTH PARLIAMENT** — The Honourable S P Bracks, MP moved — That this Joint Sitting of the Legislative Council and Legislative Assembly of the Parliament of Victoria invites the President and members of the Senate and the Speaker and members of the House of Representatives to convene at the Royal Exhibition Buildings, Carlton, on 9 May 2001, for the Joint Commemorative Ceremonial Federation Sitting and Commemoration Ceremony, and at Parliament House, Melbourne, on 10 May 2001, for the Commemorative Federation Sitting of each House of the Commonwealth Parliament and conveys its best wishes for the success of the said meetings that will mark the centenary of the first sittings of the Parliament of the Commonwealth of Australia.

The Honourable Dr D Napthine, MP seconded the motion.

Question — put, after debate, and resolved in the affirmative.

The President declared the Joint Sitting closed.

**W R TUNNECLIFFE**  
*Clerk of the Legislative Council*

**R W PURDEY**  
*Clerk of the Legislative Assembly*



**MINUTES OF THE PROCEEDINGS**  
**OF THE**  
**JOINT SITTING**  
**OF THE HOUSES OF PARLIAMENT OF THE**  
**STATE OF VICTORIA**

**TO ELECT A MEMBER OF THE PARLIAMENT TO THE VICTORIAN HEALTH  
PROMOTION FOUNDATION**

**27 MARCH 2002**

*Held in accordance with the provisions of the Tobacco Act 1987*

**MINUTES OF THE PROCEEDINGS**  
*of the*  
**JOINT SITTING**  
*held in the*  
**LEGISLATIVE ASSEMBLY CHAMBER**

**Wednesday, 27 March 2002**

**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 S.P. Bracks, MP, Premier, moved — That the Honourable Alex Andrianopoulos, MP, Speaker of the Legislative Assembly, be appointed President of this Joint Sitting which motion having been seconded by the Honourable Dr D.V. Napthine, MP, was resolved in the affirmative.

The Honourable Alex Andrianopoulos, MP, 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 of the Tobacco Act 1987 provides that the Joint Sitting shall be conducted in accordance with rules adopted for the purpose by Members at the sitting. Accordingly, the Honourable S.P. Bracks, MP 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 elected 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 elected, 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 elected.
4. If more than the required number of Members are proposed and seconded in respect of the vacancies the Members to be elected 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 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 one of the Clerks, shall ascertain the number of votes for each Member. 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 duly 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 ..... has been elected to the Victorian Health Foundation".
10. The President shall advise the responsible Minister of the Members elected.
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 Dr D.V. Napthine, MP, 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 a Member to be elected to the Victorian Health Promotion Foundation.



The Honourable S.P. Bracks, MP, proposed that the Honorable Gerald Barry Ashman, JP, MLC, be elected to the Victorian Health Promotion Foundation, and stated that he is willing to be elected, if chosen; which proposal was seconded by the Honourable Dr D.V. Napthine, MP.

The President asked if there were any further proposals and, there being no further proposals, thereupon declared that the Honourable Gerald Barry Ashman, JP, MLC, had been elected.

The President declared the Joint Sitting closed.

**W.R.TUNNECLIFFE**  
*Clerk of the Legislative Council*

**R.W.PURDEY**  
*Clerk of the Legislative Assembly*

