

VICTORIA

**VOTES AND PROCEEDINGS
OF THE
LEGISLATIVE ASSEMBLY**

SESSION 2010–14

VOLUME 2

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LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS No 1

No 1 — Tuesday 21 December 2010

- 1 **PROCLAMATION SUMMONING PARLIAMENT TO MEET** — The House met at 11.00 am in accordance with a Proclamation of the Governor dated 3 December 2010, which was read by the Clerk of the Legislative Assembly as follows:

PROCLAMATION

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

Given under my Hand and the Seal of the State of Victoria, at Melbourne, this 3rd day of December 2010.

(LS)

DAVID DE KRETSER
Governor

By His Excellency's Command
TED BAILLIEU MP
Premier of Victoria

- 2 **COMMISSION FOR THE COMMENCEMENT AND HOLDING OF THE PRESENT SESSION OF PARLIAMENT** — The Honourable Justice Christopher Maxwell, having entered the House and been conducted by the Serjeant-at-Arms to the Chair, said:

MEMBERS OF THE LEGISLATIVE ASSEMBLY:

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

The Clerk read the Commission:

BY HIS EXCELLENCY DAVID DE KRETSER, AC
GOVERNOR OF VICTORIA

TO THE HONOURABLE JUSTICE MARILYN WARREN, AC
CHIEF JUSTICE OF VICTORIA

AND

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

GREETING:

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

Given under my hand and the seal of Victoria on this 20th day of December 2010.

(LS)

DAVID DE KRETSER
Governor

By His Excellency's Command
TED BAILLIEU MP
Premier

- 3 **COMMISSION TO ADMINISTER OATH OR AFFIRMATION TO MEMBERS** — The Honourable Justice Christopher Maxwell announced that he had received from the Governor a Commission to administer the Oath or Affirmation of Allegiance to Members of the Legislative Assembly, which the Clerk read as follows:

BY HIS EXCELLENCY DAVID DE KRETSER, AC
GOVERNOR OF VICTORIA

TO THE HONOURABLE JUSTICE CHRISTOPHER MAXWELL
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 the twenty-first day of December 2010, 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 20th day of December 2010.

(LS)

DAVID DE KRETSER
Governor

By His Excellency's Command
TED BAILLIEU MP
Premier

- 4 **WRIT** — The Clerk announced that a writ issued by the Governor for the election of members to serve in the Legislative Assembly of Victoria had been received from the Governor, duly endorsed with the returns and it appeared that the following members were elected for the districts listed opposite their respective names:

Albert Park	Martin Foley
Altona	Jill Hennessy
Ballarat East	Geoff Howard
Ballarat West	Sharon Knight
Bass	Ken Smith
Bayswater	Heidi Victoria
Bellarine	Lisa Neville
Benalla	Bill Sykes
Benambra	Bill Tilley
Bendigo East	Jacinta Allan
Bendigo West	Maree Edwards

Bentleigh	Elizabeth Miller
Box Hill	Robert Clark
Brighton	Louise Asher
Broadmeadows	John Brumby
Brunswick	Jane Garrett
Bulleen	Nicholas Kotsiras
Bundoora	Colin Brooks
Burwood	Graham Watt
Carrum	Donna Bauer
Caulfield	David Southwick
Clayton	Hong Lim
Cranbourne	Jude Perera
Dandenong	John Pandazopoulos
Derrimut	Telmo Languiller
Doncaster	Mary Wooldridge
Eltham	Steve Herbert
Essendon	Justin Madden
Evelyn	Christine Fyffe
Ferntree Gully	Nick Wakeling
Footscray	Marsha Thomson
Forest Hill	Neil Angus
Frankston	Geoff Shaw
Geelong	Ian Trezise
Gembrook	Brad Battin
Gippsland East	Tim Bull
Gippsland South	Peter Ryan
Hastings	Neale Burgess
Hawthorn	Ted Baillieu
Ivanhoe	Anthony Carbines
Keilor	Natalie Hutchins
Kew	Andrew McIntosh
Kilsyth	David Hodgett
Kororoit	Marlene Kairouz
Lara	John Eren
Lowan	Hugh Delahunty
Lyndhurst	Tim Holding
Macedon	Joanne Duncan
Malvern	Michael O'Brien
Melbourne	Bronwyn Pike
Melton	Don Nardella
Mildura	Peter Crisp
Mill Park	Lily D'Ambrosio
Mitcham	Dee Ryall
Monbulk	James Merlino
Mordialloc	Lorraine Wreford
Mornington	David Morris
Morwell	Russell Northe
Mount Waverley	Michael Gidley
Mulgrave	Daniel Andrews
Murray Valley	Tim McCurdy
Narracan	Gary Blackwood
Narre Warren North	Luke Donnellan
Narre Warren South	Judith Graley
Nepean	Martin Dixon
Niddrie	Rob Hulls
Northcote	Fiona Richardson

Oakleigh	Ann Barker
Pascoe Vale	Christine Campbell
Polwarth	Terry Mulder
Prahran	Clem Newton-Brown
Preston	Robin Scott
Richmond	Richard Wynne
Ripon	Joe Helper
Rodney	Paul Weller
Sandringham	Murray Thompson
Scoresby	Kim Wells
Seymour	Lucinda McLeish
Shepparton	Jeanette Powell
South Barwon	Andrew Katos
South-West Coast	Denis Naphthine
Swan Hill	Peter Walsh
Tarneit	Tim Pallas
Thomastown	Bronwyn Halfpenny
Warrandyte	Ryan Smith
Williamstown	Wade Noonan
Yan Yean	Danielle Green
Yuroke	Liz Beattie

- 5 **MEMBERS SWORN** — All of the above members took and subscribed the Oath or Affirmation as required by law except Mr Brumby and Mr Helper (who were not present).

Then the Commissioner said:

MEMBERS OF THE LEGISLATIVE ASSEMBLY:

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

The Commissioner then retired from the House.

- 6 **ELECTION OF SPEAKER** — Ms Asher proposed the Member for Bass, Ken Smith, as Speaker of the Legislative Assembly and moved, that the Member for Bass take the Chair of this House as Speaker. The motion was seconded by Dr Naphthine.

Mr Smith accepted the nomination.

As no other member was proposed, the Clerk declared that the Member for Bass had been duly elected Speaker.

Mr Smith was accompanied to the Chair by Ms Asher and Dr Naphthine, where he acknowledged the great honour conferred upon him. The Mace was then placed on the table.

Mr Baillieu, Mr Ryan and Mr Andrews congratulated the Speaker.

- 7 **ELECTION OF DEPUTY SPEAKER** — Mr Mulder proposed the Member for Evelyn, Christine Fyffe, as Deputy Speaker and moved, that the Member for Evelyn be appointed Deputy Speaker of this House. The motion was seconded by Mr O'Brien.

Mrs Fyffe accepted the nomination.

As no other member was proposed, the Speaker announced that the Member for Evelyn had been duly elected Deputy Speaker.

8 **THE SPEAKER** — Left the Chair at 11.44 am, resumed it at 2.32 pm and read the Prayer.

9 **PRESENTATION OF THE SPEAKER** — The Speaker advised that he had today presented himself to the Governor as the choice of the Legislative Assembly and that the Governor had been pleased to address him in the following terms:

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 the members of the Legislative Assembly who in their wisdom have selected you as their Speaker.

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

DAVID DE KRETSER
Governor of Victoria

Melbourne
21 December 2010

10 **MESSAGE FROM THE GOVERNOR** — The following message was delivered by the Usher of the Black Rod:

Speaker:

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 the Governor — And having returned —

[The Speaker left the Chair at 3.09 pm and resumed it at 5.04 pm]

11 **COMMISSION TO ADMINISTER OATH OR AFFIRMATION TO MEMBERS** — The Speaker announced that he had received a Commission from the Governor, which he read as follows:

BY HIS EXCELLENCY DAVID DE KRETSER, AC
GOVERNOR OF VICTORIA

TO THE HONOURABLE KEN SMITH
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 21st day of December 2010.

(LS)

DAVID DE KRETSER
Governor

By His Excellency's Command
TED BAILLIEU MP
Premier

- 12 **MEMBER SWORN** — Joe Helper took and subscribed the Affirmation as required by law.
- 13 **RESIGNATION OF SEAT** — The Speaker announced that today he had received the resignation from the Member for Broadmeadows.
- 14 **QUESTIONS** — (Under SO 55).
- 15 **POLICE REGULATION AMENDMENT (PROTECTIVE SERVICES OFFICERS) BILL 2010** — Mr Ryan obtained leave to bring in a Bill '*for an Act to amend the **Police Regulation Act 1958** and for other purposes*'; and, after debate, the Bill was read a first time.
- Motion made and question proposed — That this bill be read a second time tomorrow (*Mr Ryan*).
- Amendment proposed — That the word 'tomorrow' be omitted with the view of inserting in its place the word 'immediately' (*Ms Allan*) — put, after debate and agreed to.
- Ordered — That the bill be read a second time immediately.
- 16 **POLICE REGULATION AMENDMENT (PROTECTIVE SERVICES OFFICERS) BILL 2010** — *Mr Ryan tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Ryan*).
- Motion made and question — That the debate be now adjourned (*Mr Merlino*) — put and agreed to.
- Ordered — That the debate be adjourned until Tuesday 4 January 2011.
- 17 **SENTENCING FURTHER AMENDMENT BILL 2010** — Mr Clark obtained leave to bring in a Bill '*for an Act to amend the **Sentencing Amendment Act 2010**, to abolish suspended sentences for certain offences, to amend the **Sentencing Act 1991** to further provide for the membership of the Sentencing Advisory Council and to make other amendments to that Act and for other purposes*'; and, after debate, the Bill was read a first time.
- Motion made and question proposed — That this bill be read a second time tomorrow (*Mr Clark*).
- Amendment proposed — That the word 'tomorrow' be omitted with the view of inserting in its place the word 'immediately' (*Ms Allan*) — put, after debate and agreed to.
- Ordered — That the bill be read a second time immediately.
- 18 **SENTENCING FURTHER AMENDMENT BILL 2010** — *Mr Clark tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Clark*).
- Motion made and question — That the debate be now adjourned (*Ms Hennessy*) — put and agreed to.

Ordered — That the debate be adjourned until Tuesday 4 January 2011.

- 19 **EDUCATION AND TRAINING REFORM AMENDMENT (SCHOOL SAFETY) BILL 2010** — Mr Dixon obtained leave to bring in a Bill *'for an Act to amend the Education and Training Reform Act 2006 to provide for certain powers for Government school principals and others in relation to weapons and other items in the possession of students and for other purposes'*; and, after debate, the Bill was read a first time.

Motion made and question proposed — That this bill be read a second time tomorrow (*Mr Dixon*).

Amendment proposed — That the word 'tomorrow' be omitted with the view of inserting in its place the word 'immediately' (*Ms Allan*) — put, after debate and agreed to.

Ordered — That the bill be read a second time immediately.

- 20 **EDUCATION AND TRAINING REFORM AMENDMENT (SCHOOL SAFETY) BILL 2010** — *Mr Dixon tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Tuesday 4 January 2011.

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

Border Groundwaters Agreement Review Committee — Report 2009–10

Confiscation Act 1997 — Report under s 139A

Estate Agents Act 1980 — Notice under s 10A (*Gazette G43, 28 October 2010*)

Financial Management Act 1994:

Budget Update 2010–11

Report from the Minister for Skills and Workforce Participation that she had received the Report 2009–10 of the TAFE Development Centre

Interpretation of Legislation Act 1984:

Notices under s 32(3)(a)(iii) in relation to:

Statutory Rules 111 (*Gazette G44, 4 November 2010*), 127 (*Gazette G50, 16 December 2010*)

Waste Management Policy (Used Packaging Materials) (*Gazette G46, 18 November 2010*)

Notice under s 32(4)(a)(iii) in relation to Waste Management Policy (Siting, Design and Management of Landfills) (*Gazette G42, 21 October 2010*)

Land Acquisition and Compensation Act 1986 — Certificate under s 7

Major Sporting Events Act 2009 — Major Sporting Event Order under s 22

Ombudsman — Investigation into the issuing of infringement notices to public transport users and related matters — Ordered to be printed

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

Ararat — C14 Part 2
Ballarat — C139
Banyule — C60, C63, C75, C95
Bass Coast — C113
Bayside — C93
Boroondara — C90, C117, C133
Brimbank — C122, C139
Cardinia — C130, C139, C140, C142, C145
Casey — C127
Central Goldfields — C20
Darebin — C107, C119
East Gippsland — C95
Frankston — C64, C68
Glenelg — C50, C54
Golden Plains — C52
Greater Bendigo — C119
Greater Dandenong — C112, C121, C126
Greater Geelong — C146, C163, C168, C169, C195, C200, C232, C235
Greater Shepparton — C126
Hepburn — C47
Horsham — C41
Hume — C120, C144, C145, C146
Kingston — C115
Knox — C48, C86, C94
Latrobe — C14
Macedon Ranges — C68, C76
Manningham — C55, C89, C91
Mansfield — C21
Maribyrnong — C96
Melbourne — C141, C157, C164, C174, C175
Melton — C82, C84 Part 1, C104, C105
Mildura — C52, C55, C57, C62, C70
Mitchell — C74
Monash — C89, C99
Moonee Valley — C103
Moorabool — C40
Moreland — C109
Mornington Peninsula — C86, C134, C141, C149
Mount Alexander — C58
Moyne — C36, C45
Murrindindi — C28, C33
Nillumbik — C69
Northern Grampians — C33
Southern Grampians — C21
Stonnington — C78, C116, C125, C126, C140
Surf Coast — C49
Swan Hill — C36
Victoria Planning Provisions — VC74, VC75, VC76
Wangaratta — C37
Wellington — C65 Part 1
West Wimmera — C21
Whittlesea — C58, C131, C140, C149
Wodonga — C69

Wyndham — C130
 Yarra — C109, C116, C126, C136
 Yarra Ranges — C90 Part 2
 Yarriambiack — C15

Statutory Rules under the following Acts:

Accident Compensation Act 1985 — SR 128
Bail Act 1977 — SR 121
Bus Safety Act 2009 — SR 110
Children, Youth and Families Act 2005 — SR 105
Civil Procedure Act 2010 — SR 145
Conveyancers Act 2006 — SR 107
County Court Act 1958 — SRs 145, 146
Crown Proceedings Act 1958 — SR 120
Drugs, Poisons and Controlled Substances Act 1981 — SRs 130, 131
Electricity Safety Act 1998 — SR 111
Fair Trading Act 1999 — SR 124
First Home Owner Grant Act 2000 — SR 138
Fisheries Act 1995 — SR 118
Gambling Regulation Act 2003 — SR 129
Legal Profession Act 2004 — SR 123
Liquor Control Reform Act 1998 — SR 125
Magistrates' Court Act 1989 — SRs 122, 140, 141
Metropolitan Fire Brigades Act 1958 — SR 126
Mineral Resources (Sustainable Development) Act 1990 — SR 108
Motor Car Traders Act 1986 — SR 101
Port Management Act 1995 — SR 115
Prostitution Control Act 1994 — SR 106
Rail Safety Act 2006 — SR 114
Residential Tenancies Act 1997 — SR 132
Road Safety Act 1986 — SRs 116, 134, 135, 136, 137
Subordinate Legislation Act 1994 — SRs 103, 104, 112
Supreme Court Act 1986 — SRs 100, 142, 143, 144
Surveying Act 2004 — SR 102
Tobacco Act 1987 — SR 113
Transport (Compliance and Miscellaneous) Act 1983 — SR 133
Victorian Civil and Administrative Tribunal Act 1998 — SR 117
Victorian Energy Efficiency Target Act 2007 — SRs 109, 127
Water Act 1989 — SR 139
Working with Children Act 2005 — SR 119

Subordinate Legislation Act 1994:

Ministers' exception certificates in relation to Statutory Rules 94, 100, 103, 104, 105, 117, 122, 126, 140, 141, 142, 143, 144, 145, 146
 Ministers' exemption certificates in relation to Statutory Rules 98, 101, 102, 106, 107, 108, 109, 111, 113, 116, 118, 119, 120, 121, 122, 124, 127, 128, 131, 132, 133, 134, 135, 136, 137, 139
 Ministers' infringements offence consultation certificates in relation to Statutory Rules 101, 107, 134

Victorian Law Reform Commission — Review of the *Property Law Act 1958* — Ordered to be printed

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

Wrongs Act 1958 — Notice under s 28LXA (*Gazette S451, 1 November 2010*).

- 22 **SITTING OF THE HOUSE** — Motion made and question proposed — That the House, at its rising, adjourns until Tuesday 8 February 2011 at 2.00 pm (*Mr McIntosh*) — and, after debate —

Amendment proposed — That the expression 'Tuesday 8 February 2011' be omitted with the view of inserting in its place the word 'tomorrow' (*Ms Allan*) — and, after debate —

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

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrantdyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 42

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

Original question — put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrantdyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 42

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

- 23 **THE GOVERNOR'S SPEECH** — The Speaker reported that today the House attended the Legislative Council Chamber, where the Governor was pleased to make a speech to both Houses of Parliament. The speech was as follows:

Honourable President and members of the Legislative Council:

Honourable Speaker and members of the Legislative Assembly:

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

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

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

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

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

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

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

1. A growing economy

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

The government understands that rising living costs are hurting families and recognises that long-term youth unemployment can seriously undermine the economy. That is why job creation and skills training for young Victorians will be a priority, and business investment will be strengthened to secure the jobs that Victorian families rely on.

Financial management including the economy and innovation

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

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

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

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

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

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

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

Regional and rural Victoria

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

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

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

2. Services that work

Transport

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

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

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

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

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

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

Community safety

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

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

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

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

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

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

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

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

Planning

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

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

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

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

Health

The government is committed to fixing Victoria's health system and reducing waiting lists. Through a \$1 billion Health Infrastructure Fund provided from the sale of electronic gaming machine licences,

public hospitals will get more beds and better facilities. Patients will be better informed, with real-time waiting list and hospital figures to be available online, making hospital waiting lists more accessible and transparent.

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

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

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

Education

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

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

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

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

Community services

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

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

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

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

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

3. Strong families and vibrant communities

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

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

Multicultural Victoria

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

Veterans' Affairs

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

Arts

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

Bushfire response

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

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

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

4. Secure water and a healthy environment

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

Water

The government understands the challenges food producers face when water allocations are low. Water is the lifeblood of regional communities and the government will make the changes necessary

to ensure the water needs of all Victorians are adequately met.

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

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

Energy and resources

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

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

Agriculture and the environment

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

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

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

5. Government you can trust

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

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

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

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

21 December 2010

Professor David de Kretser AC
Governor of Victoria

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

Governor:

We, the Legislative Assembly of Victoria assembled in Parliament, wish to express our loyalty to our Sovereign, and to thank you for the speech which you have made to the Parliament (*Mr Gidley*) — and, after debate —

Business having been interrupted at 10.00 pm under standing orders.

- 25 **ADJOURNMENT** — The 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

KEN SMITH
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 2, 3 and 4

No 2 — Tuesday 8 February 2011

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **ISSUE OF WRIT** — The Speaker announced that he had, on 20 January 2011, issued a writ for a by-election for the Electoral District of Broadmeadows to be held on 19 February 2011.
- 3 **RECENT NATURAL DISASTERS IN AUSTRALIA** — Motion made, by leave, and question proposed — That this House:
 - (1) Notes the extraordinary series of recent devastating weather events and natural disasters that have impacted so heavily upon so many Australians, particularly in Queensland, in Western Australia, and multiple events in Victoria;
 - (2) Expresses its sympathy to the families and friends of those whose lives have been lost and to those who have lost property, income and businesses, in particular our farming communities — many of whom still remain isolated;
 - (3) Notes the huge damage done in Victoria to homes, community facilities, roads, bridges, infrastructure, town and rural levees, businesses and particularly to the agricultural sector;
 - (4) Notes the ready response of the Australian Defence Force and Federal Government agencies to the Victorian Government's requests for emergency assistance;
 - (5) Sincerely thanks all those emergency services personnel including Victoria Police, volunteers in the SES, CFA, Red Cross, Salvation Army, Rotary, Lions and other community and service groups, the VFF, VECCI and other industry groups, and the many local government councillors, officers and council workers and businesses that have fought so hard to protect communities and to assist those who have been affected;
 - (6) Commits to do whatever is possible within the capacity of government to provide relief and recovery services, and assistance to see these communities rebuilt, with maximum input from local resources; and
 - (7) Undertakes to ensure the preparation and response to the Victorian events are appropriately reviewed, and that affected communities are given the opportunity to make submissions with a view to mitigating such events in future —

(Mr Baillieu) — and, after debate —

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.

- 4 **QUESTIONS** — (Under SO 55).
- 5 **BUILDING AMENDMENT BILL 2011** — Mr Clark obtained leave to bring in a Bill '*for an Act to amend the **Building Act 1993** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

- 6 **CIVIL PROCEDURE AND LEGAL PROFESSION AMENDMENT BILL 2011** — Mr Clark obtained leave to bring in a Bill '*for an Act to amend the **Civil Procedure Act 2010** to repeal the pre-litigation requirements and make related amendments, to make a minor amendment to the **Legal Profession Act 2004** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **VICTORIA LAW FOUNDATION AMENDMENT BILL 2011** — Mr Clark obtained leave to bring in a Bill '*for an Act to amend the **Victoria Law Foundation Act 2009** in relation to the constitution and membership of the Victoria Law Foundation and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **BUSHFIRES ROYAL COMMISSION IMPLEMENTATION MONITOR BILL 2011** — Mr Ryan obtained leave to bring in a Bill '*for an Act to establish the statutory position of the Bushfires Royal Commission Implementation Monitor, to provide for the preparation of an Implementation Plan and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 9 **SHOP TRADING REFORM AMENDMENT (EASTER SUNDAY) BILL 2011** — Ms Asher obtained leave to bring in a Bill '*for an Act to amend the **Shop Trading Reform Act 1996** to remove shop trading restrictions on Easter Sunday, and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 10 **SHRINE OF REMEMBRANCE AMENDMENT BILL 2011** — Mr Delahunty obtained leave to bring in a Bill '*for an Act to amend the **Shrine of Remembrance Act 1978** and the **Melbourne Market and Park Lands Act 1933** with respect to the management of the Shrine of Remembrance and the composition, duties and powers of the Shrine of Remembrance trustees and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 11 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:
- Australian Health Practitioner Regulation Agency — Report 2009–10
- Crimes (Assumed Identities) Act 2004* — Report 2009–10 under s 31
- Crown Land (Reserves) Act 1978* — Orders under s 17B granting licences over:
- Bells Beach Surfing and Recreation Reserve
Phillip Island Nature Park Reserve
- Freedom of Information Act 1982* — Statement of reasons for seeking leave to appeal under s 65AB
- Interpretation of Legislation Act 1984* — Notice under s 32(3)(a)(iii) in relation to Statutory Rule 110/2010 (*Gazette S17, 21 January 2011*)
- Major Sporting Events Act 2009* — Major Sporting Event Order under s 22
- Members of Parliament (Register of Interests) Act 1978* — Summary of Primary Returns — February 2011 and Summary of Variations Notified between 15 September 2010 and 7 February 2011 — Ordered to be printed
- Ombudsman — *Whistleblowers Protection Act 2001*: Investigation into allegations of improper conduct by a councillor at the Hume City Council — Ordered to be printed
- Parliamentary Committees Act 2003* — Government response to the Economic Development and Infrastructure Committee's Report on the Inquiry into Manufacturing in Victoria

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

Alpine — C15
Campaspe — C64
Casey — C126, C139, C144
Colac Otway — C12
Darebin — C120
East Gippsland — C91
Frankston — C70
French Island and Sandstone Island — C2
Glen Eira — C77
Glenelg — C58, C59, C62
Greater Geelong — C193, C194, C219, C224
Greater Shepparton — C141, C144
Hobsons Bay — C68
Horsham — C52
Hume — C111, C141
Kingston — C99, C110
Knox — C54, C97
Latrobe — C40
Melbourne — C158, C181
Moirra — C55
Moreland — C92, C102, C114
Mornington Peninsula — C101, C103, C105
Mount Alexander — C44
Moyne — C34
Nillumbik — C58 Part 2, C73
Port Phillip — C77, C85, C86
Southern Grampians — C6
Strathbogie — C53
Towong — C20
Wellington — C69
Whitehorse — C138
Wodonga — C62, C74
Yarra — C113
Yarra Ranges — C101

Statutory Rules under the following Acts:

Children, Youth and Families Act 2005 — SR 151/2010
Criminal Procedure Act 2009 — SR 1
Gambling Regulation Act 2003 — SR 3
Liquor Control Reform Act 1998 — SR 149/2010
Magistrates' Court Act 1989 — SR 152/2010
Residential Tenancies Act 1997 — SR 150/2010
Sentencing Act 1991 — SR 2
Supreme Court Act 1986 — SRs 147, 148/2010

Subordinate Legislation Act 1994 — Documents under s 15 in relation to Statutory Rules 123, 147, 148, 150, 151, 152/2010, 1, 2

Surveillance Devices Act 1999 — Report 2009–10 under s 30L.

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

Police Regulation Amendment (Protective Services Officers) Bill 2010
Sentencing Further Amendment Bill 2010.

- 13 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until tomorrow at 9.30 am (*Mr McIntosh*) — put and agreed to.

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

- 15 **OPERATION OF ACTS — PROCLAMATIONS** — Motion made and question — That this House authorises and requires the Clerk to table copies of proclamations of the Governor in Council fixing dates for the coming into operation of Acts, as published in the Government Gazette from time to time (*Mr McIntosh*) — put and agreed to.

- 16 **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 the Governor to both Houses of Parliament, be agreed to by this House (*for Address see p 17, 21 December 2010*); 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.

- 17 **RECENT NATURAL DISASTERS IN AUSTRALIA** — Order read for resuming debate on question — That this House:

- (1) Notes the extraordinary series of recent devastating weather events and natural disasters that have impacted so heavily upon so many Australians, particularly in Queensland, in Western Australia, and multiple events in Victoria;
- (2) Expresses its sympathy to the families and friends of those whose lives have been lost and to those who have lost property, income and businesses, in particular our farming communities — many of whom still remain isolated;
- (3) Notes the huge damage done in Victoria to homes, community facilities, roads, bridges, infrastructure, town and rural levees, businesses and particularly to the agricultural sector;
- (4) Notes the ready response of the Australian Defence Force and Federal Government agencies to the Victorian Government's requests for emergency assistance;
- (5) Sincerely thanks all those emergency services personnel including Victoria Police, volunteers in the SES, CFA, Red Cross, Salvation Army, Rotary, Lions and other community and service groups, the VFF, VECCI and other industry groups, and the many local government councillors, officers and council workers and businesses that have fought so hard to protect communities and to assist those who have been affected;
- (6) Commits to do whatever is possible within the capacity of government to provide relief and recovery services, and assistance to see these communities rebuilt, with maximum input from local resources; and
- (7) Undertakes to ensure the preparation and response to the Victorian events are appropriately reviewed, and that affected communities are given the opportunity to make submissions with a view to mitigating such events in future; debate 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.

- 18 **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 the Governor to both Houses of Parliament, be agreed to by this House (*for Address see p 17, 21 December 2010*); debate resumed.

Business having been interrupted at 10.00 pm under standing orders.

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

Debate resumed on question — That the Address (*as detailed above*) be agreed to by this House.

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.

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

- 20 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 11:04 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

No 3 — Wednesday 9 February 2011

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

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

Flood Damage in Creswick and Clunes — Requesting that the House ensures that statutory bodies and Victorian Government departments take immediate action to remove debris, obstructions and silt build-up in the waterways flowing into and through Creswick and Clunes as a consequence of the recent floods, bearing 1216 signatures (*Mr Howard*)

Traffic Lights at Village Glen, Rosebud West — Requesting that the House installs traffic lights at the entry and exit of the Village Glen, Rosebud West, bearing 220 signatures (*Mr Burgess*)

Pedestrian Crossing on Frankston–Flinders Road in Bittern — Requesting that the Government instructs VicRoads to urgently install a pedestrian crossing on Frankston–Flinders Road in Bittern, bearing 233 signatures (*Mr Burgess*).

Petitions ordered to be tabled.

- 3 **PETITION — TRAFFIC LIGHTS AT VILLAGE GLEN, ROSEBUD WEST** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Mr Burgess*) — put and agreed to.

- 4 **PETITION — PEDESTRIAN CROSSING ON FRANKSTON–FLINDERS ROAD IN BITTERN** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Mr Burgess*) — put and agreed to.

5 **DOCUMENT TABLED BY COMMAND OF THE GOVERNOR**

Mr Clark presented by Command of the Governor:

Children's Court of Victoria — Report 2009–10

Ordered to be tabled.

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

Auditor-General:

Acquittal Report: Results of 2009–10 Audits (five documents) — Ordered to be printed
 Construction of Police Stations and Courthouses — Ordered to be printed
 Effectiveness of Victims of Crime Programs — Ordered to be printed
 Motorcycle and Scooter Safety Programs — Ordered to be printed

Ombudsman — *Whistleblowers Protection Act 2001*: Investigation into the failure of agencies to manage registered sex offenders — Ordered to be printed.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 8 February 2011:

Civil Procedure Act 2010 — Whole Act — 1 January 2011 (*Gazette G41, 14 October 2010*)

Confiscation Amendment Act 2010 — Part 1, ss 4(1), 4(3), 5, 7, 14(1), 14(3), 15, 20, 21, 22, 23, 28, 30, 32, 33, and Part 4 (except ss 70(1), 70(2) and 70(3)) — 1 November 2010 (*Gazette G43, 28 October 2010*)

Consumer Affairs Legislation Amendment Act 2010 — Remaining provisions of Part 3 and ss 42, 44, 52, 53, 62, 64 to 67, 71, 72 and 74 and the Schedule — 1 November 2010; s 60 — 1 December 2010; remaining provisions of Part 5 (except ss 33 and 36) 1 January 2011 (*Gazette G41, 14 October 2010*); Sections 68 to 70 and 107 — 1 January 2011 (*Gazette S502, 20 December 2010*)

Consumer Affairs Legislation Amendment (Reform) Act 2010 — Part 3, Part 5 (except ss 35(1)(c), 36, 38 to 40, 46, 47(2) and 47(3)), Part 6 (except s 55), s 58, Part 8 (except ss 63 and 64), Part 9 (except ss 70, 71 and 72(2)), Part 11 and s 76 — 1 November 2010; ss 46, 77(3), 79 and 80 — 1 January 2011 (*Gazette G41, 14 October 2010*); section 70 — 1 January 2011 (*Gazette S502, 20 December 2010*)

Education and Care Services National Law Act 2010 — Part 1, ss 4, 5, 6 and 8, and Part 3 (except s 17), and the Schedule (except, in relation to the National Law, Parts 2 to 9, s 229, Part 12, Divisions 1 to 5 of Part 13, ss 271, 272, 279, 280, Division 3 of Part 14, ss 285 to 288, s 289(3) and (4), ss 290 to 292, Divisions 5 to 7 of Part 14, Divisions 1 and 2 of Part 15, ss 322 and 323 and Schedule 2) — 1 January 2011 (*Gazette S502, 20 December 2010*)

Energy and Resources Legislation Amendment Act 2010 — Parts 1, 2 and 4 to 9 (except s 85) — 14 October 2010; Part 3 (except s 36) — 21 October 2010 (*Gazette G41, 14 October 2010*)

Fair Trading Amendment (Australian Consumer Law) Act 2010 — Whole Act — 1 January 2011 (*Gazette S502, 20 December 2010*)

Firearms and Other Acts Amendment Act 2010 — Part 1, ss 3(1) (except paragraphs (a) and (c)), 4, 17, 19, 21, 23, 28 and Parts 4 to 6 — 1 November 2010 (*Gazette G43, 28 October 2010*)

Gambling Regulation Amendment (Licensing) Act 2010 — Section 20 — 1 January 2011 (*Gazette G42, 21 October 2010*)

Gambling Regulation Further Amendment Act 2009 — Sections 4(3), 19(1) and 121 — 19 October 2010; ss 12 to 16, 21 to 24 and 108 to 110 — 1 January 2011 (*Gazette S424, 19 October 2010*)

Justice Legislation Amendment Act 2010 — Remaining provisions (except ss 9, 13, 16, 18, 19, 20, 21, 22, 25, 26 and 27) — 1 January 2011 (*Gazette G43, 28 October 2010*)

Justice Legislation Further Amendment Act 2010 — Part 8 (except ss 36, 38(3) and (4) and 42 to 44) — 12 October 2010 (*Gazette S415, 12 October 2010*); Part 7 — 28 October 2010; Divisions 3 and 7 of Part 5, Part 10 — 1 November 2010 (*Gazette G42, 21 October 2010*); Divisions 2 and 8 of Part 5 — 28 October 2010; Part 4, Division 1 of Part 5 — 1 January 2011 (*Gazette G43, 28 October 2010*)

Liquor Control Reform Amendment Act 2010 — Sections 1, 2, 3, 4(3), 7, 8, 12, 13, 14, 15, 16, 20, 21(1), 22, 23, 24, 25, 26, 27 and 29 — 1 November 2010; remaining provisions — 1 January 2011 (*Gazette G40, 7 October 2010*)

Mineral Resources Amendment (Sustainable Development) Act 2010 — Part 1, ss 37, 41, 42 and 51 and Parts 4 and 5 — 14 October 2010 (*Gazette G41, 14 October 2010*)

Occupational Licensing National Law Act 2010 — Part 1, Part 2 (except s 6) and Part 3, and the Schedule (except, in relation to the National Law, Parts 2 to 5, ss 99(3)(g), 99(3)(h) and 99(3)(i), Division 1 of Part 8, s 137, Division 3 of Part 8, Division 2 of Part 9, ss 150 and 153 and Division 5 of Part 9) — 1 January 2011 (*Gazette S502, 20 December 2010*)

Personal Safety Intervention Orders Act 2010 — Part 1, and Division 1 of Part 14, and ss 222, 223 and 224 — 1 December 2010 (*Gazette G41, 14 October 2010*)

Primary Industries Legislation Amendment Act 2009 — Sections 9, 10 and 18 — 1 October 2010 (*Gazette S398, 30 September 2010*)

Road Legislation Miscellaneous Amendments Act 2010 — Whole Act (except ss 5, 14, 21, 23 and 24(3)) — 1 November 2010; s 24(3) — 25 October 2010; ss 14 and 21 — 12 December 2010 (*Gazette G42, 21 October 2010*)

Transport Accident and Accident Compensation Legislation Amendment Act 2010 — Sections 21, 22, 23, 50, 51, 80, 81, 82, 83 and 84 — 1 November 2010 (*Gazette G43, 28 October 2010*)

Transport Legislation Amendment (Hoon Boating and Other Amendments) Act 2009 — Sections 3, 10, 12 to 14 and Part 4 — 1 November 2010; s 20(5) and s 22(4) — 31 December 2010 (*Gazette G42, 21 October 2010*)

Water Amendment (Victorian Environmental Water Holder) Act 2010 — Sections 1, 2, 9 to 12 and 24 to 27 — 28 October 2010 (*Gazette G43, 28 October 2010*).

- 6 **ACTING SPEAKERS** — The following warrant appointing Acting Speakers was tabled by the Speaker:

VICTORIA
LEGISLATIVE ASSEMBLY

Under Standing Order 20, I appoint Liz Beattie, Gary Blackwood, Neale Burgess, Telmo Languiller, David Morris, Don Nardella, Russell Northe, Bill Sykes, Murray Thompson, Bill Tilley, Heidi Victoria and Paul Weller to preside as Acting Speakers whenever requested to do so by the Speaker or the Deputy Speaker.

Given under my hand on 9 February 2011

Ken Smith
SPEAKER.

- 7 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until tomorrow at 9.30 am (*Mr McIntosh*) — put and agreed to.

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

- 9 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — CHANGES TO EDUCATION BUDGET AND DELAYS TO BUILDING SCHOOLS** — The House was informed that Mr Hulls had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House condemns the Baillieu Liberal and National Government for slashing the Department of Education and Early Childhood Development budget and for its plans to slash funding and delay building schools as part of the Victorian School Plan.'

Mr Hulls addressed the House — Discussion followed.

10 **PROCEDURAL CHANGES** — Motion moved in an amended form, by leave, and question proposed —

(1) That standing orders be amended as follows:

- (a) Standing Order 152, omit 'SO 5(5)' in paragraph (2) and insert 'SO 5(4)';
- (b) Omit SO 165 and insert the following standing order:

'165 Procedure for a party vote

- (1) After the doors are locked the Chair restates the question.
 - (2) To cast their votes, members must sit in their allocated places in the Chamber. By doing so, members of parties are deemed to be voting to support the response of their party members given at the time the Chair originally put the question, unless they inform their whip, or representative, that they intend casting a contrary vote under paragraph (6).
 - (3) First the Clerk asks any independent member to cast his or her vote.
 - (4) The Clerk next asks the whip of each party, or their representative, to report the party's votes; parties are asked to report in the order of the size of their parliamentary membership.
 - (5) Each whip reports the number of ayes or noes. The report must only relate to votes cast by members present in the Chamber and every member present must vote.
 - (6) After the votes have been reported by the parties, any member who is voting contrary to his or her party will cast a vote.
 - (7) Where it becomes obvious that one member only is voting for either the ayes or the noes, the Chair must immediately declare the resolution of the House. The member who called for the division may ask for his or her dissent to be recorded in the Votes and Proceedings. The Chair then directs the Clerk to record that dissent.
 - (8) The whip of each party, or their representative, may before the result of the vote is announced by the Chair, challenge the report of votes given by another party. Where the report is challenged the Chair may direct that the matter be resolved by a personal vote.
 - (9) The Chair announces the result to the House.
 - (10) The whip of each party, or their representative, will immediately advise the Clerk of the names of those members of their party that were not present for the vote.
 - (11) The Clerk will record the result of the vote and the names of those members voting aye and no and publish those details in the Votes and Proceedings.'
- (2) That the following sessional orders be adopted, to come into operation with immediate effect:

'1 Days and times of meeting

Unless otherwise ordered, the House will meet each Tuesday at 2.00 pm, and each Wednesday and Thursday at 9.30 am.

2 Incorporation of statements of compatibility

A statement of compatibility tabled under s 28 of the *Charter of Human Rights and Responsibilities Act 2006* will be incorporated in Hansard, without leave being required.

3 Responses to adjournment matters

If the minister responsible is not present in the House to respond to issues raised by members under SO 33, the minister will provide a written response to the member who raised the matter within 30 days.

4 Condolence motions

Where a condolence motion occurs under SO 42(1)(a), the House may adjourn for a period of one hour at the conclusion of the motion.

5 Time limits on answers under SO 55

The time limit for the answer to each oral question is four minutes.

6 Content of answers

Standing Order 58(1)(a) be suspended and all answers to questions must be direct, factual, succinct and relevant.

7 Giving notice

Standing Order 140 be suspended and the following to apply:

- (1) A member may only move a motion to discuss a subject if he or she has given notice of that motion on a previous sitting day.
- (2) Copies of all notices, whether to be given orally or in writing, must be provided to the Clerks at the table before notices are called on by the Speaker.
- (3) Oral notices must be read to the House. They can only be given before the House proceeds to the business of the day as set out in the notice paper.
- (4) All notices given by ministers must be oral.
- (5) A maximum overall total of 10 general business oral notices may be given each sitting day, five from government backbenchers collectively, and five from non-government members collectively. Non-government notices will be apportioned between members on a pro-rata basis, according to the non-government representation in the House.
- (6) In addition to notices given under paragraph (5), members may give written notice by lodging a copy, identified as a written notice, with the Clerks in accordance with paragraph (2). Members are not entitled to also give such notices orally.
- (7) A motion by a member expressing no confidence in the Premier and ministers, in the terms set out in s 8A of the *Constitution Act 1975*, may only be given orally under paragraph (5)

or, where a member seeks to move the motion during formal business by leave, and leave is refused, the member may give notice of that motion despite the provisions of paragraph (5).

- (8) Except where a member has given notice under paragraph (5), the Clerk must notify the Speaker of a notice of a motion by a member to disallow a statutory rule to which SO 151 applies, and the Speaker will report details to the House at the first convenient opportunity.' —

(Mr McIntosh) — and, after debate —

By leave, Ms Allan announced amendments to be proposed to the motion and requested that they be circulated. Amendments circulated.

Debate continued on question — That the motion be agreed to.

Business having been interrupted at 2.00 pm under standing orders.

11 **QUESTIONS** — (Under SO 55).

12 **PROCEDURAL CHANGES** — Debate continued on question — That the motion be agreed to.

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

Ordered — That the debate be adjourned 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 the Governor to both Houses of Parliament, be agreed to by this House (*for Address see p 17, 21 December 2010*); 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 tomorrow.

14 **PROCEDURAL CHANGES** — Order read for resuming debate on question —

(1) That standing orders be amended as follows:

(a) Standing Order 152, omit 'SO 5(5) ' in paragraph (2) and insert 'SO 5(4)';

(b) Omit SO 165 and insert the following standing order:

'165 Procedure for a party vote

(1) After the doors are locked the Chair restates the question.

(2) To cast their votes, members must sit in their allocated places in the Chamber. By doing so, members of parties are deemed to be voting to support the response of their party members given at the time the Chair originally put the question, unless they inform their whip, or representative, that they intend casting a contrary vote under paragraph (6).

(3) First the Clerk asks any independent member to cast his or her vote.

(4) The Clerk next asks the whip of each party, or their representative, to report the party's votes; parties are asked to report in the order of the size of their parliamentary membership.

- (5) Each whip reports the number of ayes or noes. The report must only relate to votes cast by members present in the Chamber and every member present must vote.
 - (6) After the votes have been reported by the parties, any member who is voting contrary to his or her party will cast a vote.
 - (7) Where it becomes obvious that one member only is voting for either the ayes or the noes, the Chair must immediately declare the resolution of the House. The member who called for the division may ask for his or her dissent to be recorded in the Votes and Proceedings. The Chair then directs the Clerk to record that dissent.
 - (8) The whip of each party, or their representative, may before the result of the vote is announced by the Chair, challenge the report of votes given by another party. Where the report is challenged the Chair may direct that the matter be resolved by a personal vote.
 - (9) The Chair announces the result to the House.
 - (10) The whip of each party, or their representative, will immediately advise the Clerk of the names of those members of their party that were not present for the vote.
 - (11) The Clerk will record the result of the vote and the names of those members voting aye and no and publish those details in the Votes and Proceedings.'
- (2) That the following sessional orders be adopted, to come into operation with immediate effect:

'1 Days and times of meeting

Unless otherwise ordered, the House will meet each Tuesday at 2.00 pm, and each Wednesday and Thursday at 9.30 am.

2 Incorporation of statements of compatibility

A statement of compatibility tabled under s 28 of the *Charter of Human Rights and Responsibilities Act 2006* will be incorporated in Hansard, without leave being required.

3 Responses to adjournment matters

If the minister responsible is not present in the House to respond to issues raised by members under SO 33, the minister will provide a written response to the member who raised the matter within 30 days.

4 Condolence motions

Where a condolence motion occurs under SO 42(1)(a), the House may adjourn for a period of one hour at the conclusion of the motion.

5 Time limits on answers under SO 55

The time limit for the answer to each oral question is four minutes.

6 Content of answers

Standing Order 58(1)(a) be suspended and all answers to questions must be direct, factual, succinct and relevant.

7 Giving notice

Standing Order 140 be suspended and the following to apply:

- (1) A member may only move a motion to discuss a subject if he or she has given notice of that motion on a previous sitting day.
- (2) Copies of all notices, whether to be given orally or in writing, must be provided to the Clerks at the table before notices are called on by the Speaker.
- (3) Oral notices must be read to the House. They can only be given before the House proceeds to the business of the day as set out in the notice paper.
- (4) All notices given by ministers must be oral.
- (5) A maximum overall total of 10 general business oral notices may be given each sitting day, five from government backbenchers collectively, and five from non-government members collectively. Non-government notices will be apportioned between members on a pro-rata basis, according to the non-government representation in the House.
- (6) In addition to notices given under paragraph (5), members may give written notice by lodging a copy, identified as a written notice, with the Clerks in accordance with paragraph (2). Members are not entitled to also give such notices orally.
- (7) A motion by a member expressing no confidence in the Premier and ministers, in the terms set out in s 8A of the *Constitution Act 1975*, may only be given orally under paragraph (5) or, where a member seeks to move the motion during formal business by leave, and leave is refused, the member may give notice of that motion despite the provisions of paragraph (5).
- (8) Except where a member has given notice under paragraph (5), the Clerk must notify the Speaker of a notice of a motion by a member to disallow a statutory rule to which SO 151 applies, and the Speaker will report details to the House at the first convenient opportunity.¹; debate resumed.

Standing Order 152 —

Question — That the amendment specified in paragraph (1)(a) be agreed to — put and agreed to.

Standing Order 152 as amended agreed to.

Standing Order 165 — Amendment proposed —

- 1 In paragraph (1)(b), insert the following in paragraph (2) of the proposed new SO 165 after the words 'vote under paragraph (6).':

'A member with child care responsibilities may sit in the Speaker's Gallery, along with the child or children being cared for, and be deemed to be seated in their allocated place in the Chamber and may address the Chair for the following purposes:

- (a) to cast a vote, or challenge a vote under paragraph (8) as an independent member or the only member of his or her party present.
- (b) to vote contrary to his or her party under paragraph (6).' (*Ms Allan*).

Question — That the amendment be agreed to — put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 41

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrandyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

Question defeated.

Question — That the amendment specified in paragraph (1)(b) be agreed to — put and agreed to.

Business having been interrupted at 10.00 pm under standing orders.

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

Sessional Order 1 — put and agreed to.

Sessional Order 2 — put and agreed to.

Sessional Order 3 — Amendment proposed —

2 In paragraph (2), in proposed Sessional Order 3:

(a) Delete 'If' and insert '(1) If'.

(b) After '30 days.' insert:

'(2) If a required response is not provided within 30 days of the matter being raised and the relevant minister does not, within that period, provide to the member who raised the matter an explanation satisfactory to the member as to why a response has not been provided —

(a) at the conclusion of the daily adjournment debate the member may ask the minister for an explanation; and

(b) at the conclusion of any such explanation the member may move, without notice, 'That the Assembly takes note of the explanation'.

(3) If a minister does not provide an explanation, notice may forthwith be given of a motion regarding the minister's failure to provide either a response or an explanation.' (*Ms Allan*).

Question — That the amendment be agreed to — put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 41

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrandyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

Question defeated.

Sessional Order 3 — put and agreed to.

Sessional Order 4 — put and agreed to.

Sessional Order 5 — Amendment proposed —

- 5 In paragraph (2), in proposed Sessional Order 5, after 'minutes' insert 'excluding time taken for points of order and other interruptions' (*Ms Allan*).

Question — That the amendment be agreed to — put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 41

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrandyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

Question defeated.

Sessional Order 5 — put and agreed to.

Sessional Order 6 — Amendment proposed —

- 8 In paragraph (2), in proposed Sessional Order 6 delete 'relevant.' and insert 'relevant and, in answering any question, the minister or member will not debate the matter to which it refers.' (*Ms Allan*).

Question — That the amendment be agreed to — put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 41

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrandyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

Question defeated.

Sessional Order 6 — put and agreed to.

Sessional Order 7 —

Question — That Sessional Order 7 be agreed to — put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrandyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 41

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

New Sessional Order 5 proposed —

5 Questions to ministers or other members

Standing Order 53 be suspended and questions may be asked of:

- (1) Ministers relating to public affairs with which the minister is connected or to any matter of administration for which the minister is responsible; and
- (2) Other members relating to any matter connected with the business on the notice paper of which the member has charge (*Ms Allan*).

Question — That the amendment be agreed to — put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 41

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrandyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

Question defeated.

The Speaker advised that, as new Sessional Order 5 had been defeated, amendment No 4 cannot be moved as it is consequential.

New Sessional Orders 7 and 8 proposed —

7 Content of questions

Standing Order 57 be suspended and the following to apply:

- (1) Questions should not contain:
 - (a) offensive or unparliamentary language;
 - (b) statements of facts or names of persons unless they are strictly necessary to explain the question and can be authenticated;
 - (c) argument or opinion;
 - (d) reflections on court decisions and sub judice matters;
 - (e) hypothetical matter; or
 - (f) reflections upon persons whose conduct may only be challenged on a substantive motion.
- (2) Questions should not ask for:
 - (a) an expression of opinion;
 - (b) legal opinion; or
 - (c) a statement or announcement of the government's policy.
- (3) Questions cannot refer to:
 - (a) debates in either House in the previous six months of the same session; or
 - (b) proceedings in committees which have not been reported to the Assembly.

- (4) Questions may be asked to elicit information regarding business on the notice paper but debate on the matter must not be anticipated.
- (5) All questions must be direct, succinct and seek factual information.
- (6) A question cannot be asked again if during the previous six months of the same session:
 - (a) it has been fully answered; or
 - (b) an answer has previously been refused.

8 Supplementary questions without notice

- (1) At the conclusion of each answer, the member who asked the initial question may ask a supplementary question of the minister to elucidate or clarify the answer.
- (2) Supplementary questions must be actually and accurately related to the original question and must relate to or arise from the minister's response.
- (3) A supplementary question does not count as a question for the purposes of Standing Order 55(2) (*Ms Allan*).

Question — That the amendment be agreed to — put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 41

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrandyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

Question defeated.

The Speaker advised that, as new Sessional Orders 7 and 8 had been defeated, amendment Nos 7 and 9 cannot be moved as they are consequential.

Original motion — put and agreed to without amendment.

- 15 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr McIntosh*) — put and agreed to.
- 16 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 11.17 pm.

No 4 — Thursday 10 February 2011

1 The Speaker took the Chair and read the Prayer.

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

Storm Water Drain Outlet in Dromana — Requesting that the House asks Melbourne Water to urgently rectify the hazard of the storm water drain outlet adjacent to Dromana pier ahead of the celebrations to recognise Dromana's 150 years as a township, bearing 1386 signatures (*Mr Morris*).

Ordered to be tabled.

3 **PETITION — STORM WATER DRAIN OUTLET IN DROMANA** — Motion made and question — That the petition presented by the Member for Mornington be taken into consideration tomorrow (*Mr Morris*) — put and agreed to.

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

Ombudsman — Investigation into the probity of The Hotel Windsor redevelopment — Ordered to be printed

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

5 **JOINT INVESTIGATORY COMMITTEES** — Motion made, by leave, and question — That:

(1) Mr Angus, Ms Hennessy, Mr Morris and Mr Scott be members of the **Public Accounts and Estimates Committee**.

(2) Ms Campbell, Mr Eren, Mr Gidley, Mr Nardella and Mr Watt be members of the **Scrutiny of Acts and Regulations Committee** —

(*Mr McIntosh*) — put and agreed to.

6 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 1 March 2011 (*Mr McIntosh*) — put and agreed to.

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

8 **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.

9 **RECENT NATURAL DISASTERS IN AUSTRALIA** — Order read for resuming debate on question — That this House:

(1) Notes the extraordinary series of recent devastating weather events and natural disasters that have impacted so heavily upon so many Australians, particularly in Queensland, in Western Australia, and multiple events in Victoria;

(2) Expresses its sympathy to the families and friends of those whose lives have been lost and to those who have lost property, income and businesses, in particular our farming communities — many of whom still remain isolated;

- (3) Notes the huge damage done in Victoria to homes, community facilities, roads, bridges, infrastructure, town and rural levees, businesses and particularly to the agricultural sector;
- (4) Notes the ready response of the Australian Defence Force and Federal Government agencies to the Victorian Government's requests for emergency assistance;
- (5) Sincerely thanks all those emergency services personnel including Victoria Police, volunteers in the SES, CFA, Red Cross, Salvation Army, Rotary, Lions and other community and service groups, the VFF, VECCI and other industry groups, and the many local government councillors, officers and council workers and businesses that have fought so hard to protect communities and to assist those who have been affected;
- (6) Commits to do whatever is possible within the capacity of government to provide relief and recovery services, and assistance to see these communities rebuilt, with maximum input from local resources; and
- (7) Undertakes to ensure the preparation and response to the Victorian events are appropriately reviewed, and that affected communities are given the opportunity to make submissions with a view to mitigating such events in future; debate resumed.

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

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

- 10 **POLICE REGULATION AMENDMENT (PROTECTIVE SERVICES OFFICERS) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Prior notice having been given under SO 43, business was interrupted at 12.00 noon.

- 11 **MINISTERIAL STATEMENT — VICTORIAN FAMILIES** — The Premier made a ministerial statement relating to Victorian families, to which members responded.

Business having been interrupted at 2.00 pm under standing orders.

- 12 **QUESTIONS** — (Under SO 55).

- 13 **MINISTERIAL STATEMENT — VICTORIAN FAMILIES** — Responses continued on the ministerial statement.

- 14 **POLICE REGULATION AMENDMENT (PROTECTIVE SERVICES OFFICERS) BILL 2010** — Debate continued on question — That this Bill be now read a second time.

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

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

- 15 **SENTENCING FURTHER AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

16 **PARLIAMENTARY COMMITTEE REFERENCES** — Motion made, by leave, and question — That under s 33 of the *Parliamentary Committees Act 2003* the following matters be referred to the joint investigatory committees specified:

- (1) To the **Environment and Natural Resources Committee** — for inquiry, consideration and report no later than 30 November 2011 matters relating to flood mitigation infrastructure in Victoria, with particular reference to:
 - (a) identifying best practice and emerging technology for flood mitigation and monitoring infrastructure including river gauges;
 - (b) the management of levees across Victoria, including ownership, responsibility and maintenance on both public and private land;
 - (c) waterways management, including the nature and extent of vegetation clearing activities within waterways and their general maintenance;
 - (d) identifying those entities and individuals having ownership of waterways and the responsibility for their clearing and their maintenance; and
 - (e) the extent to which, if any, local knowledge of residents is employed in effecting waterways clearing and maintenance.

- (2) To the **Education and Training Committee** — for inquiry, consideration and report no later than 31 January 2012 on the education of gifted and talented students and the Committee is asked to consider:
 - (a) the effectiveness of current policies and programs for gifted and talented students, with particular consideration of, but not limited to:
 - (i) identification of gifted and talented students;
 - (ii) equity of access to quality educational choices for gifted and talented students and their families; and
 - (iii) impact on the learning, development and wellbeing of gifted and talented students;
 - (b) the scope, coverage and effectiveness of current policies and programs for students from both metropolitan and regional school communities, school leaders, teachers and parents and carers to support gifted and talented students;
 - (c) opportunities and strategies for enhancing support for gifted and talented students, their parents and carers, teachers and school leaders; and
 - (d) opportunities for improved educational offerings for gifted and talented students through collaboration across all school sectors and with community, business and industry.

- (3) To the **Outer Suburban/Interface Services and Development Committee** — for inquiry, consideration and report no later than 10 February 2012 on the liveability options in outer suburban Melbourne and the Committee is asked to:
 - (a) outline recent state planning policies as they relate to private housing;
 - (b) examine population growth trends and impacts;

-
- (c) collate and analyse median house prices in outer suburban areas and measure this against income and cost of living data;
 - (d) identify the provision of medical/health and support services in outer suburban areas;
 - (e) classify national and international 'best practice' in urban renewal as it relates to established outer suburbs; and
 - (f) recommend options for enhanced liveability of residents.
- (4) To the **Outer Suburban/Interface Services and Development Committee** — for inquiry, consideration and report no later than 10 February 2012 on growing the suburbs: infrastructure and business development in outer suburban Melbourne and the Committee is asked to:
- (a) identify existing public and private infrastructure provision, including schools, hospitals, commercial and shopping precincts, transport and roads, telecommunications, water and power;
 - (b) assess the capacity of existing infrastructure to accommodate increased population growth;
 - (c) investigate options, based on intrastate, interstate and international evidence, which reduce pressures on infrastructure and essential services;
 - (d) catalogue the skills mix of outer suburban residents to identify those areas with a skills shortage and provide options for skills training and retention, especially as it relates to both younger and semi retired people;
 - (e) examine the role of small businesses, local councils and community groups (such as Rotary and Lions clubs) in developing local expertise;
 - (f) investigate the value of sister city relationships with key trade and innovation markets; and
 - (g) identify local manufacturing capacity and highlight export development opportunities available for businesses operating in the outer suburbs.
- (5) To the **Environment and Natural Resources Committee** — for inquiry, consideration and report no later than 30 September 2011 on the establishment and effectiveness of registered aboriginal parties and the Committee is asked to consider:
- (a) Victorian Aboriginal Heritage Council policies in relation to the appointment of registered aboriginal parties including the factors that should be taken into account by the Council in making a decision such as:
 - (i) the degree to which traditional ownership is contested in the area the subject of an application;
 - (ii) the impact that decisions may have on the community;
 - (iii) the capacity of the applicant to fulfil legislative responsibilities if appointed;
 - (iv) the process used to determine and identify the successful registered aboriginal party;

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- (b) the support available to the Council in making decisions about the appointment of registered aboriginal parties including:
 - (i) membership and structure of the Council;
 - (ii) Council's capacity to inquire into matters relevant to applications, including supporting applicants to provide information needed to fully assess applications; and
 - (c) the effectiveness of the established registered aboriginal parties.
- (6) To the **Electoral Matters Committee** — for inquiry, consideration and report no later than 30 June 2011 on the conduct of the 2010 Victorian state election and matters related thereto.
- (7) To the **Economic Development and Infrastructure Committee** — for inquiry, consideration and report no later than 8 February 2012 on the benefits and drivers of Greenfields Mineral Exploration and Project Development in Victoria and the Committee is asked to consider possible barriers to Greenfields exploration and development, as well as project attraction in Victoria in the context of a globally competitive industry, and to identify appropriate responses that government and industry may take — and the Committee is asked to do this through an examination of:
- (a) Victoria's mineral endowment (often referred to as 'prospectivity') across a portfolio of commodities (including energy earth resources and extractives products);
 - (b) the regulatory environment;
 - (c) fees, charges and royalties;
 - (d) national and international perceptions of Victoria's prospectivity and regulatory environment;
 - (e) the success and failure of projects in Victoria's mining development pipeline;
 - (f) different approaches and programs applied in other Australian and international jurisdictions to foster increased investment in Greenfields exploration for, and development of, minerals and energy earth resources;
 - (g) the different roles of government (this may include, but is not limited to, targeted industry engagement, facilitation and generation of geological survey information);
 - (h) opportunities to increase the net benefits from Victoria's minerals and energy earth resources, and to potentially provide for self sufficiency in low cost energy and extractive materials, consistent with the principle of economic efficiency; and
 - (i) consideration of the costs and benefits of Greenfields minerals exploration (economic, social and environmental), and whether there are opportunities to improve the management of potential conflicts between exploration and other land uses.
- (8) To the **Rural and Regional Committee** — for inquiry, consideration and report no later than 8 February 2012 on the capacity of the farming sector to attract and retain young farmers and respond to an ageing workforce and the Committee is asked to:
- (a) examine the benefits to the agriculture sector of attracting more young farmers (including youth and early career workers);

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- (b) examine the factors that affect the ability of the agriculture sector to attract and retain young farmers including, but not limited to:
 - (i) the profitability and business competitiveness of agricultural and other industries;
 - (ii) farming business acumen and recruitment strategies (including diversity);
 - (iii) remuneration packages and opportunities;
 - (iv) career pathways for youth and early career workers;
 - (v) existing models of farm business (ownership and management); and
 - (vi) the factors that influence rural quality of life including, but not limited to:
 - (A) resource and service access;
 - (B) farm family health;
 - (C) access to skills development and off-farm employment;
 - (D) leadership and other capabilities within the community;
 - (E) partnerships and networks (formal and informal); and
 - (F) the Victorian economy and government policy; and
 - (c) provide strategies and recommendations that will promote the realisation of the benefits identified above.
- (9) To the **Road Safety Committee** — for inquiry, consideration and report no later than 30 June 2012 on motorcycle safety and the Committee is asked to consider:
- (a) trends over time in crash types including on-road and off-road crashes, rural/urban breakdown, experience levels of riders (where known) and types of motorcycles being ridden;
 - (b) the changing face of motorcycling and in particular, patterns of motorcycle usage over time including the uptake of motorcycles as an alternative form of transport and its impact on road safety;
 - (c) the attitudes of riders to safety and risk taking including drugs, alcohol, travelling at inappropriate speeds, use of protective clothing and fatigue;
 - (d) riders and drivers attitudes to each other;
 - (e) responsibilities for improving the safety of off-road riders;
 - (f) the efficiency and effectiveness of the accredited provider scheme in the delivery and administration of motorcycle licensing;
 - (g) countermeasures used in Victoria, Australia and other comparable overseas jurisdictions to reduce the number and severity of motorcycle accidents with reference to road environment treatments, behavioural change programs and the design and technology of motorcycles and protective gear;

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- (h) new initiatives to reduce motorcycle crashes and injuries;
 - (i) the appropriateness of the TAC premium for motorcyclists in relation to covering all riders eligible to claim on the TAC scheme;
 - (j) the effectiveness of the Motorcycle Safety Levy in improving rider safety in Victoria; and
 - (k) the ways government can work with non-government stakeholders to achieve motorcycle safety outcomes.
- (10) To the **Law Reform Committee** — for inquiry, consideration and report no later than 30 June 2012 on donor-conceived persons and, further to the interim report of the Law Reform Committee of the 56th Parliament, the Committee is asked to consider:
- (a) the legal, practical and other issues that would arise if all donor-conceived people were given access to identifying information about their donors and their donor-conceived siblings, regardless of the date that the donation was made;
 - (b) the relevance of a donor's consent or otherwise to the release of identifying information and the National Health and Medical Research Council's ethical guidelines on the use of assisted reproductive technology in clinical practice and research;
 - (c) any practical difficulties in releasing information about donors who provided their gametes before 1 July 1988, because in many cases records are not available either because the procedure was carried out privately or records were not stored centrally;
 - (d) the options for implementing any changes to the current arrangements, including non-legislative options;
 - (e) the impact that any such changes may have on the donor, the donor-conceived person and future donor programs;
 - (f) the impacts of the transfer of the donor registers currently held by the Infertility Treatment Authority to the registrar of births, deaths and marriages; and
 - (g) the possible implications under the *Charter of Human Rights and Responsibilities Act 2006*.
- (11) To the **Family and Community Development Committee** — for inquiry, consideration and report no later than 10 February 2012 on opportunities for participation of Victorian seniors, and the Committee is asked to:
- (a) review national and international literature on preparing for an ageing society;
 - (b) consult with older Victorians and representative bodies and with Victorians planning for ageing well;
 - (c) examine the contribution of, and challenges facing, older members of the Victorian community from diverse cultural and linguistic backgrounds;
 - (d) identify the role of government in supporting older Victorians and the intersection of federal, state and local government service provision and their responsibility to seniors;
 - (e) consider the economic significance of older Victorians in the paid workforce and the voluntary sector and barriers to participation for those Victorian seniors who desire to

-
- work in or contribute to the community, and how willing economic and social contributions can be fostered;
- (f) consider ageing well in terms of quality of life and community participation, including the specific and different issues faced by men and women, older Victorians from different age cohorts, and those living in rural and regional areas;
 - (g) examine the role and interrelationship of active, successful, positive and productive ageing approaches in promoting better health;
 - (h) develop recommendations or strategies for whole of government and community responses to the needs of older Victorians now, and into the future, and incorporate in the recommendations the best international practice in support of ageing well.
- (12) To the **Law Reform Committee** — for inquiry, consideration and report no later than 30 March 2012 on access to and interaction with the justice system by people with an intellectual disability and their families and carers, including:
- (a) key issues and themes, including but not limited to:
 - (i) participants' knowledge of their rights;
 - (ii) availability of appropriate services and supports;
 - (iii) dealings with the police; and
 - (iv) the operation of the courts;
 - (b) measures within Australia and internationally to improve access to, and interaction with, the justice system, including but not limited to measures that seek to:
 - (i) break down barriers to the justice system and enhance participation;
 - (ii) deliver just and equitable outcomes;
 - (iii) facilitate collaborative and co-ordinated approaches across government departments and agencies; and
 - (iv) provide responses that address the circumstances of the offender and offence concerned.
- (13) To the **Family and Community Development Committee** — for inquiry, consideration and report no later than 26 November 2011 on workforce participation by people with a mental illness, and the Committee is asked to consider:
- (a) evidence of the low rate of workforce participation of people with mental illness, and the social and economic costs involved;
 - (b) identification of the barriers that people with mental illness experience in gaining and retaining employment;
 - (c) the respective roles of, and collaboration between, local, state and Commonwealth governments, business and community organisations in supporting the workforce participation of people with mental illness;

- (d) the effectiveness of programs that aim to improve the workforce participation of people with mental illness, including best practice models;
 - (e) opportunities for tailoring education and vocational training for the needs of people with mental illness;
 - (f) effective measures to support employers to recruit, employ and retain people with mental illness;
 - (g) the role of mental health services, and general health and community services in improving the workforce participation of people with mental illness.
- (14) To the **Education and Training Committee** — for inquiry, consideration and report no later than 31 January 2012 on agricultural education in Victoria, and the Committee is asked to consider:
- (a) an evaluation of the current extent of agricultural-related courses delivered in Victoria;
 - (b) an evaluation of the effectiveness of current agricultural programs;
 - (c) whether the workforce training needs of agriculture are being met; and
 - (d) an overview of well regarded agricultural education in other Australian States and Territories, or other countries.
- (15) To the **Drugs and Crime Prevention Committee** — for inquiry, consideration and report no later than 12 March 2012 on locally based approaches to community safety and crime prevention, and the Committee is asked to consider:
- (a) the breadth of locally based groups and organisations addressing community safety and crime prevention issues within Victoria, particularly with regard to local government and Neighbourhood Watch;
 - (b) the approaches adopted by these groups to promulgating community safety and crime prevention practices, programs or initiatives;
 - (c) the extent to which these organisations are effective in engaging with local and state agencies in the development of policy;
 - (d) whether institutional or other arrangements support or impede such local groups in engaging in the development of community safety initiatives;
 - (e) whether there is a cost benefit to the community for current crime prevention strategies;
 - (f) whether alternate models for such organisations may improve outcomes; and
 - (g) local community safety and crime prevention arrangements in other jurisdictions, particularly within Australia, New Zealand and the United Kingdom —

(Mr McIntosh) — put and agreed to.

17 **JOINT INVESTIGATORY COMMITTEES** — Motion made, by leave, and question — That:

- (1) Mr Battin and Mr McCurdy be members of the **Drugs and Crime Prevention Committee**.

- (2) Mr Crisp, Ms Miller and Mr Southwick be members of the **Education and Training Committee**.
- (3) Ms Ryall and Mrs Victoria be members of the **Electoral Matters Committee**.
- (4) Ms Graley, Ms Hutchins and Ms McLeish be members of the **Outer Suburban/Interface Services and Development Committee** —

(*Mr McIntosh*) — put and agreed to.

- 18 **ACTING SPEAKERS** — The following warrant appointing Acting Speakers was tabled by the Speaker:

VICTORIA
LEGISLATIVE ASSEMBLY

Under Standing Order 20, I appoint Christine Campbell, John Eren and John Pandazopoulos to preside as Acting Speakers whenever requested to do so by the Speaker or the Deputy Speaker.

This warrant amends the previous warrant of 9 February 2011 under my name.

Given under my hand on 10 February 2011

Ken Smith
SPEAKER.

- 19 **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.
- 20 **BUILDING AMENDMENT BILL 2011** — *Mr Clark tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 24 February 2011.

- 21 **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.
- 22 **BUSHFIRES ROYAL COMMISSION IMPLEMENTATION MONITOR BILL 2011** — *Mr Ryan tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 24 February 2011.

- 23 **SHOP TRADING REFORM AMENDMENT (EASTER SUNDAY) BILL 2011** — *Ms Asher tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 24 February 2011.

- 24 **SHRINE OF REMEMBRANCE AMENDMENT BILL 2011** — *Mr Delahunty tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 24 February 2011.

- 25 **CIVIL PROCEDURE AND LEGAL PROFESSION AMENDMENT BILL 2011** — *Mr Clark tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 24 February 2011.

- 26 **VICTORIA LAW FOUNDATION AMENDMENT BILL 2011** — *Mr Clark tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 24 February 2011.

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

- 28 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 5.50 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 5, 6 and 7

No 5 — Tuesday 1 March 2011

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **RETURN TO WRIT** — The Speaker announced that that he had received a return to the writ issued on 20 January 2011 which states that Frank McGuire has been elected for the Electoral District of Broadmeadows.
- 3 **MEMBER SWORN** — Frank McGuire was then introduced and took and subscribed the oath required by law.
- 4 **DEATH OF AUREL VERNON SMITH** — The Speaker announced the death of Aurel Vernon Smith, Member of the Legislative Assembly for the Electoral Districts of Bellarine from 1967 to 1976 and South Barwon from 1976 to 1982; and members rose in their places as a mark of respect to the memory of the deceased.
- 5 **CANTERBURY EARTHQUAKE** — Motion made, by leave, and question — That we, the Legislative Assembly of Victoria:
 - (1) Offer our deepest and sincere condolences to the families of those who have tragically lost their lives in the devastating Canterbury earthquake on 22 February 2011;
 - (2) Express our admiration for the work of the New Zealand police, civil defence, hospital and emergency service workers, together with the New Zealand Defence Force, in their response to this disaster;
 - (3) Support the governments of Australia and other countries in their ready deployment of expert personnel to assist in the emergency response;
 - (4) Commit to do whatever we can to assist our New Zealand friends as they face this adversity; and
 - (5) Join with all the people of the State of Victoria in expressing our sympathy and our strong support for the rejuvenation of the beautiful City of Christchurch and the surrounding district —

(*Mr Baillieu*) — and, after debate —

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.
- 6 **QUESTIONS** — (Under SO 55).
- 7 **COUNTRY FIRE AUTHORITY AMENDMENT (VOLUNTEER CHARTER) BILL 2011** — Mr Ryan obtained leave to bring in a Bill '*for an Act to amend the Country Fire Authority Act 1958 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

- 8 **PARLIAMENTARY COMMITTEES AMENDMENT BILL 2011** — Mr McIntosh, on behalf of Mr Baillieu, obtained leave to bring in a Bill '*for an Act to amend the **Parliamentary Committees Act 2003** and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 9 **REGIONAL GROWTH FUND BILL 2011** — Mr Ryan obtained leave to bring in a Bill '*for an Act to provide for a fund to be called the **Regional Growth Fund** to be established in the Public Account as part of the Trust Fund, to amend the **Regional Development Victoria Act 2002**, to repeal the **Regional Infrastructure Development Fund Act 1999** and to make a consequential amendment to the **Parliamentary Committees Act 2003** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 10 **JUSTICE LEGISLATION AMENDMENT BILL 2011** — Mr O'Brien obtained leave to bring in a Bill '*for an Act to amend the **Liquor Control Reform Act 1998** to provide for persons to be barred from licensed premises and their vicinity in certain circumstances, to amend the **Summary Offences Act 1966** to increase the penalties for being drunk and disorderly, to make other amendments to those Acts and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

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

Storm Water Drain Outlet in Dromana — Requesting that the House asks Melbourne Water to urgently rectify the hazard of the storm water drain outlet adjacent to Dromana pier ahead of the celebrations to recognise Dromana's 150 years as a township, bearing 12 signatures (*Mr Morris*)

Morwell to Traralgon Bike Path Link — Requesting that the House calls upon the Government to provide funding to establish a Morwell to Traralgon bike path link for the benefit of the residents of Morwell electorate and the wider Gippsland community, bearing 879 signatures (*Mr Northe*)

Electricity Smart Meters — Requesting that the House requires the Government to immediately freeze the roll out of smart meters for electricity use in Victoria until it is independently demonstrated that consumers will not have to pay higher bills, bearing 16 signatures (*Mr Northe*).

Petitions ordered to be tabled.

- 12 **DOCUMENTS**

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms Campbell, Deputy Chair, presented the Alert Digest No 1 of 2011 from the Scrutiny of Acts and Regulations Committee on the:

Building Amendment Bill 2011
 Bushfires Royal Commission Implementation Monitor Bill 2011
 Civil Procedure Bill 2010
 Civil Procedure and Legal Profession Amendment Bill 2011
 Education and Training Reform Amendment (School Safety) Bill 2010
 Police Regulation Amendment (Protective Services Officers) Bill 2010
 Sentencing Amendment Act 2010
 Sentencing Further Amendment Bill 2010
 Shrine of Remembrance Bill 2011
 Shop Trading Reform Amendment (Easter Sunday) Bill 2011
 Statute Law Revision Bill 2011
 Victoria Law Foundation Amendment Bill 2011

together with appendices.

Ordered to be tabled and printed.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms Campbell, Deputy Chair, presented a report from the Scrutiny of Acts and Regulations Committee on the Statute Law Revision Bill 2011, together with appendices.

Ordered to be tabled and printed.

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

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

Financial Management Act 1994 — Report from the Minister for Environment and Climate Change that he had received the Report year ended 31 October 2010 of the Lake Mountain Alpine Resort Management Board

Land Acquisition and Compensation Act 1986 — Certificate under s 7

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

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

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

Murray-Darling Basin Authority — Report 2009–10

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

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

Bass Coast — C117
Baw Baw — C74, C79
Casey — C141, C142, C146
Frankston — C69
Glen Eira — C85
Greater Bendigo — C115
Greater Dandenong — C73, C96, C102
Greater Geelong — C103, C177, C237
Horsham — C49
Hume — C119, C121
Latrobe — C24 Part 2
Melbourne — C153
Moonee Valley — C90 Part 1
Mornington Peninsula — C153
Nillumbik — C71
Southern Grampians — C17
Whitehorse — C109, C132
Whittlesea — C139
Yarra Ranges — C106

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

Statutory Rule under the *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997* — SR 4

Subordinate Legislation Act 1994 — Documents under s 15 in relation to Statutory Rule 4.

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

Bushfires Royal Commission Implementation Monitor Bill 2011
Shrine of Remembrance Amendment Bill 2011.

- 14 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 3 March 2011:

Building Amendment Bill 2011
Civil Procedure and Legal Profession Amendment Bill 2011
Education and Training Reform Amendment (School Safety) Bill 2010
Police Regulation Amendment (Protective Services Officers) Bill 2010
Shop Trading Reform Amendment (Easter Sunday) Bill 2011
Shrine of Remembrance Amendment Bill 2011

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

[*The Speaker having left the Chair at 4.30 pm, resumed it at 5.02 pm*]

- 15 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 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 **POLICE REGULATION AMENDMENT (PROTECTIVE SERVICES OFFICERS) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under standing orders.

Motion made and question — That the sitting be continued (*Mr Ryan*) — after debate, put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrantye*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 42

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

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

And the House having continued to sit after midnight —

WEDNESDAY 2 MARCH 2011

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

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

Bill sent to the Legislative Council and their agreement requested.

18 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 3 to 7 inclusive, be postponed until later this day.

19 **SHOP TRADING REFORM AMENDMENT (EASTER SUNDAY) BILL 2011** — 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.

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

21 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 3.30 am.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

No 6 — Wednesday 2 March 2011

1 The Speaker took the Chair and read the Prayer.

2 **STATE CONCESSIONS AMENDMENT BILL 2011** — Ms D'Ambrosio obtained leave to bring in a Bill *'for an Act to amend the State Concessions Act 2004 to enable Ministerial Concessions Orders to have retrospective effect'*.

Motion made and question — That this Bill be now read first time (*Ms D'Ambrosio*) — put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 36

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Ms Kairouz; Ms Knight; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Perera; Ms Pike; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 43

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Shaw; Mr Smith (*Warrantdyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

Question defeated.

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

Kindergarten Funding — Requesting that the House urgently calls upon the Baillieu Government to address the funding shortfall and significantly increase the level of funding available to expand Victoria's kindergartens, bearing 21 signatures (*Mr Foley*)

Social Housing in Altona — Requesting that the House ensures the proposed social housing development at 2 McIntyre Drive, Altona, is used for its designed intention by including a condition in the planning permit that limits its use to an aged care facility, bearing 246 signatures (*Ms Hennessy*)

Vegetation Management in Yarra Ranges Shire — Requesting that the House amends the Victorian Planning Provisions to give explicit priority to human safety over environmental concerns and allow the reasonable removal or lopping of any vegetation deemed by the property owner to be a fire hazard, without the need for a permit, bearing 1455 signatures (*Mr Battin*)

Anglesea River — Requesting that the Government takes action relating to the Anglesea River system to — (a) instigate immediate remedial action to rehabilitate the river to its original estuarine state; (b) implement a full independent inquiry; and (c) determine if government departments followed appropriate procedures set out in the fish kill protocol in 2006, bearing 697 signatures (*Mr Katos*).

Petitions ordered to be tabled.

- 4 **PETITION — ANGELSEA RIVER** — Motion made and question — That the petition presented by the Member for South Barwon be taken into consideration tomorrow (*Mr Katos*) — put and agreed to.
- 5 **PETITION — VEGETATION MANAGEMENT IN YARRA RANGES SHIRE** — Motion made and question — That the petition presented by the Member for Gembrook be taken into consideration tomorrow (*Mr Battin*) — put and agreed to.
- 6 **PETITION — KINDERGARTEN FUNDING** — Motion made and question — That the petition presented by the Member for Albert Park be taken into consideration tomorrow (*Mr Foley*) — put and agreed to.
- 7 **PETITION — SOCIAL HOUSING IN ALTONA** — Motion made and question — That the petition presented by the Member for Altona be taken into consideration tomorrow (*Ms Hennessy*) — put and agreed to.
- 8 **PETITION — STORM WATER DRAIN OUTLET IN DROMANA** — Motion made and question — That the petition presented by the Member for Mornington on Tuesday 1 March 2011 be taken into consideration tomorrow (*Mr Morris*) — put and agreed to.
- 9 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Auditor-General:

Environmental Management of Marine Protected Areas — Ordered to be printed

Managing Drug and Alcohol Prevention and Treatment Services — Ordered to be printed

Ombudsman — *Whistleblowers Protection Act 2001: The Brotherhood* — Risks associated with secretive organisations — Ordered to be printed

Statutory Rule under the *Severe Substance Dependence Treatment Act 2010* — SR 5

Subordinate Legislation Act 1994 — Documents under s 15 in relation to Statutory Rule 5.

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

11 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.

12 **CIVIL PROCEDURE AND LEGAL PROFESSION AMENDMENT BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

13 **QUESTIONS** — (Under SO 55).

14 **CIVIL PROCEDURE AND LEGAL PROFESSION AMENDMENT BILL 2011** — Resumption of debate on question — That this bill be now read a second time.

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

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

15 **EDUCATION AND TRAINING REFORM AMENDMENT (SCHOOL SAFETY) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

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

17 **BUILDING AMENDMENT BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

18 **SHOP TRADING REFORM AMENDMENT (EASTER SUNDAY) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under standing orders.

- 19 **ADJOURNMENT** — The 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

KEN SMITH
Speaker

No 7 — Thursday 3 March 2011

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
- Cattle Grazing in Alpine National Park** — Requesting that the House takes necessary legislative action to have the cattle grazing trial in the Alpine National Park cease and ensure that the Alpine National Park will not be subject to cattle grazing in any form, and restrict the use of the Park to conservation and recreation purposes, bearing 265 signatures (*Mr Brooks*)
- Dangerous Traffic in Torquay** — Requesting that the House supports the installation of traffic lights or a roundabout at the intersection of Surf Coast Highway and Beach Road, Torquay, bearing 503 signatures (*Mr Katos*).
- Petitions ordered to be tabled.
- 3 **PETITION — CATTLE GRAZING IN ALPINE NATIONAL PARK** — Motion made and question — That the petition presented by the Member for Bundoora be taken into consideration tomorrow (*Mr Brooks*) — put and agreed to.
- 4 **PETITION — DANGEROUS TRAFFIC IN TORQUAY** — Motion made and question — That the petition presented by the Member for South Barwon be taken into consideration tomorrow (*Mr Katos*) — put and agreed to.
- 5 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:
- Gambling Regulation Act 2003:*
- Report of the Gambling and Lotteries Licence Review Panel to the Minister in relation to expressions of interest in the grant of the monitoring licence — Ordered to be printed
Report of the Review Panel to the Minister in relation to a complaint by Intralot Australia Pty Ltd in relation to the public lotteries licensing process — Ordered to be printed
- Parliamentary Committees Act 2003:*
- Government response to the Public Accounts and Estimates Committee's Report on the Review of the Findings and Recommendations of the Auditor-General's Reports July–December 2008
Government response to the Rural and Regional Committee's Report on the Inquiry into Positioning the Wimmera Mallee Pipeline region to capitalise on new economic development opportunities
- Ombudsman — Investigation into the Assault of a Disability Services Client by Department of Human Services Staff — Ordered to be printed.

6 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 22 March 2011 (*Mr McIntosh*) — put and agreed to.

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

8 **CENSURE OF MEMBER FOR ESSENDON** — Motion made and question — That this House:

(1) Censures the Member for Essendon for his gross misconduct in public office as Minister for Planning for:

(a) engaging in a sham community consultation process to subvert proper planning process for the Hotel Windsor's redevelopment;

(b) making false statements to the Parliament about his knowledge of the sham process and whether he had received the independent advisory committee report; and

(c) making false and misleading statements to the Standing Committee on Finance and Public Administration —

which renders his continuation on the frontbench of the Opposition untenable.

(2) Calls on the Member for Essendon to resign his frontbench position and, if he refuses, for the Leader of the Opposition to dismiss him.

(3) Notes that if the Member for Essendon refuses to resign from the frontbench, or is not dismissed by the Leader of the Opposition, this will be public acknowledgement that the Leader takes the view that this conduct by the Member for Essendon is of a standard acceptable to the Opposition —

(*Mr McIntosh*) — and, after debate —

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

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrantyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 43

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

Original question — accordingly put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrantdyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 43

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

Member named and suspended — The Member for Dandenong (*Mr Pandazopoulos*) having been named by the Speaker for disregarding the authority of the Chair —

Motion made and question — That the Member for Dandenong (*Mr Pandazopoulos*) be suspended from the service of the House during the remainder of the day's sitting (*Mr McIntosh*) — put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrantdyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 43

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

Mr Pandazopoulos accordingly withdrew from the Chamber.

- 9 **POSTPONEMENT OF ORDER OF THE DAY** — Motion made and question — That the consideration of Government Business, Order of the Day, No 1 be postponed until later this day (*Mr McIntosh*) — put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrantdyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 42

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

- 10 **EDUCATION AND TRAINING REFORM AMENDMENT (SCHOOL SAFETY) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

- 11 **QUESTIONS** — (Under SO 55).

- 12 **EDUCATION AND TRAINING REFORM AMENDMENT (SCHOOL SAFETY) BILL 2010** — Debate continued on question — That this Bill be now read a second time.

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

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

- 13 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 3 to 11 inclusive, be postponed until later this day.

- 14 **RECENT NATURAL DISASTERS IN AUSTRALIA** — Order read for resuming debate on question — That this House:

- (1) Notes the extraordinary series of recent devastating weather events and natural disasters that have impacted so heavily upon so many Australians, particularly in Queensland, in Western Australia, and multiple events in Victoria;
- (2) Expresses its sympathy to the families and friends of those whose lives have been lost and to those who have lost property, income and businesses, in particular our farming communities — many of whom still remain isolated;
- (3) Notes the huge damage done in Victoria to homes, community facilities, roads, bridges, infrastructure, town and rural levees, businesses and particularly to the agricultural sector;
- (4) Notes the ready response of the Australian Defence Force and Federal Government agencies to the Victorian Government's requests for emergency assistance;
- (5) Sincerely thanks all those emergency services personnel including Victoria Police, volunteers in the SES, CFA, Red Cross, Salvation Army, Rotary, Lions and other community and service groups, the VFF, VECCI and other industry groups, and the many local government councillors, officers and council workers and businesses that have fought so hard to protect communities and to assist those who have been affected;
- (6) Commits to do whatever is possible within the capacity of government to provide relief and recovery services, and assistance to see these communities rebuilt, with maximum input from local resources; and

- (7) Undertakes to ensure the preparation and response to the Victorian events are appropriately reviewed, and that affected communities are given the opportunity to make submissions with a view to mitigating such events in future; debate resumed.

Members stood in silence in unanimous agreement to the motion.

- 15 **CANTERBURY EARTHQUAKE** — Order read for resuming debate on question — That we, the Legislative Assembly of Victoria:

- (1) Offer our deepest and sincere condolences to the families of those who have tragically lost their lives in the devastating Canterbury earthquake on 22 February 2011;
- (2) Express our admiration for the work of the New Zealand police, civil defence, hospital and emergency service workers, together with the New Zealand Defence Force, in their response to this disaster;
- (3) Support the governments of Australia and other countries in their ready deployment of expert personnel to assist in the emergency response;
- (4) Commit to do whatever we can to assist our New Zealand friends as they face this adversity; and
- (5) Join with all the people of the State of Victoria in expressing our sympathy and our strong support for the rejuvenation of the beautiful City of Christchurch and the surrounding district; debate resumed.

Members stood in silence in unanimous agreement to the motion.

- 16 **SHRINE OF REMEMBRANCE AMENDMENT BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Allocation of time — The Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 1 March 2011 had expired.

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

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

Bill sent to the Legislative Council and their agreement requested.

- 17 **SHOP TRADING REFORM AMENDMENT (EASTER SUNDAY) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.

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

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrantdyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 42

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 18 **CIVIL PROCEDURE AND LEGAL PROFESSION AMENDMENT BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.

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

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrandyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 42

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 19 **EDUCATION AND TRAINING REFORM AMENDMENT (SCHOOL SAFETY) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

- 20 **COUNTRY FIRE AUTHORITY AMENDMENT (VOLUNTEER CHARTER) BILL 2011** — *Mr Ryan tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 17 March 2011.

- 21 **REGIONAL GROWTH FUND BILL 2011** — *Mr Ryan tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 17 March 2011.

- 22 **JUSTICE LEGISLATION AMENDMENT BILL 2011** — *Mr O'Brien tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 17 March 2011.

- 23 **PARLIAMENTARY COMMITTEES AMENDMENT BILL 2011** — *Mr McIntosh tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 17 March 2011.

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

- 25 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 5.43 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS

Nos 8, 9 and 10

No 8 — Tuesday 22 March 2011

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **JAPAN EARTHQUAKE AND TSUNAMI** — Motion made, by leave, and question proposed — That we, the Legislative Assembly of Victoria:
 - (1) Offer our deepest and sincere condolences to the Government and people of Japan, following the catastrophic earthquake and tsunami off Japan on 11 March 2011, and the subsequent power station crisis;
 - (2) Note that the human cost of this devastating event is yet to be calculated, and that the loss of life will be immense;
 - (3) Express our admiration for the work of the Japan Self-Defence Forces and other emergency service workers in their stoic response to this disaster;
 - (4) Support the Australian Government in offering assistance to Japan;
 - (5) Join with all the people of the State of Victoria in expressing our sympathy and our strong support for the rescue, relief and recovery of Japan from this calamity; and
 - (6) Undertake to assist Japan in whatever way possible —

(*Mr Baillieu*) — and, after debate —

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.
- 3 **QUESTIONS** — (Under SO 55).
- 4 **PARLIAMENTARY SALARIES AND SUPERANNUATION AMENDMENT BILL 2011** — Mr McIntosh, on behalf of Mr Baillieu, obtained leave to bring in a Bill '*for an Act to amend the **Parliamentary Salaries and Superannuation Act 1968** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **HEALTH SERVICES AMENDMENT (HEALTH INNOVATION AND REFORM COUNCIL) BILL 2011** — Dr Napthine obtained leave to bring in a Bill '*for an Act to amend the **Health Services Act 1988** to establish the Health Innovation and Reform Council and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **FISHERIES AMENDMENT BILL 2011** — Mr Walsh obtained leave to bring in a Bill '*for an Act to amend the **Fisheries Act 1995** and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.

7 **MULTICULTURAL VICTORIA BILL 2011** — Mr Kotsiras obtained leave to bring in a Bill '*for an Act to repeal and re-enact with amendments the **Multicultural Victoria Act 2004** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

8 **LIQUOR CONTROL REFORM AMENDMENT BILL 2011** — Mr O'Brien obtained leave to bring in a Bill '*for an Act to amend the **Liquor Control Reform Act 1998** to impose further restrictions on the supply of liquor to minors*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

9 **RESIDENTIAL TENANCIES AMENDMENT (PUBLIC HOUSING) BILL 2011** — Mr Delahunty obtained leave to bring in a Bill '*for an Act to amend the **Residential Tenancies Act 1997** to provide additional grounds on which the Director of Housing may give a tenant a notice to vacate and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

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

Kindergarten Funding — Requesting that the House urgently calls on the Baillieu Government to address the funding shortfall and significantly increase the level of funding available to expand Victoria's kindergartens, bearing 11 and 30 signatures (*Mr Foley and Mr Perera respectively*)

Judicial Review — Requesting that the House asks the Attorney-General to take action in relation to Mr Zhanyu Zhong's request for a judicial review of his conviction, bearing 55 signatures (*Mr Madden*)

Morwell to Traralgon Bike Path Link — Requesting that the House calls upon the Government to provide funding to establish a Morwell to Traralgon bike path link for the benefit of the residents of Morwell electorate and the wider Gippsland community, bearing 97 signatures (*Mr Northe*)

Lowering the Driving Age — Requesting that the House lowers the age in Victoria at which the probationary driving licence is issued to 17 years and the learners permit to 15 years, bearing 25 signatures (*Mr Andrews*)

Craigieburn Health Service — Requesting that the House, through the Minister for Health, abolishes parking fees at the Craigieburn Health Service (Northern Health), bearing 355 signatures (*Ms Beattie*).

Petitions ordered to be tabled.

11 **PETITION — CRAIGIEBURN HEALTH SERVICE** — Motion made and question — That the petition presented by the Member for Yuroke be taken into consideration tomorrow (*Ms Beattie*) — put and agreed to.

12 **DOCUMENTS**

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms Campbell, Deputy Chair, presented the Alert Digest No 2 of 2011 from the Scrutiny of Acts and Regulations Committee on the:

Building Amendment Bill 2011
Country Fire Authority Amendment (Volunteer Charter) Bill 2011
Justice Legislation Amendment Bill 2011
Parliamentary Committees Amendment Bill 2011
Regional Growth Fund Bill 2011

together with appendices.

Ordered to be tabled and printed.

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

Australian Crime Commission — Report 2009–10

Financial Management Act 1994 — 2010–11 Mid-Year Financial Report incorporating the Quarterly Financial Report No 2 for the period ended 31 December 2010

Legal Profession Act 2004 — Practitioner Remuneration Order under s 3.4.24

National Environment Protection Council — Report 2009–10

Parliamentary Committees Act 2003:

Government response to the Education and Training Committee's Report on the Inquiry into Schools Promoting Healthy Community Living

Government response to the Public Accounts and Estimates Committee's Report on the 2010–11 Budget Estimates — Part Three

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

Banyule — C70 Part 1

Bass Coast — C87, C98, C118

Boroondara — C114, C122, C125, C127, C129

Brimbank — C108

Casey — C149

Darebin — C81, C92

Frankston — C73

Greater Bendigo — C143, C146

Greater Geelong — C127 Part 1, C205

Greater Shepparton — C150

Knox — C107

Latrobe — C47

Moira — C62

Moreland — C78

Stonnington — C108, C120

Victoria Planning Provisions — VC78

Whittlesea — C155

Wyndham — C140

Yarra — C128

Statutory Rules under the following Acts:

Criminal Procedure Act 2009 — SR 6

Second-Hand Dealers and Pawnbrokers Act 1989 — SR 10

Subordinate Legislation Act 1994 — SR 11

Supreme Court Act 1986 — SRs 6, 7, 8

Travel Agents Act 1986 — SR 9

Subordinate Legislation Act 1994 — Documents under s 15 in relation to Statutory Rules 6, 7, 8, 9, 10, 11.

The following proclamation fixing operative dates was tabled by the Clerk in accordance with an order of the House dated 8 February 2011:

Consumer Affairs Legislation Amendment (Reform) Act 2010 — Section 63 — 1 March 2011; ss 47(2), 47(3) and 55, and Part 10 — 1 April 2011 (*Gazette S63, 1 March 2011*).

- 13 **MESSAGE FROM THE GOVERNOR** — Recommending an appropriation for the purposes of the Justice Legislation Amendment Bill 2011.
- 14 **ELECTORAL MATTERS COMMITTEE — EXTENSION TO REPORTING DATE** — Motion made, by leave, and question — That the resolution of the House of 10 February 2011 providing that the Electoral Matters Committee be required to present its report, on the conduct of the 2010 Victorian state election, to the Parliament no later than 30 June 2011 be amended so far as to require the report to be presented to the Parliament no later than 30 June 2012 (*Mr McIntosh*) — put and agreed to.
- 15 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 24 March 2011:

Bushfires Royal Commission Implementation Monitor Bill 2011
 Country Fire Authority Amendment (Volunteer Charter) Bill 2011
 Justice Legislation Amendment Bill 2011
 Parliamentary Committees Amendment Bill 2011
 Regional Growth Fund Bill 2011
 Victoria Law Foundation Amendment Bill 2011

(*Mr McIntosh*) — after debate, put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrantyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 41

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Holding; Mr Howard; Mr Hulls; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

- 16 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 17 **BUSHFIRES ROYAL COMMISSION IMPLEMENTATION MONITOR BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrantdyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 43

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

Motion made and question — That the debate be adjourned until later this day (*Mr McIntosh*) — put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrantdyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 43

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

- 18 **VICTORIA LAW FOUNDATION AMENDMENT BILL 2011** — 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*) — after debate, put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrantdyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 43

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

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

- 19 **COUNTRY FIRE AUTHORITY AMENDMENT (VOLUNTEER CHARTER) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under standing orders.

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

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

No 9 — Wednesday 23 March 2011

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

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

Alpine National Park Cattle Grazing Study — Requesting that the House urges the Baillieu Government to immediately remove the cattle from the Alpine National Park and provide a full, detailed proposal regarding cattle grazing in the Alpine National Park, bearing 389 signatures (*Ms Garrett*).

Ordered to be tabled.

- 3 **PETITION — ALPINE NATIONAL PARK CATTLE GRAZING STUDY** — Motion made and question — That the petition presented by the Member for Brunswick be taken into consideration tomorrow (*Ms Garrett*) — put and agreed to.

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

Auditor-General:

Effectiveness of Small Business Victoria's Support Programs — Ordered to be printed
Local Community Transport Services: the Transport Connections program — Ordered to be printed

Commissioner for Environmental Sustainability Act 2003 — Strategic Audit of Victorian Government Agencies' Environmental Management Systems

Statutory Rules under the following Acts:

Fisheries Act 1995 — SR 12

Water Act 1989 — SR 13.

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

Shop Trading Reform Amendment (Easter Sunday) Bill 2011

Shrine of Remembrance Amendment Bill 2011.

- 6 **STATUTE LAW REVISION BILL 2011** — The Speaker announced the receipt of a message from the Legislative Council presenting, for the agreement of the Legislative Assembly, a Bill *'for an Act to revise the statute law of Victoria'*.

On the motion of Mr Clark, the Bill was read a first time and ordered to be read a second time tomorrow.

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

- 8 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — GOVERNMENT'S POLICY INITIATIVES** — The House was informed that Mr Wells had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House congratulates the Baillieu Government for the many policy initiatives implemented in its first 100 days in office and condemns the former Brumby Labor Government for its reckless mismanagement of Victoria's finances.'

Mr Wells addressed the House — Discussion followed.

- 9 **COUNTRY FIRE AUTHORITY AMENDMENT (VOLUNTEER CHARTER) BILL 2011** — 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 Bull*) — put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrantye*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 43

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

Motion made and question — That the debate be adjourned until later this day (*Mr McIntosh*) — put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrandyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 43

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

- 10 **REGIONAL GROWTH FUND BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

- 11 **QUESTIONS** — (Under SO 55).

- 12 **REGIONAL GROWTH FUND BILL 2011** — Debate continued on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Morris*) — after debate, put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrandyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 43

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

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

- 13 **JUSTICE LEGISLATION AMENDMENT BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Member named and suspended — The Member for Footscray (*Ms Thomson*) having been named by the Deputy Speaker for disregarding the authority of the Chair —

Motion made and question — That the Member for Footscray (*Ms Thomson*) be suspended from the service of the House during the remainder of the day's sitting (*Mr McIntosh*) — put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrantdyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 42

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

Ms Thomson (*Footscray*) accordingly withdrew from the Chamber.

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

Motion made and question — That the debate be now adjourned (*Ms Wreford*) — after debate, put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrantdyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 42

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Mr Trezise; Mr Wynne.

Question agreed to.

Motion made and question — That the debate be adjourned until later this day (*Mr McIntosh*) — put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrantdyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 42

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Mr Trezise; Mr Wynne.

Question agreed to.

- 14 **PARLIAMENTARY COMMITTEES AMENDMENT BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

- 15 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 5 to 7 inclusive, be postponed until later this day.

- 16 **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 the Governor to both Houses of Parliament, be agreed to by this House (*for Address see p 17, 21 December 2010*); debate resumed.

Business having been interrupted at 10.00 pm under standing orders.

- 17 **ADJOURNMENT** — The Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.39 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

No 10 — Thursday 24 March 2011

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

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

Hastings Jetty — Requesting that the Government — (a) immediately consults the Hastings community regarding the need for repairs to Hastings Jetty; (b) ensures the community's wishes are reflected by any repairs undertaken on the jetty; and (c) ensures any repairs carried out on the jetty preserve the integrity and iconic status of the jetty for future generations, bearing 152 signatures (*Mr Burgess*).

Ordered to be tabled.

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

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

Crimes (Assumed Identities) Act 2004 — Report 2009–10 under s 31

Judicial Remuneration Tribunal Act 1995 — Judicial Allowances and Conditions of Service: Report 1 of 2010

Planning and Environment Act 1987 — Amendment C93 to the Wyndham Planning Scheme

Safe Drinking Water Act 2003 — Drinking Water Quality in Victoria Report 2009–10

Subordinate Legislation Act 1994 — Documents under s 15 in relation to Statutory Rule 12

Surveillance Devices Act 1999 — Report 2009–10 under s 30L.

5 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 5 April 2011 (*Mr McIntosh*) — put and agreed to.

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

7 **JUSTICE LEGISLATION AMENDMENT BILL 2011** — 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 McCurdy*) — put and agreed to.

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

8 **COUNTRY FIRE AUTHORITY AMENDMENT (VOLUNTEER CHARTER) BILL 2011** — 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.

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 **REGIONAL GROWTH FUND BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

11 **QUESTIONS** — (Under SO 55).

12 **REGIONAL GROWTH FUND BILL 2011** — Debate continued on question — That this Bill be now read a second time.

Allocation of time — The Acting Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 22 March 2011 had expired.

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

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

Bill sent to the Legislative Council and their agreement requested.

- 13 **BUSHFIRES ROYAL COMMISSION IMPLEMENTATION MONITOR BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

- 14 **VICTORIA LAW FOUNDATION AMENDMENT BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

- 15 **JUSTICE LEGISLATION AMENDMENT BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

- 16 **COUNTRY FIRE AUTHORITY AMENDMENT (VOLUNTEER CHARTER) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

- 17 **PARLIAMENTARY COMMITTEES AMENDMENT BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.

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

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrantdyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 43

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 18 **REGIONAL GROWTH FUND BILL 2011 — CLERK'S CORRECTION** — The Speaker announced that he has received a report from the Clerk that he has made the following correction in the Bill:

In Clause 14, page 14, in proposed Schedule 2, he has deleted 'Mount Bulla Alpine Resort' and inserted 'Mount Buller Alpine Resort' so that Buller is spelt correctly.

19 **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.

20 **HEALTH SERVICES AMENDMENT (HEALTH INNOVATION AND REFORM COUNCIL) BILL 2011** — *Dr Napthine tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Motion made and question — That the debate be adjourned until Tuesday 5 April 2011 (*Dr Napthine*) — after debate, put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrantyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 43

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

21 **FISHERIES AMENDMENT BILL 2011** — *Mr Walsh tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Motion made and question — That the debate be adjourned until Tuesday 5 April 2011 (*Mr Walsh*) — after debate, put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrantyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 43

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

- 22 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Police Regulation Amendment (Protective Services Officers) Bill 2010 without amendment.

- 23 **MULTICULTURAL VICTORIA BILL 2011** — *Mr Kotsiras tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 7 April 2011.

- 24 **LIQUOR CONTROL REFORM AMENDMENT BILL 2011** — *Mr O'Brien tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Motion made and question — That the debate be adjourned until Tuesday 5 April 2011 (*Mr O'Brien*) — after debate, put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrandyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 43

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

- 25 **RESIDENTIAL TENANCIES AMENDMENT (PUBLIC HOUSING) BILL 2011** — *Mr Delahunty tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Motion made and question — That the debate be adjourned until Tuesday 5 April 2011 (*Mr Delahunty*) — after debate, put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrantye*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 43

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

26 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Civil Procedure and Legal Profession Amendment Bill 2011 without amendment.

27 **STATUTE LAW REVISION BILL 2011** — *Mr McIntosh tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 7 April 2011.

28 **PARLIAMENTARY SALARIES AND SUPERANNUATION AMENDMENT BILL 2011** — *Mr McIntosh tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 7 April 2011.

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

30 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 6.58 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 11, 12 and 13

No 11 — Tuesday 5 April 2011

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
 - 2 **QUESTIONS** — (Under SO 55).
 - 3 **PUBLIC HOLIDAYS AMENDMENT BILL 2011** — Ms Asher obtained leave to bring in a Bill '*for an Act to amend the **Public Holidays Act 1993** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
 - 4 **CRIMES AMENDMENT (BULLYING) BILL 2011** — Mr Clark obtained leave to bring in a Bill '*for an Act to amend the **Crimes Act 1958**, the **Stalking Intervention Orders Act 2008** and the **Personal Safety Intervention Orders Act 2010** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
 - 5 **FAMILY VIOLENCE PROTECTION AMENDMENT (SAFETY NOTICES) BILL 2011** — Mr Clark obtained leave to bring in a Bill '*for an Act to amend the **Family Violence Protection Act 2008**, the **Personal Safety Intervention Orders Act 2010** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
 - 6 **DENTAL HOSPITAL LAND BILL 2011** — Mr Smith (*Warrandyte*) obtained leave to bring in a Bill '*for an Act to provide for the revocation of the permanent reservation of the former Dental Hospital and Dental School site in Parkville to facilitate the construction of the Victorian Comprehensive Cancer Centre on that site, to make consequential amendments to the **Royal Melbourne Hospital Act 1935** and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
 - 7 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
 - Olivia Newton-John Cancer and Wellness Centre** — Requesting that the Legislative Assembly urges the Baillieu Government to provide funding to complete the Olivia Newton-John Cancer and Wellness Centre as a matter of urgency, bearing 1195 signatures (*Mr Brooks*)
 - Regional Rail Link Project** — Requesting that the Legislative Assembly ensures that the Regional Rail Link project proceeds, vital to Wyndham residents and public transport users in the western suburbs of Melbourne, bearing 381 signatures (*Mr Eren*)
 - Duplication of Narre Warren Cranbourne Road** — Requesting that the Legislative Assembly urges the Baillieu Government to ensure that funds for the duplication of Narre Warren Cranbourne Road between Pound and Thompsons Roads are provided in the 2011 State Budget, bearing 945 signatures (*Ms Graley*).
- Petitions ordered to be tabled.
- 8 **PETITION — OLIVIA NEWTON-JOHN CANCER AND WELLNESS CENTRE** — Motion made and question — That the petition presented by the Member for Bundoora be taken into consideration tomorrow (*Mr Brooks*) — put and agreed to.

9 **PETITION — REGIONAL RAIL LINK PROJECT** — Motion made and question — That the petition presented by the Member for Lara be taken into consideration tomorrow (*Mr Eren*) — put and agreed to.

10 **PETITION — DUPLICATION OF NARRE WARREN CRANBOURNE ROAD** — Motion made and question — That the petition presented by the Member for Narre Warren South be taken into consideration tomorrow (*Ms Graley*) — put and agreed to.

11 **DOCUMENTS**

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms Campbell, Deputy Chair, presented the Alert Digest No 3 of 2011 from the Scrutiny of Acts and Regulations Committee on the:

Education and Training Reform Amendment (School Safety) Bill 2010
 Fisheries Amendment Bill 2011
 Health Services Amendment (Health Innovation and Reform Council) Bill 2011
 Justice Legislation Amendment Bill 2011
 Liquor Control Reform Amendment Bill 2011
 Multicultural Victoria Bill 2011
 Parliamentary Salaries and Superannuation Amendment Bill 2011
 Residential Tenancies Amendment (Public Housing) Bill 2011

together with appendices.

Ordered to be tabled and printed.

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

Accident Compensation Act 1985 — Order approving compliance codes under s 212 (five documents)

Crown Land (Reserves) Act 1978 — Order under s 17B granting a licence over St Kilda Botanical Gardens Reserve

Financial Management Act 1994 — Report from the Minister for Finance that he had received the Report 2009–10 of VicFleet Pty Ltd together with an explanation for the delay

Members of Parliament (Register of Interests) Act 1978 — Summary of Primary Return April 2011 and Summary of Variations notified between 8 February 2011 and 4 April 2011 — Ordered to be printed

Parliamentary Committees Act 2003:

Government response to the Economic Development and Infrastructure Committee's Report on the Inquiry into State Government Taxation and Debt

Government response to the Road Safety Committee's Report on the Inquiry into Pedestrian Safety in Car Parks

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

Bass Coast — C116
 Benalla — C13
 Brimbank — C113, C125 Part 1
 Frankston — C72
 Greater Bendigo — C133, C136

Greater Dandenong — C128, C130
 Greater Geelong — C215, C218, C221, C238
 Hume — C129
 Kingston — C113
 Knox — C103
 Maribyrnong — C47
 Melton — C65
 South Gippsland — C55
 Southern Grampians — C19
 Yarra — C103, C131.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 8 February 2011:

Education and Training Reform Amendment (Skills) Act 2010 — Part 1, Part 2, Part 3 (except Divisions 3, 4, 5, 7 and 9), Part 4 (except ss 55(3), 56, 59 and Division 3), Part 5 and Part 6 (except s 72(1)) and the Schedule — 1 April 2011; Division 3 of Part 4 — 1 July 2011; Divisions 3, 4, 7 and 9 of Part 3 — 1 January 2012 (*Gazette S102, 29 March 2011*)

Justice Legislation Further Amendment Act 2010 — Part 3 — 22 March 2011 (*Gazette S95, 22 March 2011*).

- 12 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 29 March 2011, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Civil Procedure and Legal Profession Amendment Bill 2011
 Police Regulation Amendment (Protective Services Officers) Bill 2010
 Shop Trading Reform Amendment (Easter Sunday) Bill 2011
 Shrine of Remembrance Amendment Bill 2011.

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

Fisheries Amendment Bill 2011
 Health Services Amendment (Health Innovation and Reform Council) Bill 2011
 Liquor Control Reform Amendment Bill 2011
 Multicultural Victoria Bill 2011.

- 14 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 10.00 pm on Wednesday 6 April 2011:

Health Services Amendment (Health Innovation and Reform Council) Bill 2011
 Liquor Control Reform Amendment Bill 2011
 Residential Tenancies Amendment (Public Housing) Bill 2011 —
 and the Multicultural Victoria Bill 2011 contingent upon it being made an Order of the Day for Wednesday 6 April 2011

(*Mr McIntosh*) — after debate, put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrandyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 43

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

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

16 **HEALTH SERVICES AMENDMENT (HEALTH INNOVATION AND REFORM COUNCIL) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

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 **LIQUOR CONTROL REFORM AMENDMENT BILL 2011** — 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 Clark*) — put and agreed to.

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

19 **RESIDENTIAL TENANCIES AMENDMENT (PUBLIC HOUSING) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under standing orders.

20 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.42 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

No 12 — Wednesday 6 April 2011

1 The Speaker took the Chair and read the Prayer.

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

Box Hill to Ringwood Rail Trail — Requesting that the Legislative Assembly constructs a 10 km shared bike and pedestrian path between Box Hill and Ringwood, following the railway line, bearing 3031 signatures (*Ms Ryall*)

Regional Rail Link Project — Requesting that the Legislative Assembly ensures that the Regional Rail Link project proceeds, vital to Wyndham residents and public transport users in the western suburbs of Melbourne, bearing 1790 signatures (*Mr Pallas*)

Rail Services Cuts — Requesting that the Legislative Assembly urges the Baillieu Government to reverse its plans to cut train services, reduce the frequency of City Loop trains, and abandon the Regional Rail Link project, bearing 323 signatures (*Mr Noonan*)

Secondary College in Doreen — Requesting that the Legislative Assembly urges the Baillieu Government to urgently fund the building of a secondary college in Doreen, bearing 328 signatures (*Ms Green*).

Petitions ordered to be tabled.

3 **PETITION — RAIL SERVICES CUTS** — Motion made and question — That the petition presented by the Member for Williamstown be taken into consideration tomorrow (*Mr Noonan*) — put and agreed to.

4 **PETITION — BOX HILL TO RINGWOOD RAIL TRAIL** — Motion made and question — That the petition presented by the Member for Mitcham be taken into consideration tomorrow (*Ms Ryall*) — put and agreed to.

5 **PETITION — SECONDARY COLLEGE IN DOREEN** — Motion made and question — That the petition presented by the Member for Yan Yean be taken into consideration tomorrow (*Ms Green*) — put and agreed to.

6 **PETITION — REGIONAL RAIL LINK PROJECT** — Motion made and question — That the petition presented by the Member for Tarneit be taken into consideration tomorrow (*Mr Noonan*) — put and agreed to.

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

Auditor-General:

Facilitating Renewable Energy Development — Ordered to be printed

Problem-Solving Approaches to Justice — Ordered to be printed

Crimes (Controlled Operations) Act 2004 — Report 2009–10 of the Special Investigations Monitor under s 39

Parliamentary Committees Act 2003:

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

Government response to the Outer Suburban/Interface Services and Development Committee's Report on the Inquiry into Farmers' Markets

Statutory Rule under the *Building Act 1993* — SR 14

Subordinate Legislation Act 1994 — Documents under s 15 in relation to Statutory Rule 14.

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

Building Amendment Bill 2011
Parliamentary Committees Amendment Bill 2011.

- 9 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising on Thursday 7 April 2011, adjourns until Tuesday 3 May 2011 (*Mr McIntosh*) — put and agreed to.

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

- 11 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — ATTACK ON VICTORIAN WORKERS** — The House was informed that Mr Pallas had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House condemns Premier Baillieu for his sustained attack on Victorian workers through:

- (1) Proposing wage increases below inflation for Victorian public sector workers;
- (2) Passing as his first Act the Easter Sunday Trading Bill;
- (3) Seeking a reduction in the minimum hours of work for young people;
- (4) Constraining wage increases for Victoria's lowest paid workers.'

Mr Pallas addressed the House — Discussion followed.

- 12 **ORDER OF THE HOUSE RESCINDED** — Motion made and question — That the Order of the House making the resumption of debate on the second reading of the Multicultural Victoria Bill 2011 an Order of the Day for Thursday 7 April 2011 be read and rescinded and that the Bill be made an Order of the Day for Wednesday 6 April 2011 (*Mr McIntosh*) — put, after debate, and agreed to.

- 13 **NEW SESSIONAL ORDER** — Motion made and question proposed — That the following new sessional order be adopted, to come into operation with immediate effect:

"8 Interruption of business for adjournment

Standing Order 32 be suspended and the following to apply:

- (1) Subject to paragraphs (2) and (3), the Speaker will interrupt the business before the House at:
 - (a) 10.00 pm each sitting Tuesday and Wednesday;
 - (b) 4.00 pm on any other sitting day.
- (2) If a division is taking place when the time for the interruption arises, the division will be completed and the result announced. If the division is on a closure motion, and the

motion is agreed to, the question or questions then required to be put to close the issue before the House will also be dealt with. The Speaker will then interrupt business.

- (3) If the time for the interruption arises:
 - (a) at the same time as the completion time set by the government business program; or
 - (b) after the interruption for the completion time of the government business program, but before all business on the program has been dealt with —

all business on the government business program will be completed first. The Speaker will then interrupt business for the adjournment.

- (4) After the interruption:
 - (a) before a motion for the adjournment is proposed by the Speaker, a minister may move that the sitting be continued. That motion must be put immediately without amendment or debate. If it is agreed to, the House will resume debate at the point at which it had been interrupted; or
 - (b) if a motion is not moved, the Speaker will immediately propose the question 'That the House now adjourns'. Any business under discussion and any other business not concluded at the time of the adjournment will be listed on the notice paper for the next sitting day. Any member speaking at the time of the interruption may, when debate resumes, continue his or her speech."

(*Mr McIntosh*) — and, after debate —

Business having been interrupted at 2.00 pm under standing orders.

14 **QUESTIONS** — (Under SO 55).

15 **NEW SESSIONAL ORDER** — Debate continued on question — That the motion (*as detailed above*) be agreed to.

Question — put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrandyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 43

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

- 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 **RESIDENTIAL TENANCIES AMENDMENT (PUBLIC HOUSING) BILL 2011** — 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.
- 18 **MULTICULTURAL VICTORIA BILL 2011** — 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 Katos*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 19 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 2 to 5 inclusive, be postponed until later this day.
- 20 **PUBLIC HOLIDAYS AMENDMENT BILL 2011** — *Ms Asher tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Ms Asher*).
- Motion made and question — That the debate be now adjourned (*Ms Neville*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 20 April 2011.
- 21 **CRIMES AMENDMENT (BULLYING) BILL 2011** — *Mr Clark tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Clark*).
- Motion made and question — That the debate be now adjourned (*Mr Wynne*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 20 April 2011.
- 22 **FAMILY VIOLENCE PROTECTION AMENDMENT (SAFETY NOTICES) BILL 2011** — *Mr Clark tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Clark*).
- Motion made and question — That the debate be now adjourned (*Mr Wynne*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 20 April 2011.
- 23 **DENTAL HOSPITAL LAND BILL 2011** — *Mr Smith (Warrandyte) tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Smith, Warrandyte*).
- Motion made and question — That the debate be now adjourned (*Mr Wynne*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 20 April 2011.

- 24 **MULTICULTURAL VICTORIA BILL 2011** — 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 Dixon*) — put and agreed to.

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

- 25 **LIQUOR CONTROL REFORM AMENDMENT BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Allocation of time — The Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 5 April 2011 had expired.

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

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

Bill sent to the Legislative Council and their agreement requested.

- 26 **RESIDENTIAL TENANCIES AMENDMENT (PUBLIC HOUSING) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

- 27 **HEALTH SERVICES AMENDMENT (HEALTH INNOVATION AND REFORM COUNCIL) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

- 28 **MULTICULTURAL VICTORIA BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

Business having been interrupted at 10.01 pm under sessional orders.

- 29 **ADJOURNMENT** — The Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.47 pm.

No 13 — Thursday 7 April 2011

1 The Speaker took the Chair and read the Prayer.

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

Premium Railway Stations and other Rail Services — Requesting that the Legislative Assembly urges the Baillieu Government to reverse its plans to stop the Premium Railway Station upgrades, cut rail services, and abandon the Regional Rail Link project, bearing 290 signatures (*Ms Hennessy*).

Ordered to be tabled.

3 **PETITION — PREMIUM RAILWAY STATIONS AND OTHER RAIL SERVICES** — Motion made and question — That the petition presented by the Member for Altona be taken into consideration tomorrow (*Mr Noonan*) — put and agreed to.

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

Gambling Regulation Act 2003 — Report of the Review Panel to the Minister in relation to invitations to apply for the grant of the Keno Licence under s 10.2A.11 — Ordered to be printed

Parliamentary Committees Act 2003 — Government response to the Public Accounts and Estimates Committee's Report on the Inquiry into Victoria's *Audit Act 1994*.

5 **COMMITTEE MEMBERSHIP** — Motion made, by leave, and question — That —

(1) Ms Allan, Mr Clark, Ms Hennessy, Mr Holding, Mr McIntosh, Dr Napthine and Mr Walsh be members of the **Dispute Resolution Committee**.

(2) Ms Beattie, Ms Campbell, Mrs Fyffe, Ms Graley, Mr Wakeling and Mr Weller be members of the **House Committee**.

(3) That a Select Committee be appointed to inquire into and report upon complaints of breach of privilege referred to it by the House and right of reply applications referred under SO 227, such Committee to consist of Ms Barker, Mr Clark, Ms Green, Mr McIntosh, Mr Morris, Dr Napthine, Mr Nardella, Mr Pandazopoulos and Mr Walsh and that five be the quorum.

(4) That a Select Committee be appointed to consider and report upon the standing orders of the House, such Committee to consist of the Speaker, Ms Barker, Mr Brooks, Mrs Fyffe, Mr Hodgett, Mr McIntosh, Mr Perera and Mrs Powell and that five be the quorum —

(*Mr McIntosh*) — put and agreed to.

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

7 **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 the Governor to both Houses of Parliament, be agreed to by this House (*for Address see p 17, 21 December 2010*); debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

8 **QUESTIONS** — (Under SO 55).

-
- 9 **ADDRESS-IN-REPLY TO THE GOVERNOR'S SPEECH** — Debate continued on question — That the Address (*as detailed above*) be agreed to by this House.

Business having been interrupted at 4.00 pm under sessional orders.

- 10 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 4.40 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 14, 15 and 16

No 14 — Tuesday 3 May 2011

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **EQUAL OPPORTUNITY AMENDMENT BILL 2011** — Mr Clark obtained leave to bring in a Bill '*for an Act to amend the **Equal Opportunity Act 2010** and the **Electoral Act 2002** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **JUSTICE LEGISLATION AMENDMENT (INFRINGEMENT OFFENCES) BILL 2011** — Mr Clark obtained leave to bring in a Bill '*for an Act to amend the **Crimes Act 1958**, the **Infringements and Other Acts Amendment Act 2008**, the **Liquor Control Reform Amendment (Party Buses) Act 2009**, and the **Summary Offences Act 1966** in relation to certain offences enforceable by infringement notice and to make minor and technical amendments to the **Children, Youth and Families Act 2005** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **STATE TAXATION ACTS AMENDMENT BILL 2011** — Mr Wells obtained leave to bring in a Bill '*for an Act to amend the **Duties Act 2000**, the **First Home Owner Grant Act 2000**, the **Payroll Tax Act 2007** and the **Taxation Administration Act 1997** and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **ACCIDENT TOWING SERVICES AMENDMENT BILL 2011** — Mr Mulder obtained leave to bring in a Bill '*for an Act to amend the **Accident Towing Services Act 2007**, to make consequential and related amendments to other Acts and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **ENVIRONMENT PROTECTION AMENDMENT (LANDFILL LEVIES) BILL 2011** — Mr Smith (*Warrandyte*) obtained leave to bring in a Bill '*for an Act to amend the **Environment Protection Act 1970** to increase municipal and industrial waste landfill levies and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
 - Kindergarten Funding** — Requesting that the House urgently calls on the Baillieu Government to address the funding shortfall and significantly increase the level of funding available to expand Victoria's kindergartens, bearing 31 signatures (*Mr Perera*)
 - Mental Health Funding** — Requesting that the Legislative Assembly — (a) increases the budget for mental health to 14 per cent of the health budget; (b) increases the funding for social housing by \$200 million over the next four years; (c) allocates a minimum 20 per cent of all new social housing to people with a mental illness and ensures flexible support is attached; (d) doubles the funding to community-managed mental health services over the next four years; (e) funds statewide training of the mental health workforce to work with families and consumers; and (f) funds Consumer and Carer participation as three per cent of every budget allocation in the mental health area, bearing 1198 signatures (*Mr Wakeling*)

Monash Children's Centre Funding — Requesting the Legislative Assembly urges the Baillieu Government to fully fund the new Monash Children's Centre and build it by 2014, bearing 1142 signatures (*Ms Barker*)

East Richmond Station Upgrade — Requesting that the Legislative Assembly urges the Baillieu Government to reverse its decision to abandon the premium station upgrades and take urgent steps to immediately begin the process of upgrading East Richmond Station, bearing 84 signatures (*Mr Wynne*).

Petitions ordered to be tabled.

9 **PETITION — MONASH CHILDREN'S CENTRE FUNDING** — Motion made and question — That the petition presented by the Member for Oakleigh be taken into consideration tomorrow (*Ms Barker*) — put and agreed to.

10 **PETITION — MENTAL HEALTH FUNDING** — Motion made and question — That the petition presented by the Member for Ferntree Gully be taken into consideration tomorrow (*Mr Wakeling*) — put and agreed to.

11 **PETITION — EAST RICHMOND STATION UPGRADE** — Motion made and question — That the petition presented by the Member for Richmond be taken into consideration tomorrow (*Mr Wynne*) — put and agreed to.

12 DOCUMENTS

MELBOURNE COLLEGE OF DIVINITY — Motion made, by leave, and question — That the Report 2010 of the Melbourne College of Divinity be tabled (*Mr Dixon*) — put and agreed to.

AUSTRALIAN CATHOLIC UNIVERSITY LTD — Motion made, by leave, and question — That the Report 2010 of the Australian Catholic University Ltd be tabled (*Mr Dixon*) — put and agreed to.

BUDGET PAPER NO 4 — STATE CAPITAL PROGRAM — Motion made, by leave, and question — That Budget Paper No 4 — State Capital Program 2011–12 be tabled (*Mr Wells*) — put and agreed to.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms Campbell, Deputy Chair, presented the Alert Digest No 4 of 2011 from the Scrutiny of Acts and Regulations Committee on the:

Crimes Amendment (Bullying) Bill 2011
 Dental Hospital Land Bill 2011
 Family Violence Protection Amendment (Safety Notices) Bill 2011
 Liquor Control Amendment Bill 2011
 Public Holidays Amendment Bill 2011
 Sentencing Amendment Act 2010

together with appendices.

Ordered to be tabled and printed.

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

Adult Multicultural Education Services — Report 2010 (two documents)

Ballarat University — Report 2010

Bendigo Regional Institute of TAFE — Report 2010 (two documents)

Box Hill Institute of TAFE — Report 2010 (two documents)

Central Gippsland Institute of TAFE — Report 2010

Centre for Adult Education — Report 2010

Chisholm Institute of TAFE — Report 2010

Crown Land (Reserves) Act 1978:

Order under s 17B granting a licence over Edinburgh Gardens Reserve

Order under s 17D granting a lease over O'Donnell Gardens, St Kilda

Deakin University — Report 2010

Driver Education Centre of Australia Ltd — Report 2010

East Gippsland Institute of TAFE — Report 2010

Financial Management Act 1994:

Budget Paper No 2 — Strategy and Outlook 2011–12

Budget Paper No 3 — Service Delivery 2011–12

Budget Paper No 5 — Statement of Finances 2011–12 incorporating Quarterly Financial Report No 3
Report from the Minister for Higher Education and Skills that he had not received the Report 2010 of
Holmesglen Institute of TAFE, together with an explanation for the delay

Gordon Institute of TAFE — Report 2010 (two documents)

Goulburn Ovens Institute of TAFE — Report 2010

Kangan Batman Institute of TAFE — Report 2010

La Trobe University — Report 2010

Melbourne University — Report 2010

Monash University — Report 2010

Northern Melbourne Institute of TAFE — Report 2010

Parliamentary Committees Act 2003 — Government response to the Drugs and Crime Prevention
Committee's Report on the Inquiry into the impact of drug-related offending on female prisoner
numbers

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

Brimbank — C143

East Gippsland — C71

Frankston — C53

Glenelg — C60

Greater Bendigo — C128 Part 2

Greater Dandenong — C114, C118

Hume — C151

Latrobe — C30, C57
 Mornington Peninsula — C154
 Mount Alexander — C37
 Nillumbik — C40
 Victoria Planning Provisions — VC79
 Yarra — C112
 Yarra Ranges — C104

RMIT University — Report 2010

South West Institute of TAFE — Report 2010

Statutory Rules under the following Acts:

Alpine Resorts (Management) Act 1997 — SR 17
Building Act 1993 — SRs 20, 21, 22
Criminal Procedure Act 2009 — SR 18
First Home Owner Grant Act 2000 — SR 25
Infringements Act 2006 — SR 16
Local Government Act 1989 — SR 19
Magistrates' Court Act 1989 — SR 18
Residential Tenancies Act 1997 — SR 23
Supreme Court Act 1986 — SR 15
Transport (Compliance and Miscellaneous) Act 1983 — SR 24

Subordinate Legislation Act 1994 — Documents under s 15 in relation to Statutory Rules 15, 16, 17, 18, 20, 21, 22, 23, 24

Sunraysia Institute of TAFE — Report 2010

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

Swinburne University of Technology — Report 2010

Victoria University — Report 2010 (two documents)

Victorian Law Reform Commission — Easements and Covenants — Ordered to be printed

William Angliss Institute of TAFE — Report 2010

Wodonga Institute of TAFE — Report 2010.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 8 February 2011:

Police Regulation Amendment (Protective Services Officers) Act 2011 — Whole Act — 21 April 2011 (*Gazette S125, 19 April 2011*)
Sentencing Amendment Act 2010 — Part 1, ss 3 (other than paragraphs (b) to (e)), 12, 27 and 28 — 1 May 2011 (*Gazette S125, 19 April 2011*)
Transport Legislation Amendment (Compliance, Enforcement and Regulation) Act 2010 — Remaining provisions of Part 2 — 1 May 2011 (*Gazette S125, 19 April 2011*).

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

Bushfires Royal Commission Implementation Monitor Bill 2011

Regional Growth Fund Bill 2011
Sentencing Further Amendment Bill 2010.

- 14 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 12 April 2011, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Building Amendment Bill 2011
Bushfires Royal Commission Implementation Monitor Bill 2011
Parliamentary Committees Amendment Bill 2011
Regional Growth Fund Bill 2011
Sentencing Further Amendment Bill 2010.

- 15 **MESSAGE FROM THE GOVERNOR** — Recommending an appropriation for the purposes of the Appropriation (2011/2012) Bill 2011, and accompanying Estimates of Expenditure requiring annual appropriation in the financial year 2011/2012.

Estimates ordered to be tabled.

- 16 **APPROPRIATION (2011/2012) BILL 2011** — Mr Wells obtained leave to bring in a Bill '*for an Act for the appropriation of certain sums out of the Consolidated Fund for the ordinary annual services of the Government for the financial year 2011/2012 and for other purposes*'; and the Bill was read a first time and under SO 87 ordered to be read a second time immediately.

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

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

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

Ordered — That the debate be adjourned until Thursday 5 May 2011.

- 17 **MESSAGE FROM THE GOVERNOR** — Recommending an appropriation for the purposes of the Appropriation (Parliament 2011/2012) Bill 2011, and accompanying Estimates of Expenditure for Parliament requiring annual appropriation in the financial year 2011/2012.

Estimates ordered to be tabled.

- 18 **APPROPRIATION (PARLIAMENT 2011/2012) BILL 2011** — Mr Wells obtained leave to bring in a Bill '*for an Act for the appropriation of certain sums out of the Consolidated Fund for the Parliament in respect of the financial year 2011/2012 and for other purposes*'; and the Bill was read a first time and under SO 87 ordered to be read a second time immediately.

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

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

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

Ordered — That the debate be adjourned until Thursday 5 May 2011.

- 19 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 5 May 2011:

Crimes Amendment (Bullying) Bill 2011
 Dental Hospital Land Bill 2011
 Family Violence Protection Amendment (Safety Notices) Bill 2011

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

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

21 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 1 and 2 be postponed until later this day.

22 **CRIMES AMENDMENT (BULLYING) BILL 2011** — 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 Hodgett)* — put and agreed to.

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

23 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Multicultural Victoria Bill 2011 without amendment.

24 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 4 to 8 inclusive, be postponed until later this day.

25 **JAPAN EARTHQUAKE AND TSUNAMI** — Order read for resuming debate on question — That we, the Legislative Assembly of Victoria:

- (1) Offer our deepest and sincere condolences to the Government and people of Japan, following the catastrophic earthquake and tsunami off Japan on 11 March 2011, and the subsequent power station crisis;
- (2) Note that the human cost of this devastating event is yet to be calculated, and that the loss of life will be immense;
- (3) Express our admiration for the work of the Japan Self-Defence Forces and other emergency service workers in their stoic response to this disaster;
- (4) Support the Australian Government in offering assistance to Japan;
- (5) Join with all the people of the State of Victoria in expressing our sympathy and our strong support for the rescue, relief and recovery of Japan from this calamity; and
- (6) Undertake to assist Japan in whatever way possible; debate resumed.

Business having been interrupted at 10.00 pm under sessional orders.

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

R W PURDEY
 Clerk of the Legislative Assembly

KEN SMITH
 Speaker

No 15 — Wednesday 4 May 2011

1 The Speaker took the Chair and read the Prayer.

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

Shell Road Sports Precinct Funding — Requesting that the Legislative Assembly makes a funding commitment in the State budget to the Shell Road Sports Precinct as it is important to the future health, wellbeing and social life of the Bellarine Peninsula community, bearing 131 signatures (*Ms Neville*)

Regional Commuter Services — Requesting that the Legislative Assembly urges the Government to immediately commit to completing the Regional Rail Link Project and commit to purchasing new trains and carriages for regional commuters, bearing 843 signatures (*Ms Allan*)

New Traffic Control System for Coldstream — Requesting that the Legislative Assembly provides for an appropriate Traffic Control System that enhances the level of safety for general motorists using the intersection at Maroondah Highway, Killara Road and Station Street in Coldstream, as well as allowing controlled safe access for responding emergency vehicles, bearing 445 signatures (*Mrs Fyffe*)

Ban on Sow Stalls — Requesting that the House introduces a ban on sow stalls in Victoria as a matter of urgency, bearing 697 signatures (*Ms Duncan*)

Upgrades for Windsor, Highett, Chelsea and Seaford Stations — Requesting that the Legislative Assembly urges the Baillieu Government to reverse its decision to abandon premium station upgrades and takes urgent steps to immediately begin the process of upgrading Windsor Station, Highett Station, Chelsea Station and Seaford Station, bearing 88 signatures (*Ms Richardson*)

New Secondary College in Doreen Funding — Requesting that the Legislative Assembly urges the Baillieu Government to urgently fund the building of a secondary college in Doreen, bearing 319 signatures (*Ms Green*).

Petitions ordered to be tabled.

3 **PETITION — BAN ON SOW STALLS** — Motion made and question — That the petition presented by the Member for Macedon be taken into consideration tomorrow (*Ms Duncan*) — put and agreed to.

4 **PETITION — SHELL ROAD SPORTS PRECINCT FUNDING** — Motion made and question — That the petition presented by the Member for Bellarine be taken into consideration tomorrow (*Ms Neville*) — put and agreed to.

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

Anti-Cancer Council Victoria — Report 2010

Auditor-General:

Managing Student Safety — Ordered to be printed

Revitalising Central Dandenong — Ordered to be printed

Drugs, Poisons and Controlled Substances Act 1981 — Report 2010 under s 96

Ombudsman — *Whistleblowers Protection Act 2001*: Investigation into the improper release of autopsy information by a Victorian Institute of Forensic Medicine employee — Ordered to be printed.

6 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Justice Legislation Amendment Bill 2011 without amendment.

7 **PARLIAMENTARY COMMITTEE REFERENCES** — Motion made, by leave and question — That:

- (1) Under s 33 of the *Parliamentary Committees Act 2003*, an inquiry into violence and security arrangements in Victorian hospitals and, in particular, emergency departments, be referred to the **Drugs and Crime Prevention Committee** for consideration and report no later than 30 September 2011, including:
 - (a) the incidence, prevalence, severity and impact of violence in Victorian hospitals and, in particular, emergency departments;
 - (b) the effectiveness of current security arrangements to protect against violence in Victorian hospitals and, in particular, emergency departments;
 - (c) an examination of current and proposed security arrangements in Australia and internationally to prevent violence in hospitals and, in particular, emergency departments, including the appropriateness of Victoria Police Protective Services Officers in Victorian hospital emergency departments;
 - (d) a recommendation of initiatives to enhance the overall security arrangements and safety in Victorian hospitals, particularly emergency departments, to ensure appropriate levels of safety for health professionals and the general public without compromising patient care.
- (2) This House notes that to strengthen effective decision making for the successful delivery of significant infrastructure projects, including public-private partnership arrangements, there is an integral need for public sector managers overseeing these projects to possess appropriate skills and expertise in the field and, therefore, requires that under s 33 of the *Parliamentary Committees Act 2003*, an inquiry be referred to the **Public Accounts and Estimates Committee** for consideration and report no later than 14 December 2012 on:
 - (a) the competencies and skills that public sector managers require for the effective evaluation, decision making and oversight of significant infrastructure projects and protection of the public interest;
 - (b) the extent to which Government policies such as the National Public Private Partnership Policy and Guidelines and the Partnerships Victoria Requirements specify these requisite competencies and skills, and support the Department of Treasury and Finance's application of these across the public sector;
 - (c) strategies in place within the public sector for the development of such requisite competencies and skills and for their ongoing refinement and enhancement through knowledge-building from the sharing of best practice examples and guidance in the public sector;
 - (d) whether particular significant infrastructure projects have been developed and implemented in a manner which aligns with the public interest and maximises transparency and accountability for the life-cycle of the project;

- (e) relevant infrastructure delivery strategies and practices, including in public-private partnerships, in relation to enhancing public sector expertise in place in other Australasian jurisdictions and relevant jurisdictions outside Australia; and
- (f) the merits of centralisation versus decentralisation of available skilled experts in the Victorian public sector during the life-cycle stages of public-private partnership projects, including considering any benefits that may be derived from greater flexibility to contract specialist services from external sources —

(Mr McIntosh) — put and agreed to.

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

9 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.

10 **WYNDHAM PLANNING SCHEME AMENDMENT** — Motion made and question proposed — That under s 46AH of the *Planning and Environment Act 1987*, Wyndham Planning Scheme — Amendment C93 be ratified (*Mr Clark*) — and, after debate —

Business having been interrupted at 2.00 pm under standing orders.

11 **QUESTIONS** — (Under SO 55).

[The Speaker having left the Chair at 2.44 pm, resumed it at 3.03 pm]

12 **WYNDHAM PLANNING SCHEME AMENDMENT** — Debate continued on question — That under s 46AH of the *Planning and Environment Act 1987*, Wyndham Planning Scheme — Amendment C93 be ratified — put and agreed to.

13 **FAMILY VIOLENCE PROTECTION AMENDMENT (SAFETY NOTICES) BILL 2011** — 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.

14 **DENTAL HOSPITAL LAND BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under sessional orders.

15 **ADJOURNMENT** — The Speaker, having announced that the time for the adjournment of the House had arrived, and, after debate, the Acting Speaker, left the Chair, at 10.46 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

No 16 — Thursday 5 May 2011

1 The Speaker took the Chair and read the Prayer.

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

Monash Children's Centre Funding — Requesting that the Legislative Assembly urges the Baillieu Government to fully fund the new Monash Children's Centre and build it by 2014, bearing 1676 signatures (*Mr Lim*)

Review of Traralgon Municipality Boundaries — Requesting that the Legislative Assembly undertakes a review of both the external and internal (ward) boundaries of Latrobe City, with specific consideration given to establishing a separate municipality along the lines of the former City of Traralgon and Shire of Traralgon, bearing 3817 signatures (*Mr Northe*).

Petitions ordered to be tabled.

3 **PETITION — MONASH CHILDREN'S CENTRE FUNDING** — Motion made and question — That the petition presented by the Member for Clayton be taken into consideration tomorrow (*Mr Lim*) — put and agreed to.

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

Charter of Human Rights and Responsibilities Act 2006 — Report 2010 on the operation of the Act — Ordered to be printed

Gambling Regulation Act 2003 — Keno Licence and Related Agreement under s 6A.3.14.

5 **STANDING ORDERS COMMITTEE** — Motion made, by leave, and question — That the Standing Orders Committee be required to review provisions in the standing orders regarding the time limits for lead speakers of any party other than the lead speaker from the government or opposition, and report to the House no later than 2 June 2011 (*Mr McIntosh*) — put, after debate, and agreed to.

6 **JOINT INVESTIGATORY COMMITTEES** — Motion made, by leave, and question — That —

(1) Mr Burgess, Mr Foley, Mr Noonan and Mr Shaw be members of the **Economic Development and Infrastructure Committee**.

(2) Mr Bull, Ms Duncan, Mr Pandazopoulos and Ms Wreford be members of the **Environment and Natural Resources Committee**.

(3) Mrs Bauer, Ms Halfpenny, Mr McGuire and Mr Wakeling be members of the **Family and Community Development Committee**.

(4) Mr Carbines, Ms Garrett, Mr Newton-Brown and Mr Northe be members of the **Law Reform Committee**.

(5) Ms Hutchins, Mr Perera, Mr Tilley and Mr Thompson (*Sandringham*) be members of the **Road Safety Committee**.

(6) Mr Howard, Mr Katos, Mr Trezise and Mr Weller be members of the **Rural and Regional Committee** —

(*Mr McIntosh*) — put and agreed to.

7 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 24 May 2011 (*Mr McIntosh*) — put and agreed to.

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

9 **APPROPRIATION (2011/2012) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Member named and suspended — The Member for Yan Yean (*Ms Green*) having been named by the Speaker for disregarding the authority of the Chair —

Motion made and question — That the Member for Yan Yean (*Ms Green*) be suspended from the service of the House during the remainder of the day's sitting (*Mr McIntosh*) — put and agreed to.

Ms Green accordingly withdrew from the Chamber.

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

Business having been interrupted at 2.00 pm under standing orders.

10 **QUESTIONS** — (Under SO 55).

11 **APPROPRIATION (2011/2012) BILL 2011** — Debate continued on question — That this Bill be now read a second time.

Allocation of time — *The Acting Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 3 May 2011 had expired.*

12 **FAMILY VIOLENCE PROTECTION AMENDMENT (SAFETY NOTICES) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

13 **DENTAL HOSPITAL LAND BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

14 **CRIMES AMENDMENT (BULLYING) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

Business having been interrupted at 4.02 pm under sessional orders.

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

15 **APPROPRIATION (2011/2012) BILL 2011** — 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 later this day.

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

Education and Training Reform Amendment (School Safety) Bill 2010

Country Fire Authority Amendment (Volunteer Charter) Bill 2011.

- 17 **ROAD SAFETY COMMITTEE** — Motion made, by leave, and question — That the resolution of the House of today providing that Ms Hutchins be a member of the Road Safety Committee be amended so far as to provide that, instead of her appointment, Mr Languiller be a member of the Committee (*Mr McIntosh*) — put and agreed to.

- 18 **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.

- 19 **STATE TAXATION ACTS AMENDMENT BILL 2011** — *Mr Wells tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 19 May 2011.

- 20 **EQUAL OPPORTUNITY AMENDMENT BILL 2011** — *Mr Clark tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 19 May 2011.

- 21 **JUSTICE LEGISLATION AMENDMENT (INFRINGEMENT OFFENCES) BILL 2011** — *Mr Clark tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 19 May 2011.

- 22 **ACCIDENT TOWING SERVICES AMENDMENT BILL 2011** — *Mr Mulder tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 19 May 2011.

- 23 **ENVIRONMENT PROTECTION AMENDMENT (LANDFILL LEVIES) BILL 2011** — *Mr Smith (Warrandyte) tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 19 May 2011.

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

- 25 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 5.50 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 17, 18 and 19

No 17 — Tuesday 24 May 2011

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
 - 2 **DEATH OF SERGEANT BRETT WOOD** — The Speaker announced the death of Sergeant Brett Wood who was killed yesterday in Afghanistan; and members rose in their places as a mark of respect to the memory of the deceased.
 - 3 **QUESTIONS** — (Under SO 55).
 - 4 **ROAD SAFETY CAMERA COMMISSIONER BILL 2011** — Mr Ryan obtained leave to bring in a Bill '*for an Act to establish the office of Road Safety Camera Commissioner and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
 - 5 **ROAD SAFETY AMENDMENT (HOON DRIVING AND OTHER MATTERS) BILL 2011** — Mr Mulder obtained leave to bring in a Bill '*for an Act to amend the **Road Safety Act 1986**, the **Road Safety Amendment (Hoon Driving) Act 2010**, the **Police Regulation Act 1958** and other Acts and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
 - 6 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
 - Funding for an Alternate Route through Leongatha** — Requesting that the Government funds an alternate route as shown on the Leongatha Structure Plan and adopted by the South Gippsland Shire Council to stop heavy vehicles travelling along Bair Street, Leongatha, bearing 649 signatures (*Mr Ryan*)
 - Rates in Loch Sport** — Requesting that the House ensures the Shire of Wellington charges appropriate rates in the Loch Sport area to ensure fair treatment for rate payers and better facilities, bearing 270 signatures (*Mr Ryan*)
 - Completion of the Caroline Springs Train Station** — Requesting that the Legislative Assembly urges the Baillieu Government to finish building the Caroline Springs train station while keeping to the original time frame and budget, bearing 1002 signatures (*Ms Kairouz*)
 - Regional Rail Link and Cuts to Altona Train Line** — Requesting that the Legislative Assembly urges the Baillieu Government to reverse its plans to cut services to the Altona train line and abandon the Regional Rail Link project, bearing 43 signatures (*Mr Noonan*).
- Petitions ordered to be tabled.
- 7 **PETITION — COMPLETION OF THE CAROLINE SPRINGS TRAIN STATION** — Motion made and question — That the petition presented by the Member for Kororoit be taken into consideration tomorrow (*Ms Kairouz*) — put and agreed to.
 - 8 **PETITION — REGIONAL RAIL LINK AND CUTS TO ALTONA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Williamstown be taken into consideration tomorrow (*Mr Noonan*) — put and agreed to.

9 DOCUMENTS

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Motion made, by leave, and question — That the Annual Review 2010 of the Scrutiny of Acts and Regulations Committee together with appendices be tabled (*Ms Campbell*) — put and agreed to.

Ordered to be printed.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms Campbell, Deputy Chair, presented the Alert Digest No 5 of 2011 from the Scrutiny of Acts and Regulations Committee on the:

Accident Towing Services Amendment Bill 2011
 Appropriation (2011/2012) Bill 2011
 Appropriation (Parliament 2011/2012) Bill 2011
 Environment Protection Amendment (Landfill Levies) Bill 2011
 Equal Opportunity Amendment Bill 2011
 Justice Legislation Amendment (Infringement Offences) Bill 2011
 State Taxation Acts Amendment Bill 2011

together with appendices.

Ordered to be tabled and printed.

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

Auditor-General — Annual Plan 2011–12

Crown Land (Reserves) Act 1978:

Order under s 17B granting a licence over Mayors Park Reserve
 Order under s 17D granting a lease over Sidney Myer Music Bowl Reserve

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

Bass Coast — C119
 Boroondara — C118
 Brimbank — C117
 Campaspe — C78, C83
 Colac Otway — C63
 Darebin — C106
 Glen Eira — C64, C76
 Greater Dandenong — C135, C136
 Hobsons Bay — C78
 Horsham — C47
 Latrobe — C56
 Macedon Ranges — C69 Part 1
 Maribymong — C63
 Moira — C67
 Monash — C102
 Nillumbik — C62, C68
 Wodonga — C84
 Yarra Ranges — C95

Statutory Rules under the following Acts:

Evidence (Miscellaneous Provisions) Act 1958 — SR 28

Subordinate Legislation Act 1994 — SR 27

Supreme Court Act 1986 — SR 26

Subordinate Legislation Act 1994 — Documents under s 15 in relation to Statutory Rules 19, 26

Victorian Environmental Assessment Council Act 2001 — Report on the Remnant Native Vegetation Investigation.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 8 February 2011:

Regional Growth Fund Act 2011 — Whole Act — 1 June 2011 (*Gazette S150, 17 May 2011*)

Water Amendment (Victorian Environmental Water Holder) Act 2010 — Remaining provisions — 1 July 2011 (*Gazette S141, 3 May 2011*).

10 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Liquor Control Reform Amendment Bill 2011 without amendment.

11 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 10 May 2011, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Country Fire Authority Amendment (Volunteer Charter) Bill 2011
Education and Training Reform Amendment (School Safety) Bill 2010
Justice Legislation Amendment Bill 2011
Liquor Control Reform Amendment Bill 2011
Multicultural Victoria Bill 2011.

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

Accident Towing Services Amendment Bill 2011
Equal Opportunity Amendment Bill 2011
Justice Legislation Amendment (Infringement Offences) Bill 2011
State Taxation Acts Amendment Bill 2011.

13 **STANDING ORDERS COMMITTEE** — Motion made, by leave, and question — That Mr Perera be discharged from attendance on the Standing Orders Committee and that Ms Allan be appointed in his place (*Mr McIntosh*) — put and agreed to.

14 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 26 May 2011:

Equal Opportunity Amendment Bill 2011
Fisheries Amendment Bill 2011
Public Holidays Amendment Bill 2011

(*Mr McIntosh*) — after debate, put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 41

Mr Angus; Ms Asher; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrandyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 39

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Wynne.

Question agreed to.

- 15 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 16 **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.
- 17 **FISHERIES AMENDMENT BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Motion made and question — That the debate be now adjourned (*Mr Morris*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 18 **PUBLIC HOLIDAYS AMENDMENT BILL 2011** — 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 Wakeling*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 19 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Victoria Law Foundation Amendment Bill 2011 without amendment.
- 20 **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.
- 21 **EQUAL OPPORTUNITY AMENDMENT BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Business having been interrupted at 10.00 pm under 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 10.44 pm.

No 18 — Wednesday 25 May 2011

1 The Speaker took the Chair and read the Prayer.

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

Monash Children's Centre Funding — Requesting that the Legislative Assembly urges the Baillieu Government to fully fund the new Monash Children's Centre and build it by 2014, bearing 352 signatures (*Ms Barker*)

Commuter Car Parking in Sunbury — Requesting that the Legislative Assembly urges the Government to provide \$8–10 million from the \$26.9 million Metropolitan Park and Ride Program, or alternative budget source, to construct an additional 419 commuter car parking spaces in the multi-storey car park proposed at 106–112 Evans Street Sunbury, bearing 1550 signatures (*Ms McLeish*)

Truck Action Plan and Westlink — Requesting that the Legislative Assembly urges the Baillieu Government to commit funding to build the Truck Action Plan and Westlink, bearing 457 signatures (*Mr Noonan*).

Petitions ordered to be tabled.

3 **PETITION — MONASH CHILDREN'S CENTRE FUNDING** — Motion made and question — That the petition presented by the Member for Oakleigh be taken into consideration tomorrow (*Ms Barker*) — put and agreed to.

4 **PETITION — COMMUTER CAR PARKING IN SUNBURY** — Motion made and question — That the petition presented by the Member for Seymour be taken into consideration tomorrow (*Ms McLeish*) — put and agreed to.

5 **PETITION — TRUCK ACTION PLAN AND WESTLINK** — Motion made and question — That the petition presented by the Member for Williamstown be taken into consideration tomorrow (*Mr Noonan*) — put and agreed to.

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

Auditor-General:

Early Childhood Development Services: Access and Quality — Ordered to be printed

Tertiary Education and Other Entities: Results of the 2010 Audits — Ordered to be printed

Subordinate Legislation Act 1994 — Documents under s 15 in relation to Statutory Rule 27.

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

Dental Hospital Land Bill 2011

Health Services Amendment (Health Innovation and Reform Council) Bill 2011.

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

9 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — COALITION'S ACHIEVEMENTS IN GOVERNMENT** — The House was informed that Mr Ryan had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House congratulates the Coalition Government on its many achievements for the people of Victoria since coming to office six months ago.'

Mr Ryan addressed the House — Discussion followed.

- 10 **APPROPRIATION (2011/2012) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

- 11 **QUESTIONS** — (Under SO 55).

- 12 **APPROPRIATION (2011/2012) BILL 2011** — 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.

- 13 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 2 to 12 inclusive, be postponed until later this day.

- 14 **ROAD SAFETY AMENDMENT (HOON DRIVING AND OTHER MATTERS) BILL 2011** — *Mr Mulder tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 8 June 2011.

- 15 **APPROPRIATION (2011/2012) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under sessional orders.

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

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

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

- 17 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 10.43 pm.

No 19 — Thursday 26 May 2011

1 The Speaker took the Chair and read the Prayer.

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

Puppy Farms — Requesting the Legislative Assembly stops sales of animals in pet shops and abolishes puppy farms, bearing 2695 signatures (*Ms Wreford*).

Ordered to be tabled.

3 **PETITION — PUPPY FARMS** — Motion made and question — That the petition presented by the Member for Mordialloc be taken into consideration tomorrow (*Ms Wreford*) — put and agreed to.

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

Ombudsman — Investigation into record keeping failures by WorkSafe agents — Ordered to be printed

Police Integrity, Office of — Report of investigation into Victoria Police crime records and statistical reporting — Ordered to be printed.

5 **ENVIRONMENT AND NATURAL RESOURCES COMMITTEE — EXTENSION TO REPORTING DATES** — Motion made, by leave, and question — That the resolution of the House of 10 February 2011 providing that the Environment and Natural Resources Committee be required to present its report on:

(1) Matters relating to flood mitigation infrastructure in Victoria, to the Parliament no later than 30 November 2011 be amended so far as to require the report to be presented to the Parliament no later than 31 May 2012.

(2) The establishment and effectiveness of registered aboriginal parties, to the Parliament no later than 30 September 2011 be amended so far as to require the report to be presented to the Parliament no later than 28 September 2012 —

(*Mr McIntosh*) — put and agreed to.

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

7 **APPROPRIATION (2011/2012) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

8 **QUESTIONS** — (Under SO 55).

9 **APPROPRIATION (2011/2012) BILL 2011** — 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 under the resolution of the House on Tuesday 24 May 2011 had expired.

10 **EQUAL OPPORTUNITY AMENDMENT BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.

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

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 43

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrantdyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wreford.

NOES 43

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

The Speaker announced that, as the motion should be supported by the majority of the House, and not determined on a casting vote, he casts his vote with the noes.

Question defeated.

- 11 **FISHERIES AMENDMENT BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.

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

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrantdyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 43

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 12 **PUBLIC HOLIDAYS AMENDMENT BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

Business having been interrupted at 4.11 pm under sessional orders.

- 13 **ADJOURNMENT** — The Speaker, announced that the time for the adjournment of the House had arrived, and, after debate, the Deputy Speaker left the Chair, at 4.51 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 20, 21 and 22

No 20 — Tuesday 31 May 2011

- 1 The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **PLANNING AND ENVIRONMENT AMENDMENT (GROWTH AREAS INFRASTRUCTURE CONTRIBUTION) BILL 2011** — Mr Clark obtained leave to bring in a Bill '*for an Act to amend the **Planning and Environment Act 1987** to make changes to the growth areas infrastructure contribution scheme and to make consequential amendments to the **Land Acquisition and Compensation Act 1986** and to the **Sale of Land Act 1962** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **VICTORIAN URBAN DEVELOPMENT AUTHORITY AMENDMENT (URBAN RENEWAL AUTHORITY VICTORIA) BILL 2011** — Mr Clark obtained leave to bring in a Bill '*for an Act to amend the **Victorian Urban Development Authority Act 2003** to abolish the Victorian Urban Development Authority, to establish the Urban Renewal Authority Victoria as its successor in law and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **TRANSPORT LEGISLATION AMENDMENT (PORT OF HASTINGS DEVELOPMENT AUTHORITY) BILL 2011** — Dr Napthine obtained leave to bring in a Bill '*for an Act to amend the **Transport Integration Act 2010** to establish the Port of Hastings Development Authority, to amend the **Port Management Act 1995**, to make consequential and related amendments to other Acts and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **HEALTH PRACTITIONER REGULATION NATIONAL LAW (VICTORIA) AMENDMENT BILL 2011** — Dr Napthine obtained leave to bring in a Bill '*for an Act to amend the **Health Practitioner Regulation National Law (Victoria) Act 2009** to provide for a time period within which an appeal to VCAT must be made and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **TRANSPORT LEGISLATION AMENDMENT (TAXI SERVICES REFORM AND OTHER MATTERS) BILL 2011** — Mr Mulder obtained leave to bring in a Bill '*for an Act to amend the **Transport Integration Act 2010** to establish the Taxi Services Commission and to amend the **Transport (Compliance and Miscellaneous) Act 1983** and other Acts to make consequential and related amendments and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **CONSUMER ACTS AMENDMENT BILL 2011** — Mr O'Brien obtained leave to bring in a Bill '*for an Act to amend the **Estate Agents Act 1980**, the **Owners Corporations Act 2006**, the **Fair Trading Act 1999**, the **Conveyancers Act 2006**, the **Consumer Affairs Legislation Amendment (Reform) Act 2010**, to repeal the **Companies (Administration) Act 1981** and to make minor or consequential amendments to several other Acts and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

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

New Schools in Point Cook and Truganina — Requesting that the Legislative Assembly urges the Baillieu Government to immediately take steps to finance and manage the building of two new schools in Point Cook and Truganina, bearing 123 signatures (*Ms Hennessy*)

Premium Railway Stations and other Rail Services — Requesting that the Legislative Assembly urges the Baillieu Government to reverse its plans to stop the Premium Railway Station upgrades, cut rail services and abandon the Regional Rail Link project, bearing 203 signatures (*Ms Hennessy*)

Secondary College in Doreen — Requesting that the Legislative Assembly urges the Baillieu Government to urgently fund the building of a secondary college in Doreen, bearing 38 signatures (*Ms Green*).

Petitions ordered to be tabled.

- 10 **PETITION — NEW SCHOOLS IN POINT COOK AND TRUGANINA** — Motion made and question — That the petition presented by the Member for Altona be taken into consideration tomorrow (*Ms Hennessy*) — put and agreed to.

- 11 **PETITION — PREMIUM RAILWAY STATIONS AND OTHER RAIL SERVICES** — Motion made and question — That the petition presented by the Member for Altona be taken into consideration tomorrow (*Ms Hennessy*) — put and agreed to.

- 12 **PETITION — SECONDARY COLLEGE IN DOREEN** — Motion made and question — That the petition presented by the Member for Yan Yean be taken into consideration tomorrow (*Ms Green*) — put and agreed to.

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

Bushfires Royal Commission Implementation Monitor Act 2011 — Implementation Plan under s 23

Crown Land (Reserves) Act 1978:

Order under s 17B granting a licence over Kings Domain Reserve

Order under s 17D granting a lease over Rosebud Tennis Club Reserve

Holmesglen Institute of TAFE — Report 2010

Judicial Remuneration Tribunal Act 1995 — Statement of Reasons under s 14

Planning and Environment Act 1987 — Notice of approval of an amendment to the Bayside Planning Scheme — C99

Statutory Rules under the following Acts:

Petroleum Act 1998 — SR 30

Transport Accident Act 1986 — SR 29

Victorian Energy Efficiency Target Act 2007 — SR 31

Subordinate Legislation Act 1994 — Documents under s 15 in relation to Statutory Rule 30.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 8 February 2011:

Consumer Affairs Legislation Amendment Act 2010 — Sections 17, 18, 18A, 82 and 108 — 1 July 2011 (*Gazette S154, 24 May 2011*)

Consumer Affairs Legislation Amendment (Reform) Act 2010 — Division 2 of Part 2 and s 71 — 1 July 2011 (*Gazette S154, 24 May 2011*).

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

Family Violence Protection Amendment (Safety Notices) Bill 2011
Residential Tenancies Amendment (Public Housing) Bill 2011.

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

Dental Hospital Land Bill 2011
Family Violence Protection Amendment (Safety Notices) Bill 2011
Health Services Amendment (Health Innovation and Reform Council) Bill 2011
Residential Tenancies Amendment (Public Housing) Bill 2011
Victoria Law Foundation Amendment Bill 2011.

- 16 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 2 June 2011:

Appropriation (2011/2012) Bill 2011
Appropriation (Parliament 2011/2012) Bill 2011
Environment Protection Amendment (Landfill Levies) Bill 2011
Justice Legislation Amendment (Infringement Offences) Bill 2011
State Taxation Acts Amendment Bill 2011

(*Mr McIntosh*) — after debate, put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrantye*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 43

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

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

- 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 **APPROPRIATION (PARLIAMENT 2011/2012) BILL 2011** — 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 Hodgett*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 20 **STATE TAXATION ACTS AMENDMENT BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Motion made and question — That the debate be now adjourned (*Mr Morris*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 21 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Crimes Amendment (Bullying) Bill 2011 without amendment.
- 22 **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.
- 23 **ROAD SAFETY CAMERA COMMISSIONER BILL 2011** — *Mr Ryan tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Ryan*).
- Motion made and question — That the debate be now adjourned (*Ms Neville*) — put and agreed to.
- Ordered — That the debate be adjourned until Tuesday 14 June 2011.
- 24 **ENVIRONMENT PROTECTION AMENDMENT (LANDFILL LEVIES) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Motion made and question — That the debate be now adjourned (*Mr Crisp*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 25 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Fisheries Amendment Bill 2011 without amendment.
- 26 **JUSTICE LEGISLATION AMENDMENT (INFRINGEMENT OFFENCES) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Business having been interrupted at 10.00 pm under sessional orders.*
- Motion made and question — That the sitting be continued (*Mr Smith, Warrandyte*) — 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 Smith, Warrandyte*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 27 **APPROPRIATION (2011/2012) BILL 2011** — 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 Watt*) — put and agreed to.

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

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

29 **ADJOURNMENT** — The House, after debate, having continued to sit after midnight —

WEDNESDAY 1 JUNE 2011

The Speaker left the Chair, after debate, at 12.38 am.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

No 21 — Wednesday 1 June 2011

1 The Speaker took the Chair and read the Prayer.

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

Clean Up for Bushfire Affected Areas — Requesting that the Legislative Assembly of Victoria takes steps to help the Bendigo areas affected by bushfires by — (a) removing the fire damaged trees from the roadsides on Maiden Gully Road, Albert Street and Sparrowhawk Road; (b) removing felled trees and debris in Maiden Gully Road; and (c) removing the fire damaged trees from the Regional Park between Maiden Gully Road and Bracewell Street, bearing 1197 signatures (*Ms Edwards*)

Upgrade of Greensborough College — Requesting that the Legislative Assembly urges the Baillieu Government to urgently fund the much needed upgrade of Greensborough College, bearing 555 signatures (*Mr Brooks*)

Truck Action Plan and Westlink — Requesting that the Legislative Assembly urges the Baillieu Government to commit funding to the Truck Action Plan and Westlink, bearing 601 signatures (*Ms Thomson, Footscray*)

New CFA Stations — Requesting the Legislative Assembly urges the Baillieu–Ryan Government to build new CFA stations for Eden Park, Eltham, Kangaroo Ground, Plenty and Wattle Glen, bearing 353 signatures (*Ms Green*).

Petitions ordered to be tabled.

3 **PETITION — CLEAN UP FOR BUSHFIRE AFFECTED AREAS** — Motion made and question — That the petition presented by the Member for Bendigo West be taken into consideration tomorrow (*Ms Edwards*) — put and agreed to.

4 **PETITION — TRUCK ACTION PLAN AND WESTLINK** — Motion made and question — That the petition presented by the Member for Footscray be taken into consideration tomorrow (*Ms Thomson, Footscray*) — put and agreed to.

- 5 **PETITION — UPGRADE OF GREENSBOROUGH COLLEGE** — Motion made and question — That the petition presented by the Member for Bundoora be taken into consideration tomorrow (*Mr Noonan*) — put and agreed to.

6 **DOCUMENTS**

VICTORIAN GOVERNMENT INDIGENOUS AFFAIRS REPORT — Motion made, by leave, and question — That the Victorian Government Indigenous Affairs Report 2009–10 be tabled (*Mrs Powell*) — put and agreed to.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — Mr Morris presented a report from the Public Accounts and Estimates Committee on the 2011–12 Budget Estimates — Part One, together with an extract from the proceedings and transcripts of evidence.

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

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

Auditor-General:

Indigenous Education Strategies for Government Schools — Ordered to be printed
Management of Major Road Projects — Ordered to be printed

Police Integrity, Office of — Improving Victoria Police discipline and complaint handling systems: A progress report — Ordered to be printed.

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

- 8 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — GOVERNMENT DELAYS AND DECEPTION** — The House was informed that Mr Andrews had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House condemns the Baillieu Coalition Government for six months of dithering, delays and deception including:

- (1) Failing to provide a plan to create and secure jobs for working Victorian families;
- (2) A long list of broken promises and cuts in areas such as health, education, public transport and community safety; and
- (3) Failing to make the hard decisions required by a government.'

Mr Andrews addressed the House — Discussion followed.

- 9 **STATEMENT ON PARLIAMENTARY COMMITTEE REPORT** — A Statement was made on the Public Accounts and Estimates Committee's Report on the 2011–12 Budget Estimates — Part One.

- 10 **EQUAL OPPORTUNITY AMENDMENT BILL 2011** — Motion made, and question proposed — That, due to the accidental absence of the Member for Doncaster from a division, standing orders be suspended to enable the House to immediately divide again, in relation to the Equal Opportunity Amendment Bill 2011, on the question 'That this Bill be now read a second time and a third time' (*Mr McIntosh*) — and, after debate —

Business having been interrupted at 2.00 pm under standing orders.

11 **DEATH OF LANCE CORPORAL ANDREW JONES AND LIEUTENANT MARCUS CASE** — The Speaker announced the death of Lance Corporal Andrew Jones and Lieutenant Marcus Case, both killed in Afghanistan on 30 May 2011; and members rose in their places as a mark of respect to the memory of the deceased.

12 **QUESTIONS** — (Under SO 55).

13 **EQUAL OPPORTUNITY AMENDMENT BILL 2011** — Debate continued on question — That, due to the accidental absence of the Member for Doncaster from a division, standing orders be suspended to enable the House to immediately divide again, in relation to the Equal Opportunity Amendment Bill 2011, on the question 'That this Bill be now read a second time and a third time'.

Motion made and question — That the question be now put (*Mr Smith, Warrantdyte*) — put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 43

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Shaw; Mr Smith (*Warrantdyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 42

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

Original question — accordingly put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 43

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Shaw; Mr Smith (*Warrantdyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 42

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

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

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 43

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Shaw; Mr Smith (*Warrandyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 42

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 14 **APPROPRIATION (2011/2012) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

- 15 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 2 to 5 inclusive, be postponed until later this day.

- 16 **VICTORIAN URBAN DEVELOPMENT AUTHORITY AMENDMENT (URBAN RENEWAL AUTHORITY VICTORIA) BILL 2011** — *Mr Clark tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

Business having been interrupted at 10.00 pm under sessional orders.

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

Ordered — That the debate be adjourned until Wednesday 15 June 2011.

- 17 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 7 to 11 inclusive, be postponed until later this day.

- 18 **TRANSPORT LEGISLATION AMENDMENT (PORT OF HASTINGS DEVELOPMENT AUTHORITY) BILL 2011** — *Dr Napthine tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 15 June 2011.

- 19 **HEALTH PRACTITIONER REGULATION NATIONAL LAW (VICTORIA) AMENDMENT BILL 2011** — *Dr Naphthine tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 15 June 2011.

- 20 **APPROPRIATION (2011/2012) BILL 2011** — 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 Burgess*) — put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 42

Mr Angus; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Naphthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Shaw; Mr Smith (*Warrantyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 42

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

The Speaker announced that, to enable debate to continue, he casts his vote with the noes.

Question defeated.

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 (the Speaker, Mr Smith, in the Chair) —

AYES 43

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Naphthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Shaw; Mr Smith (*Warrantyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 42

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question 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 McIntosh*) — put and agreed to.
- 22 **ADJOURNMENT** — The House, after debate, having continued to sit after midnight —

THURSDAY 2 JUNE 2011

The Acting Speaker left the Chair, after debate, at 12.20 am.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

No 22 — Thursday 2 June 2011

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
- Exclusion Zone around Proposed Gas Power Plant** — Requesting that the Legislative Assembly of Victoria gives consideration to a two kilometre exclusion zone around the gas power plant proposed near Tarrone in Western Victoria, similar to the exclusion zone being considered for wind turbines, bearing 21 signatures (*Mr Hodgett*)
- Morwell to Traralgon Bike Path Link** — Requesting that the House calls upon the Government to provide funding to establish a Morwell to Traralgon bike path link for the benefit of the residents of Morwell electorate and the wider Gippsland community, bearing 36 signatures (*Mr Northe*)
- Secondary College in Doreen** — Requesting that the Legislative Assembly urges the Baillieu Government to urgently fund the building of a secondary college in Doreen, bearing 8 signatures (*Ms Green*).
- Petitions ordered to be tabled.
- 3 **PETITION — SECONDARY COLLEGE IN DOREEN** — Motion made and question — That the petition presented by the Member for Yan Yean be taken into consideration tomorrow (*Ms Green*) — put and agreed to.
- 4 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Goulburn Ovens Institute of TAFE — Report 2010 (two documents) (*in lieu of report previously tabled on Tuesday 3 May 2011*)

Subordinate Legislation Act 1994 — Documents under s 15 in relation to Statutory Rule 31.

5 **PARLIAMENTARY COMMITTEES — EXTENSION OF REPORTING DATES** — Motion made, by leave, and question — That the resolution of the House of:

- (1) 5 May 2011 providing that the Standing Orders Committee be required to present its report, on time limits for lead speakers of any party other than the lead speaker from the government or opposition, to the Parliament no later than 2 June 2011 be amended so far as to require the report to be presented to the Parliament no later than 16 June 2011.
- (2) 4 May 2011 providing that the Drugs and Crime Prevention Committee be required to present its report, on violence and security arrangements in Victorian hospitals, to the Parliament no later than 30 September 2011 be amended so far as to require the report to be presented to the Parliament no later than 6 December 2011.
- (3) 10 February 2011 providing that the Rural and Regional Committee be required to present its report, on the capacity of the farming sector to attract and retain young farmers and respond to an ageing workforce, to the Parliament no later than 8 February 2012 be amended so far as to require the report to be presented to the Parliament no later than 30 May 2012 —

(*Mr McIntosh*) — put and agreed to.

6 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 14 June 2011 (*Mr McIntosh*) — put and agreed to.

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

8 **APPROPRIATION (2011/2012) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

9 **QUESTIONS** — (Under SO 55).

10 **APPROPRIATION (2011/2012) BILL 2011** — 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.

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 **STATE TAXATION ACTS AMENDMENT BILL 2011** — 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.

13 **ENVIRONMENT PROTECTION AMENDMENT (LANDFILL LEVIES) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Allocation of time — The Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 31 May 2011 had expired.

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

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

Bill sent to the Legislative Council and their agreement requested.

- 14 **JUSTICE LEGISLATION AMENDMENT (INFRINGEMENT OFFENCES) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

- 15 **APPROPRIATION (2011/2012) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

- 16 **APPROPRIATION (PARLIAMENT 2011/2012) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

- 17 **STATE TAXATION ACTS AMENDMENT BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

Business having been interrupted at 4.02 pm under sessional orders.

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

- 18 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 6 to 12 inclusive, be postponed until later this day.

- 19 **JAPAN EARTHQUAKE AND TSUNAMI** — Order read for resuming debate on question — That we, the Legislative Assembly of Victoria:

- (1) Offer our deepest and sincere condolences to the Government and people of Japan, following the catastrophic earthquake and tsunami off Japan on 11 March 2011, and the subsequent power station crisis;
- (2) Note that the human cost of this devastating event is yet to be calculated, and that the loss of life will be immense;
- (3) Express our admiration for the work of the Japan Self-Defence Forces and other emergency service workers in their stoic response to this disaster;

- (4) Support the Australian Government in offering assistance to Japan;
- (5) Join with all the people of the State of Victoria in expressing our sympathy and our strong support for the rescue, relief and recovery of Japan from this calamity; and
- (6) Undertake to assist Japan in whatever way possible.

Members stood in silence in unanimous agreement to the motion.

- 20 **PLANNING AND ENVIRONMENT AMENDMENT (GROWTH AREAS INFRASTRUCTURE CONTRIBUTION) BILL 2011** — *Mr Clark tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 16 June 2011.

- 21 **TRANSPORT LEGISLATION AMENDMENT (TAXI SERVICES REFORM AND OTHER MATTERS) BILL 2011** — *Mr Mulder tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 16 June 2011.

- 22 **CONSUMER ACTS AMENDMENT BILL 2011** — *Mr O'Brien tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 16 June 2011.

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

- 24 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 5.40 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 23, 24 and 25

No 23 — Tuesday 14 June 2011

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
 - 2 **DEATH OF JEANNETTE TWEEDDALE PATRICK** — The Speaker announced the death of Jeannette Tweeddale Patrick, Member of the Legislative Assembly for the Electoral District of Brighton from 1976 to 1985; and members rose in their places as a mark of respect to the memory of the deceased.
 - 3 **QUESTIONS** — (Under SO 55).
 - 4 **SENTENCING LEGISLATION AMENDMENT (ABOLITION OF HOME DETENTION) BILL 2011** — Mr McIntosh obtained leave to bring in a Bill '*for an Act to amend the **Corrections Act 1986** and the **Sentencing Act 1991** to repeal provisions relating to home detention orders and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
 - 5 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
 - Monash Children's Centre Funding** — Requesting that the Legislative Assembly urges the Baillieu Government to fully fund the new Monash Children's Centre and build it by 2014, bearing 399 signatures (*Mr Lim*)
 - New Method of Administering Victorian Cemeteries** — Requesting that the Legislative Assembly abolishes the current method of administering Victorian cemeteries to enable an Outer Eastern Metropolitan Cemetery Trust to be formed, comprising members of the community from the area of each cemetery to manage funds paid into the Trust by the former Lilydale Cemetery Trust and facilitate further administration, bearing 1084 signatures (*Mrs Fyffe*)
 - Funding for an Alternate Route through Leongatha** — Requesting that the Government funds an alternate route as shown on the Leongatha Structure Plan and adopted by the South Gippsland Shire Council to stop heavy vehicles travelling along Bair Street, Leongatha, bearing 2142 signatures (*Mr Ryan*)
 - Olivia Newton-John Cancer and Wellness Centre** — Requesting that the Legislative Assembly urges the Baillieu Government to provide funding to complete the Olivia Newton-John Cancer and Wellness Centre as a matter of urgency, bearing 1796 signatures (*Mr Carbines*).
- Petitions ordered to be tabled.
- 6 **PETITION — OLIVIA NEWTON-JOHN CANCER AND WELLNESS CENTRE** — Motion made and question — That the petition presented by the Member for Ivanhoe be taken into consideration tomorrow (*Mr Carbines*) — put and agreed to.
 - 7 **PETITION — NEW METHOD OF ADMINISTERING VICTORIAN CEMETERIES** — Motion made and question — That the petition presented by the Member for Evelyn be taken into consideration tomorrow (*Mrs Fyffe*) — put and agreed to.

8 **DOCUMENTS**

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms Campbell, Deputy Chair, presented the Alert Digest No 6 of 2011 from the Scrutiny of Acts and Regulations Committee on the:

Consumer Acts Amendment Bill 2011
 Health Practitioner Regulation National Law (Victoria) Amendment Bill 2011
 Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill 2011
 Road Safety Amendment (Hoon Driving and Other Matters) Bill 2011
 Road Safety Camera Commissioner Bill 2011
 State Taxation Acts Amendment Bill 2011
 Terrorism (Community Protection) Amendment Bill 2011
 Transport Legislation Amendment (Port of Hastings Development Authority) Bill 2011
 Transport Legislation Amendment (Taxi Services Reform and Other Matters) Bill 2011
 Victorian Urban Development Authority Amendment (Urban Renewal Authority Victoria) Bill 2011

together with appendices.

Ordered to be tabled and printed.

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

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

Ballarat — C150
 Bass Coast — C112, C114
 Baw Baw — C77
 Campaspe — C85
 Cardinia — C127
 Casey — C151
 East Gippsland — C86
 Glen Eira — C75
 Greater Bendigo — C122
 Greater Dandenong — C127
 Melbourne — C150, C167
 Mount Alexander — C19
 Surf Coast — C65
 Warrnambool — C79
 Yarra — C134.

The following proclamation fixing an operative date was tabled by the Clerk in accordance with an order of the House dated 8 February 2011:

Dental Hospital Land Act 2011 — Whole Act — 7 June 2011 (*Gazette S177, 7 June 2011*).

9 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Public Holidays Amendment Bill 2011 without amendment.

10 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 7 June 2011, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Crimes Amendment (Bullying) Bill 2011
 Fisheries Amendment Bill 2011

Public Holidays Amendment Bill 2011.

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

Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill 2011
 Road Safety Amendment (Hoon Driving and Other Matters) Bill 2011
 Road Safety Camera Commissioner Bill 2011
 Transport Legislation Amendment (Port of Hastings Development Authority) Bill 2011
 Transport Legislation Amendment (Taxi Services Reform and Other Matters) Bill 2011.

- 12 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 16 June 2011:

Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill 2011
 Road Safety Amendment (Hoon Driving and Other Matters) Bill 2011
 Statute Law Revision Bill 2011
 Transport Legislation Amendment (Port of Hastings Development Authority) Bill 2011
 Transport Legislation Amendment (Taxi Services Reform and Other Matters) Bill 2011
 Victorian Urban Development Authority Amendment (Urban Renewal Authority Victoria) Bill 2011

(*Mr McIntosh*) — after debate, put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 43

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Shaw; Mr Smith (*Warrantyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 42

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question 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 **ROAD SAFETY AMENDMENT (HOON DRIVING AND OTHER MATTERS) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

- 16 **TERRORISM (COMMUNITY PROTECTION) AMENDMENT BILL 2011** — The Acting Speaker announced the receipt of a message from the Legislative Council presenting, for the agreement of the Legislative Assembly, a Bill '*for an Act to amend the **Terrorism (Community Protection) Act 2003** to provide for the review of the operation of that Act to be undertaken and completed by 30 June 2013 and for other purposes*'.

On the motion of Mr Clark, the Bill was read a first time and ordered to be read a second time tomorrow.

- 17 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Appropriation (Parliament 2011/2012) Bill 2011 without amendment.

- 18 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Justice Legislation Amendment (Infringement Offences) Bill 2011 with amendments.

Ordered — That the amendments be taken into consideration tomorrow.

- 19 **ROAD SAFETY AMENDMENT (HOON DRIVING AND OTHER MATTERS) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under 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 10.46 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

No 24 — Wednesday 15 June 2011

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

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

Marysville Rebuilding Advisory Centre — Requesting the Legislative Assembly consults with the Marysville residents as to how the Rebuilding Advisory Centre building should be remodelled, to make funds available for the remodelling works, and to use local tradespeople for such works, bearing 56 signatures (*Mr Baillieu*)

Building Valuation in Rosebud — Requesting that the Legislative Assembly arranges for compensation to be paid to those whose properties have been devalued by the construction of a social housing development at 155–159 Eastbourne Road, Rosebud and to change the legislation that allows the National Building Economic Stimulus Plan to overrule local Council building requirements and the rights of those affected to object, bearing 139 signatures (*Mr Morris*)

Scientific Study of Cattle Grazing — Requesting that the Legislative Assembly urges the Baillieu Government, in relation to cattle grazing in the high country, to immediately provide answers and details on — (a) the scientific and departmental procedures used when authorising the study and the specific scientific justification for the study; (b) the arrangement made with graziers taking part in the

study; and (c) anecdotal evidence which suggests the study has damaged the environment and threatened endangered species, bearing 51 signatures (*Ms Green*).

Petitions ordered to be tabled.

- 3 **PETITION — BUILDING VALUATION IN ROSEBUD** — Motion made and question — That the petition presented by the Member for Mornington be taken into consideration tomorrow (*Mr Morris*) — put and agreed to.

4 **DOCUMENTS**

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Motion made, by leave, and question — That the Annual Review 2010, Regulations 2010 of the Scrutiny of Acts and Regulations Committee, together with appendices be tabled (*Ms Campbell*) — put and agreed to.

Ordered to be printed.

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

Auditor-General — Victorian Life Sciences Computation Initiative — Ordered to be printed

Ombudsman — Investigation into corrupt conduct by public officers in procurement — Ordered to be printed.

- 5 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Equal Opportunity Amendment Bill 2011 without amendment.

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

- 7 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.

- 8 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the Public Accounts and Estimates Committee's Report on the 2011–12 Budget Estimates — Part One.

- 9 **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.

- 10 **TERRORISM (COMMUNITY PROTECTION) AMENDMENT BILL 2011** — *Mr Clark tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 29 June 2011.

- 11 **VICTORIAN URBAN DEVELOPMENT AUTHORITY AMENDMENT (URBAN RENEWAL AUTHORITY VICTORIA) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

- 12 **QUESTIONS** — (Under SO 55).

- 13 **VICTORIAN URBAN DEVELOPMENT AUTHORITY AMENDMENT (URBAN RENEWAL AUTHORITY VICTORIA) BILL 2011** — Debate continued on question — That this Bill be now read a second time.
- Motion made and question — That the debate be now adjourned (*Mr Crisp*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 14 **TRANSPORT LEGISLATION AMENDMENT (PORT OF HASTINGS DEVELOPMENT AUTHORITY) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Motion made and question — That the debate be now adjourned (*Mr Crisp*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 15 **JUSTICE LEGISLATION AMENDMENT (INFRINGEMENT OFFENCES) BILL 2011** — Order read for the consideration of the amendments made by the Legislative Council.
- After debate, the amendments were agreed to.
- Message sent to the Legislative Council informing them accordingly.
- 16 **STATUTE LAW REVISION BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Business having been interrupted at 10.00 pm under 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 10.52 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

No 25 — Thursday 16 June 2011

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
- Road Safety in Heywood** — Requesting that the Legislative Assembly of Victoria takes action to reduce the speed limit in the township of Heywood from 60 kilometres per hour due to the increase in traffic, bearing 287 signatures (*Mr Hodgett*)
- Premium Station Upgrades** — Requesting that the Legislative Assembly urges the Baillieu Government to reverse its decision to abandon the premium station upgrades and take urgent steps to immediately begin the process of upgrading Upwey Station, bearing 395 signatures (*Mr Merlino*)
- Secondary College in Doreen** — Requesting that the Legislative Assembly urges the Baillieu Government to urgently fund the building of a secondary college in Doreen, bearing 12 signatures (*Ms Green*)

New CFA Stations — Requesting that the Legislative Assembly urges the Baillieu–Ryan Government to build new CFA stations for Eden Park, Eltham, Kangaroo Ground, Plenty and Wattle Glen, bearing 5 signatures (*Ms Green*).

Petitions ordered to be tabled.

3 **PETITION — SECONDARY COLLEGE IN DOREEN** — Motion made and question — That the petition presented by the Member for Yan Yean be taken into consideration tomorrow (*Ms Green*) — put and agreed to.

4 **PETITION — NEW CFA STATIONS** — Motion made and question — That the petition presented by the Member for Yan Yean be taken into consideration tomorrow (*Ms Green*) — put and agreed to.

5 **PETITION — PREMIUM STATION UPGRADES** — Motion made and question — That the petition presented by the Member for Monbulk be taken into consideration tomorrow (*Mr Merlino*) — put and agreed to.

6 DOCUMENTS

STANDING ORDERS COMMITTEE — Mrs Fyffe presented a report from the Standing Orders Committee on provisions in the standing orders regarding time limits for lead speakers, together with an appendix.

Ordered to be tabled and printed.

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

Ombudsman — *Whistleblowers Protection Act 2001*: Investigation into an allegation about Victoria Police crime statistics — Ordered to be printed

Statutory Rules under the following Acts:

Estate Agents Act 1980 — SR 32

Owners Corporations Act 2006 — SR 33

Subordinate Legislation Act 1994 — Documents under s 15 in relation to Statutory Rules 28, 32, 33.

7 **FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE — EXTENSION OF REPORTING DATE** — Motion made, by leave, and question — That the resolution of the House of 10 February 2011 providing that the Family and Community Development Committee be required to present its report, on opportunities for participation of Victorian seniors, to the Parliament no later than 10 February 2012 be amended so far as to require the report to be presented to the Parliament no later than 30 June 2012 (*Mr McIntosh*) — put and agreed to.

8 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 28 June 2011 (*Mr McIntosh*) — put and agreed to.

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

10 **PLANNING AND ENVIRONMENT AMENDMENT (GROWTH AREAS INFRASTRUCTURE CONTRIBUTION) BILL 2011** — 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 Watt*) — put and agreed to.

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

- 11 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 2 to 6 inclusive, be postponed until later this day.

- 12 **SENTENCING LEGISLATION AMENDMENT (ABOLITION OF HOME DETENTION) BILL 2011** — *Mr McIntosh tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 30 June 2011.

- 13 **TRANSPORT LEGISLATION AMENDMENT (TAXI SERVICES REFORM AND OTHER MATTERS) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

- 14 **QUESTIONS** — (Under SO 55).

- 15 **TRANSPORT LEGISLATION AMENDMENT (TAXI SERVICES REFORM AND OTHER MATTERS) BILL 2011** — Debate continued on question — That this Bill be now read a second time.

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

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

- 16 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the State Taxation Acts Amendment Bill 2011 without amendment.

- 17 **PLANNING AND ENVIRONMENT AMENDMENT (GROWTH AREAS INFRASTRUCTURE CONTRIBUTION) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Allocation of time — The Acting Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 14 June 2011 had expired.

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

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

Bill sent to the Legislative Council and their agreement requested.

- 18 **TRANSPORT LEGISLATION AMENDMENT (TAXI SERVICES REFORM AND OTHER MATTERS) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

- 19 **ROAD SAFETY AMENDMENT (HOON DRIVING AND OTHER MATTERS) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.
- Question — That this Bill be now read a second time and a third time — put and agreed to.
- Bill sent to the Legislative Council and their agreement requested.
- 20 **VICTORIAN URBAN DEVELOPMENT AUTHORITY AMENDMENT (URBAN RENEWAL AUTHORITY VICTORIA) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.
- Question — That this Bill be now read a second time and a third time — put and agreed to.
- Bill sent to the Legislative Council and their agreement requested.
- 21 **STATUTE LAW REVISION BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.
- Question — That this Bill be now read a second time and a third time — put and agreed to.
- Message sent to the Legislative Council informing them that the Bill has been agreed to without amendment.
- 22 **TRANSPORT LEGISLATION AMENDMENT (PORT OF HASTINGS DEVELOPMENT AUTHORITY) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.
- Question — That this Bill be now read a second time and a third time — put and agreed to.
- Bill sent to the Legislative Council and their agreement requested.
- Business having been interrupted at 4.02 pm under sessional orders.*
- 23 **ADJOURNMENT** — The Acting Speaker, announced that the time for the adjournment of the House had arrived, and, after debate, the Deputy Speaker left the Chair, at 4.47 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 26, 27 and 28

No 26 — Tuesday 28 June 2011

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **JUSTICE LEGISLATION AMENDMENT (PROTECTIVE SERVICES OFFICERS) BILL 2011** — Mr Ryan obtained leave to bring in a Bill *'for an Act to amend the **Police Regulation Act 1958** in relation to protective services officers and to amend the **Bail Act 1977**, the **Control of Weapons Act 1990**, the **Crimes Act 1958**, the **Drugs, Poisons and Controlled Substances Act 1981**, the **Environment Protection Act 1970**, the **Graffiti Prevention Act 2007**, the **Liquor Control Reform Act 1998**, the **Magistrates' Court Act 1989**, the **Mental Health Act 1986**, the **Road Safety Act 1986**, the **Summary Offences Act 1966** and the **Transport (Compliance and Miscellaneous) Act 1983** and for other purposes'*; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **TRANSPORT LEGISLATION AMENDMENT (PUBLIC TRANSPORT SAFETY) BILL 2011** — Mr Mulder obtained leave to bring in a Bill *'for an Act to amend the **Transport Integration Act 2010**, the **Transport (Compliance and Miscellaneous) Act 1983**, the **Rail Safety Act 2006**, the **Bus Safety Act 2009** and the **Bus Services Act 1995** and for other purposes'*; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **FARM DEBT MEDIATION BILL 2011** — Mr Walsh obtained leave to bring in a Bill *'for an Act to provide for the resolution of farm debt disputes by requiring a creditor to provide a farmer with the option to mediate before taking possession of property or other enforcement action under a farm mortgage and for other purposes'*; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (DRUGS OF DEPENDENCE) BILL 2011** — Ms Wooldridge obtained leave to bring in a Bill *'for an Act to amend the **Drugs, Poisons and Controlled Substances Act 1981** to provide for the inclusion of substances as drugs of dependence and for other purposes'*; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **LOCAL GOVERNMENT AMENDMENT (ELECTORAL MATTERS) BILL 2011** — Mrs Powell obtained leave to bring in a Bill *'for an Act to amend the **Local Government Act 1989** and the **City of Melbourne Act 2001**, to consequentially amend the **Local Government (Brimbank City Council) Act 2009** and for other purposes'*; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **ABORIGINAL HERITAGE AMENDMENT BILL 2011** — Mrs Powell obtained leave to bring in a Bill *'for an Act to amend the **Aboriginal Heritage Act 2006** and for other purposes'*; and the Bill was read a first time and, by leave, ordered to be read a second time immediately.
- 9 **ABORIGINAL HERITAGE AMENDMENT BILL 2011** — Mrs Powell tabled a statement of compatibility in accordance with the **Charter of Human Rights and Responsibilities Act 2006**.
- Motion made and question — That this Bill be now read a second time (*Mrs Powell*) — and, after debate —

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

Bill sent to the Legislative Council and their agreement requested.

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

Olivia Newton-John Cancer and Wellness Centre — Requesting that the Legislative Assembly urges the Baillieu Government to provide funding to complete the Olivia Newton-John Cancer and Wellness Centre as a matter of urgency, bearing 55 signatures (*Mr Brooks*)

Take a Break Funding — Requesting that the Legislative Assembly urgently calls on the Baillieu Government to reinstate funding for the Take a Break occasional child care program, bearing 40 signatures (*Mr Carbines*)

Upgrade of North Shore Railway Station — Requesting that the Legislative Assembly urges the Baillieu Government to commit to the \$1.5 million upgrade of the North Shore Railway Station as a matter of urgency, bearing 693 signatures (*Mr Eren*)

Political Freedom for Vietnamese People — Requesting that the Legislative Assembly — (a) condemns the Vietnamese Communist Government's treatment of human rights campaigners; (b) demands an immediate and unconditional release of all Vietnamese political prisoners and religious leaders; (c) expresses its support for the rights of Vietnamese people to demand political changes, freedom and democracy; and (d) calls upon the Vietnamese Government to accede to the legitimate demand of the people of Vietnam for a multi-party, free and fair election, bearing 362 signatures (*Mr Thompson, Sandringham*)

Scientific Study of Cattle Grazing — Requesting that the Legislative Assembly urges the Baillieu Government, in relation to cattle grazing in the high country, to immediately provide answers and details on — (a) the scientific and departmental procedures used when authorising the study and the specific scientific justification for the study; (b) the arrangement made with graziers taking part in the study; and (c) anecdotal evidence which suggests the study has damaged the environment and threatened endangered species, bearing 13 signatures (*Ms Green*).

Petitions ordered to be tabled.

11 **PETITION — TAKE A BREAK FUNDING** — Motion made and question — That the petition presented by the Member for Ivanhoe be taken into consideration tomorrow (*Mr Carbines*) — put and agreed to.

12 **PETITION — UPGRADE OF NORTH SHORE RAILWAY STATION** — Motion made and question — That the petition presented by the Member for Lara be taken into consideration tomorrow (*Mr Eren*) — put and agreed to.

13 **DOCUMENTS**

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms Campbell, Deputy Chair, presented the Alert Digest No 7 of 2011 from the Scrutiny of Acts and Regulations Committee on the:

Environment Protection Amendment (Beverage Container Deposit and Recovery Scheme) Bill 2011
Justice Legislation Amendment (Infringement Offences) Act 2011
Sentencing Legislation Amendment (Abolition of Home Detention) Bill 2011

together with appendices.

Ordered to be tabled and printed.

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

Land Acquisition and Compensation Act 1986 — Certificate under s 7

Melbourne City Link Act 1995:

City Link and Extension Projects Integration and Facilitation Agreement Nineteenth Amending Deed
Exhibition Street Extension Thirteenth Amending Deed
Melbourne City Link Twenty-Ninth Amending Deed

National Parks Act 1975 — Reports under s 17

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

Banyule — C59
Campaspe — C76
Greater Dandenong — C134
Hume — C152
Mildura — C47
Monash — C96
Port Phillip — C62
Stonnington — C112
Warrnambool — C61 Part 2
Wellington — C50 Part 1
Yarra Ranges — C80, C90 Part 3

Statutory Rules under the following Acts:

Corporations (Ancillary Provisions) Act 2001 — SR 34
Dangerous Goods Act 1985 — SR 37
Magistrates' Court Act 1989 — SR 36
Transfer of Land Act 1958 — SR 35

Subordinate Legislation Act 1994 — Documents under s 15 in relation to Statutory Rules 34, 36, 37

Victorian Electoral Commission — Report on the Broadmeadows District by-election held on 19 February 2011.

The following proclamation fixing an operative date was tabled by the Clerk in accordance with an order of the House dated 8 February 2011:

Victoria Law Foundation Amendment Act 2011 — Whole Act — 23 June 2011 (*Gazette S193, 21 June 2011*).

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

Appropriation (2011/2012) Bill 2011
Environment Protection Amendment (Landfill Levies) Bill 2011.

15 **APPROPRIATION (2011/2012) BILL 2011 — APPROPRIATION (PARLIAMENT 2011/2012) BILL 2011** — The Speaker announced that, on 21 June 2011, he had presented to the Governor, the Appropriation (2011/2012) Bill 2011 and the Appropriation (Parliament 2011/2012) Bill 2011 to which the Governor had been pleased to give the royal assent.

- 16 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 21 June 2011, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Environment Protection Amendment (Landfill Levies) Bill 2011
 Equal Opportunity Amendment Bill 2011
 Justice Legislation Amendment (Infringement Offences) Bill 2011
 State Taxation Acts Amendment Bill 2011
 Statute Law Revision Bill 2011.

- 17 **VICTORIAN HEALTH PROMOTION FOUNDATION** — The Speaker announced that he had received the following letter:

15 June 2011

The Hon Ken Smith MP
 Speaker of the Legislative Assembly
 Parliament House
 Spring Street
 Melbourne 3000

Dear Speaker

MEMBERSHIP — THE VICTORIAN HEALTH PROMOTION FOUNDATION

The Victorian Health Promotion Foundation (VicHealth) 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 (3) members of VicHealth are members of either the Legislative Assembly or the Legislative Council and elected by both houses jointly.

The previously elected Members are:

- Ms Kirstie Marshall, OAM MLA
- Mr Richard Dalla-Riva MLC
- Mr Hugh Delahunty MLA

On leaving Parliamentary office, irrespective of whether MPs are returned to Parliament, the positions are automatically vacated. Subsequently, VicHealth now requires the re-election of three new members.

I would be grateful if you could place this matter on the agenda for a Joint Sitting of both Houses. In order to maintain the membership of VicHealth at the optimum number I would appreciate if this matter could be resolved quickly.

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

Yours sincerely

Hon David Davis MP
 Minister for Health

Motion made by leave and question — That this House meets the Legislative Council for the purpose of sitting and voting together to elect three members 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 29 June 2011, at 6.15 pm (*Mr McIntosh*) — put and agreed to.

Ordered — That a message be sent to the Legislative Council informing them of the resolution and requesting their agreement.

- 18 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following items be considered and completed by 4.00 pm on Thursday 30 June 2011:

Accident Towing Services Amendment Bill 2011
 Address-in-Reply to the Governor's Speech
 Consumer Acts Amendment Bill 2011
 Parliamentary Salaries and Superannuation Amendment Bill 2011
 Terrorism (Community Protection) Amendment Bill 2011

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

- 19 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 20 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 1 to 5 inclusive be postponed until later this day.
- 21 **CONSUMER ACTS AMENDMENT BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.

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

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

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

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

- 22 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to meet the Assembly for the purpose of sitting and voting together to elect three members of the Parliament to the Victorian Health Promotion Foundation on Wednesday 29 June 2011 at 6.15 pm.
- 23 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Road Safety Amendment (Hoon Driving and Other Matters) Bill 2011 without amendment.
- 24 **ACCIDENT TOWING SERVICES AMENDMENT BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Business having been interrupted at 10.00 pm under sessional orders.*
- 25 **ADJOURNMENT** — The Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.50 pm.

No 27 — Wednesday 29 June 2011

1 The Speaker took the Chair and read the Prayer.

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

Geelong High School Upgrade — Requesting that the Legislative Assembly urges the Baillieu Government to fund the much needed upgrade of the Geelong High School, bearing 316 signatures (*Mr Trezise*)

City of Greater Geelong Land Subdivisions — Requesting that the Legislative Assembly calls in the City of Greater Geelong's recent decision to subdivide the Caddys Road region to reduce the negative implications of high density housing being built near the Serendip Sanctuary, bearing 1454 signatures (*Mr Eren*)

Funding for School Building Works — Requesting that the Legislative Assembly urges the Baillieu Government to reverse its plans to reduce the scope of Bayside College's stage two building works at the Newport Campus, bearing 223 signatures (*Mr Noonan*)

Secondary College in Doreen — Requesting that the Legislative Assembly urges the Baillieu Government to urgently fund the building of a secondary college in Doreen, bearing 5 signatures (*Ms Green*).

Petitions ordered to be tabled.

3 **PETITION — CITY OF GREATER GEELONG LAND SUBDIVISIONS** — Motion made and question — That the petition presented by the Member for Lara be taken into consideration tomorrow (*Mr Eren*) — put and agreed to.

4 **PETITION — GEELONG HIGH SCHOOL UPGRADE** — Motion made and question — That the petition presented by the Member for Geelong be taken into consideration tomorrow (*Mr Trezise*) — put and agreed to.

5 **PETITION — FUNDING FOR SCHOOL BUILDING WORKS** — Motion made and question — That the petition presented by the Member for Williamstown be taken into consideration tomorrow (*Mr Noonan*) — put and agreed to.

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

Auditor-General:

Allocation of Electronic Gaming Machine Entitlements — Ordered to be printed
Municipal Solid Waste Management — Ordered to be printed

Multicultural Victoria Act 2004 — Victorian Government Reporting on Multicultural Affairs — Report 2009–10

Subordinate Legislation Act 1994 — Documents under s 15 in relation to Statutory Rule 35.

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

Aboriginal Heritage Amendment Bill 2011

Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill 2011

Victorian Urban Development Authority Amendment (Urban Renewal Authority Victoria) Bill 2011.

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

9 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — GOVERNMENT DELIVERING ON COMMITMENTS** — The House was informed that Mr Wells had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House congratulates the Baillieu Government for delivering on public commitments they made to the Victorian people.'

Mr Wells addressed the House — Discussion followed.

10 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the Public Accounts and Estimates Committee's Report on the 2011–12 Budget Estimates — Part One.

11 **NEW SESSIONAL ORDER** — Motion made and question — That the following sessional order be inserted after Sessional Order 8 —

'9 Time limit of lead speakers

For the purposes of Standing Order 131, and subject to any agreement to the contrary, additional time provided for the lead speaker of any other party does not apply where such a party has advised the Speaker that it is in a coalition arrangement with another party.' —

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

12 **TERRORISM (COMMUNITY PROTECTION) AMENDMENT BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

13 **QUESTIONS** — (Under SO 55).

14 **TERRORISM (COMMUNITY PROTECTION) AMENDMENT BILL 2011** — Debate resumed on question — That this Bill be now read a second time.

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

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

15 **POSTPONEMENT OF ORDERS OF THE DAY** — Motion made and question — That the consideration of Government Business, Orders of the Day, Nos 2 to 8 inclusive, be postponed until later this day (*Mr McIntosh*) — after debate, put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrantdyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 42

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

- 16 **TRANSPORT LEGISLATION AMENDMENT (PUBLIC TRANSPORT SAFETY) BILL 2011** — *Mr Mulder tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 13 July 2011.

- 17 **JUSTICE LEGISLATION AMENDMENT (PROTECTIVE SERVICES OFFICERS) BILL 2011** — *Mr Ryan tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 13 July 2011.

- 18 **FARM DEBT MEDIATION BILL 2011** — *Mr Walsh tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 13 July 2011.

- 19 **DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (DRUGS OF DEPENDENCE) BILL 2011** — *Ms Wooldridge tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 13 July 2011.

- 20 **LOCAL GOVERNMENT AMENDMENT (ELECTORAL MATTERS) BILL 2011** — *Mrs Powell tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 13 July 2011.

- 21 **CONSUMER ACTS AMENDMENT BILL 2011** — 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 Hodgett*) — put and agreed to.

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

- 22 **JOINT SITTING — VICTORIAN HEALTH PROMOTION FOUNDATION** — The Acting Speaker reported that the House met today with the Legislative Council for the purpose of sitting and voting together to elect three members of the Parliament to the Victorian Health Promotion Foundation, and that Mr Neil Angus MP, Mr Tim Bull MP and Ms Danielle Green MP were elected.

- 23 **PARLIAMENTARY SALARIES AND SUPERANNUATION AMENDMENT BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under sessional orders.

- 24 **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 10.48 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speak

No 28 — Thursday 30 June 2011

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

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

Equal Remuneration in the Community Sector — Requesting that the Victorian Government supports the community sector by committing to properly fund the pay increase that will result from the Australian Services Union's equal remuneration case, bearing 8, 16, 15, 15, 7, 10, 12, 11, 3, 6, 15, 10, 8, 7, 3 and 18 signatures (*Ms Hennessy, Ms Knight, Ms Neville, Ms Allan, Ms Edwards, Ms Garrett, Ms Hutchins, Ms Kairouz, Mr Eren, Ms Duncan, Ms Graley, Ms Barker, Mr Pallas, Ms Halfpenny, Mr Noonan and Ms Beattie respectively*)

Victorian Arabic Social Services Funding — Requesting that the Legislative Assembly reinstates funding for Victorian Arabic social services, bearing 441 signatures (*Mr McGuire*)

Upgrade of Moonee Ponds Railway Station — Requesting that the Legislative Assembly urges the Baillieu Government to reverse its decision to abandon the premium station upgrades and take urgent steps to immediately begin the process of upgrading Moonee Ponds railway station, bearing 245 signatures (*Mr Madden*).

Petitions ordered to be tabled.

- 3 **PETITION — UPGRADE OF MOONEE PONDS RAILWAY STATION** — Motion made and question — That the petition presented by the Member for Essendon be taken into consideration tomorrow (*Mr Madden*) — put and agreed to.
- 4 **PETITION — EQUAL REMUNERATION IN THE COMMUNITY SECTOR** — Motion made and question — That the petition presented by the Member for Altona be taken into consideration tomorrow (*Ms Hennessy*) — put and agreed to.
- 5 **PETITION — EQUAL REMUNERATION IN THE COMMUNITY SECTOR** — Motion made and question — That the petition presented by the Member for Ballarat West be taken into consideration tomorrow (*Ms Knight*) — put and agreed to.
- 6 **PETITION — EQUAL REMUNERATION IN THE COMMUNITY SECTOR** — Motion made and question — That the petition presented by the Member for Yuroke be taken into consideration tomorrow (*Ms Beattie*) — put and agreed to.
- 7 **PETITION — EQUAL REMUNERATION IN THE COMMUNITY SECTOR** — Motion made and question — That the petition presented by the Member for Tarneit be taken into consideration tomorrow (*Mr Pallas*) — put and agreed to.
- 8 **PETITION — EQUAL REMUNERATION IN THE COMMUNITY SECTOR** — Motion made and question — That the petition presented by the Member for Kororoit be taken into consideration tomorrow (*Ms Kairouz*) — put and agreed to.
- 9 **PETITION — EQUAL REMUNERATION IN THE COMMUNITY SECTOR** — Motion made and question — That the petition presented by the Member for Oakleigh be taken into consideration tomorrow (*Ms Barker*) — put and agreed to.
- 10 **PETITION — EQUAL REMUNERATION IN THE COMMUNITY SECTOR** — Motion made and question — That the petition presented by the Member for Brunswick be taken into consideration tomorrow (*Ms Garrett*) — put and agreed to.
- 11 **PETITION — EQUAL REMUNERATION IN THE COMMUNITY SECTOR** — Motion made and question — That the petition presented by the Member for Narre Warren South be taken into consideration tomorrow (*Ms Graley*) — put and agreed to.
- 12 **PETITION — EQUAL REMUNERATION IN THE COMMUNITY SECTOR** — Motion made and question — That the petition presented by the Member for Macedon be taken into consideration tomorrow (*Ms Duncan*) — put and agreed to.
- 13 **PETITION — EQUAL REMUNERATION IN THE COMMUNITY SECTOR** — Motion made and question — That the petition presented by the Member for Bendigo West be taken into consideration tomorrow (*Ms Edwards*) — put and agreed to.
- 14 **PETITION — VICTORIAN ARABIC SOCIAL SERVICES FUNDING** — Motion made and question — That the petition presented by the Member for Broadmeadows be taken into consideration tomorrow (*Mr McGuire*) — put and agreed to.
- 15 **PETITION — EQUAL REMUNERATION IN THE COMMUNITY SECTOR** — Motion made and question — That the petition presented by the Member for Williamstown be taken into consideration tomorrow (*Mr Noonan*) — put and agreed to.
- 16 **PETITION — EQUAL REMUNERATION IN THE COMMUNITY SECTOR** — Motion made and question — That the petition presented by the Member for Thomastown be taken into consideration tomorrow (*Ms Halfpenny*) — put and agreed to.

- 17 **PETITION — EQUAL REMUNERATION IN THE COMMUNITY SECTOR** — Motion made and question — That the petition presented by the Member for Keilor be taken into consideration tomorrow (*Ms Hutchins*) — put and agreed to.
- 18 **PETITION — EQUAL REMUNERATION IN THE COMMUNITY SECTOR** — Motion made and question — That the petition presented by the Member for Bellarine be taken into consideration tomorrow (*Mr Neville*) — put and agreed to.
- 19 **PETITION — EQUAL REMUNERATION IN THE COMMUNITY SECTOR** — Motion made and question — That the petition presented by the Member for Lara be taken into consideration tomorrow (*Mr Eren*) — put and agreed to.
- 20 **PETITION — EQUAL REMUNERATION IN THE COMMUNITY SECTOR** — Motion made and question — That the petition presented by the Member for Bendigo East be taken into consideration tomorrow (*Ms Allan*) — put and agreed to.

21 **DOCUMENTS**

VICTORIAN CHILD DEATH REVIEW COMMITTEE — Motion made, by leave, and question — That the Victorian Child Death Review Committee's Report of inquiries into the deaths of children known to Child Protection 2011 be tabled (*Ms Wooldridge*) — put and agreed to.

NATIONAL BLOOD AUTHORITY — Motion made, by leave, and question — That the National Blood Authority Report 2009–10 be tabled (*Dr Naphine*) — put and agreed to.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — Mr Angus presented a report from the Public Accounts and Estimates Committee on the 2011–12 Budget Estimates — Part Two.

Ordered to be tabled and printed.

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

Members of Parliament (Register of Interests) Act 1978 — Summary of Variations notified between 5 April 2011 and 29 June 2011 — Ordered to be printed

Police Integrity, Office of — Review of the investigative process following a death associated with police contact — Ordered to be printed.

- 22 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 29 June 2011, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Aboriginal Heritage Amendment Bill 2011

Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill 2011

Road Safety Amendment (Hoon Driving and Other Matters) Bill 2011.

- 23 **LAW REFORM COMMITTEE** — Motion made, by leave, and question — That the resolution of the House of 10 February 2011 providing that the Law Reform Committee be required to present its report, on access to and interaction with the justice system by people with an intellectual disability and their families and carers, to the Parliament no later than 30 March 2012 be amended by inserting after paragraph (b) —

'(c) consideration as to whether the findings of the inquiry have broader application to people with a disability other than an intellectual disability, for example those with an acquired brain injury or neurological condition leading to cognitive disability.' —

(*Mr McIntosh*) — put and agreed to.

- 24 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until a day and hour to be fixed by the Speaker, which time of meeting shall be notified in writing to each member of the House (*Mr McIntosh*) — put, after debate, and agreed to.

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

- 26 **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 the Governor to both Houses of Parliament, be agreed to by this House (*for Address see p 17, 21 December 2010*); debate resumed.

Amendment proposed — Omit all the words after 'and' and insert 'our thanks for the speech given by the former Governor to the Parliament.' (*Mr McIntosh*) — and, after debate —

Business having been interrupted at 2.00 pm under standing orders.

- 27 **QUESTIONS** — (Under SO 55).

- 28 **ADDRESS-IN-REPLY TO THE GOVERNOR'S SPEECH** — Debate continued on question — That the following Address (*as detailed above*) be agreed to by this House — and on the amendment.

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

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

- 29 **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.

- 30 **PARLIAMENTARY SALARIES AND SUPERANNUATION AMENDMENT BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Allocation of time — The Acting Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 28 June 2011 had expired.

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

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrandyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 42

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

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

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrantdyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 42

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 31 **ADDRESS-IN-REPLY TO THE GOVERNOR'S SPEECH** — Order read for resuming debate on question — That the following Address (*as detailed above*) be agreed to by this House — and on the amendment.

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

Question — That the following Address, in reply to the speech of the Governor to both Houses of Parliament, be agreed to by this House:

Governor: We, the Legislative Assembly of Victoria assembled in Parliament, wish to express our loyalty to our Sovereign, and our thanks for the speech given by the former Governor to the Parliament.

Question — put, and Address agreed to.

- 32 **TERRORISM (COMMUNITY PROTECTION) AMENDMENT BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Message sent to the Legislative Council informing them that the Bill has been agreed to without amendment.

- 33 **ACCIDENT TOWING SERVICES AMENDMENT BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

- 34 **CONSUMER ACTS AMENDMENT BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time, Government amendment Nos 1 and 2 be agreed to and the Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

Business having been interrupted at 4.09 pm under sessional orders.

- 35 **ADJOURNMENT** — The Speaker announced that the time for the adjournment of the House had arrived, and after debate, the Deputy Speaker left the Chair, at 4.56 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 29, 30, 31 and 32

No 29 — Tuesday 16 August 2011

- 1 The House met in accordance with the terms of the resolution of 30 June 2011, the Speaker having fixed today at 2.00 pm as the time of meeting — The Speaker took the Chair and read the Prayer.
- 2 **APPOINTMENT OF OFFICERS OF PARLIAMENT** — The Speaker announced, that under s 18 of the *Parliamentary Administration Act 2005*, the Clerk of the Legislative Assembly has appointed Ms Anne Sargent to be Assistant Clerk Committees, and Ms Bridget Noonan to be Assistant Clerk Procedure and Serjeant-at-Arms.
- 3 **DEATH OF THE HONOURABLE ALLAN CLYDE HOLDING** — Motion made and question — That this House expresses its sincere sorrow at the death of the Honourable Allan Clyde Holding, and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as Member of the Legislative Assembly for the Electoral District of Richmond from 1962 to 1977, and Leader of the Opposition from 1967 to 1977, and also to Australia as a Member of the House of Representatives for the Division of Melbourne Ports from 1977 to 1998 and a Minister of the Crown from 1983 to 1990 (*Mr Baillieu*) — put, after members had addressed the House in support of the motion and, members rising in their places to signify their assent, agreed to unanimously.
- 4 **ADJOURNMENT** — Motion made and question — That, as a further mark of respect to the memory of the late Honourable Allan Clyde Holding, the House now adjourns until 5.15 pm today (*Mr McIntosh*) — put and agreed to.

And the House, at 4.19 pm adjourned until 5.15 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

No 30 — Tuesday 16 August 2011 (5.15 PM)

- 1 The House met according to the adjournment.
- 2 **CONDOLENCES TO NORWAY** — Motion made, by leave, and question proposed — 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 King and people of Norway at this time of great suffering caused by the senseless events in Oslo and on the island of Utoya on 22 July 2011 —

(*Mr Baillieu*) — and, after debate —

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.

3 **QUESTIONS** — (Under SO 55).

4 **COMMERCIAL ARBITRATION BILL 2011** — Mr Clark obtained leave to bring in a Bill '*for an Act relating to the conduct of commercial arbitrations, to repeal the **Commercial Arbitration Act 1984** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

5 **PARLIAMENTARY SALARIES AND SUPERANNUATION FURTHER AMENDMENT BILL 2011** — Mr McIntosh obtained leave to bring in a Bill '*for an Act to amend the **Parliamentary Salaries and Superannuation Act 1968** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

6 **RESOURCES LEGISLATION AMENDMENT BILL 2011** — Mr O'Brien obtained leave to bring in a Bill '*for an Act to amend the **Mineral Resources (Sustainable Development) Act 1990**, the **Mineral Resources Amendment (Sustainable Development) Act 2010**, the **Geothermal Energy Resources Act 2005**, the **Greenhouse Gas Geological Sequestration Act 2008**, the **Pipelines Act 2005** and the **Offshore Petroleum and Greenhouse Gas Storage Act 2010** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

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

Upgrade of Greensborough College — Requesting that the Legislative Assembly urges the Baillieu Government to urgently fund the much needed upgrade of Greensborough College, bearing 27 signatures (*Mr Brooks*)

Radiofrequency Radiation from Smart Meters — Requesting that the Legislative Assembly immediately — (a) issues a halt to the mandated installation of smart meters; (b) directs all power companies to offer a permanent 'opt out' for all customers; (c) requires letters to be sent to all customers informing them that radiofrequency radiation is classified by the World Health Organisation as a 2B carcinogen and that smart meters emit radiofrequency radiation; and (d) makes provisions to customers who have had smart meters installed and would like them removed, to reinstall dial or non-wireless interval meters at the option of the customer at no cost, bearing 46 signatures (*Mr Perera*)

Funding for an Alternate Route through Leongatha — Requesting that the Government funds an alternate route as shown on the Leongatha Structure Plan and adopted by the South Gippsland Shire Council to stop heavy vehicles travelling along Bair Street, Leongatha, bearing 117 signatures (*Mr Ryan*)

Venus Bay Pipi Removal — Requesting that the Legislative Assembly enacts laws or regulations affecting the inter-tidal zone between Arch Rock and Point Smythe, Venus Bay, to restrict the taking of pipis, with the current catch limits, to a season extending from May to September, bearing 500 signatures (*Mr Ryan*)

Banning of Single Use Plastic Shopping Bags — Requesting that the Legislative Assembly implements legislation banning single use plastic shopping bags in retail outlets throughout Victoria by the end of 2011, bearing 1066 signatures (*Mr Katos*)

Truck Action Plan and Westlink — Requesting that the Legislative Assembly urges the Baillieu Government to commit funding to the Truck Action Plan and Westlink, bearing 16 signatures (*Mr Noonan*)

Funding for School Building Works — Requesting that the Legislative Assembly urges the Baillieu Government to reverse its plans to reduce the scope of Bayside College's stage two building works at the Newport Campus, bearing 18 signatures (*Mr Noonan*)

Car Parking for Community Hall Visitors — Requesting that the Legislative Assembly urges the Baillieu Government to release a portion of land from the former Eastona Park Primary School site to be used for car parking by visitors to the neighbouring Maltese Association Hall, bearing 1163 signatures (*Mr Noonan*)

Churinga Employment Support Service — Requesting that the Legislative Assembly urges the Baillieu Government to work with the community to save the Churinga Employment Support Service for adults with intellectual and physical disabilities, bearing 1476 signatures (*Ms Green*).

Petitions ordered to be tabled.

8 **PETITION — UPGRADE OF GREENSBOROUGH COLLEGE** — Motion made and question — That the petition presented by the Member for Bundoora be taken into consideration tomorrow (*Mr Brooks*) — put and agreed to.

9 **PETITION — TRUCK ACTION PLAN AND WESTLINK** — Motion made and question — That the petition presented by the Member for Williamstown be taken into consideration tomorrow (*Mr Noonan*) — put and agreed to.

10 **PETITION — FUNDING FOR SCHOOL BUILDING WORKS** — Motion made and question — That the petition presented by the Member for Williamstown be taken into consideration tomorrow (*Mr Noonan*) — put and agreed to.

11 **PETITION — CAR PARKING FOR COMMUNITY HALL VISITORS** — Motion made and question — That the petition presented by the Member for Williamstown be taken into consideration tomorrow (*Mr Noonan*) — put and agreed to.

12 **PETITION — CHURINGA EMPLOYMENT SUPPORT SERVICE** — Motion made and question — That the petition presented by the Member for Yan Yean be taken into consideration tomorrow (*Ms Green*) — put and agreed to.

13 **PETITION — BANNING OF SINGLE USE PLASTIC SHOPPING BAGS** — Motion made and question — That the petition presented by the Member for South Barwon be taken into consideration tomorrow (*Mr Katos*) — put and agreed to.

14 **DOCUMENTS**

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms Campbell, Deputy Chair, presented the Alert Digest No 8 of 2011 from the Scrutiny of Acts and Regulations Committee on the:

Aboriginal Heritage Amendment Act 2011

Farm Debt Mediation Bill 2011

Drugs, Poisons and Controlled Substances Amendment (Drugs of Dependence) Bill 2011

Justice Legislation Amendment (Infringement Offences) Act 2011

Justice Legislation Amendment (Protective Services Officers) Bill 2011

Local Government Amendment (Electoral Matters) Bill 2011

Transport Legislation Amendment (Public Transport Safety) Bill 2011

together with appendices.

Ordered to be tabled and printed.

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

Bushfires Royal Commission Implementation Monitor Act 2011 — Bushfires Royal Commission Implementation Monitor Progress Report under s 21

Crown Land (Reserves) Act 1978 — Orders under s 17B granting licences over:

Lorne Foreshore Reserve
Winchelsea Public Park

Interpretation of Legislation Act 1984 — Notices under s 32(3)(a)(iii) in relation to Statutory Rules 20, 21, 22, 23 (*Gazette G29, 21 July 2011*); 56, 73 (*Gazette G31, 4 August 2011*)

Land Acquisition and Compensation Act 1986 — Certificates under s 7

Melbourne Cricket Ground Trust — Report year ended 31 March 2011

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

Banyule — C70 Part 2
Bayside — C105
Boroondara — C69
Cardinia — C152
Colac Otway — C61
East Gippsland — C92
Frankston — C60
Glen Eira — C60
Golden Plains — C45
Greater Bendigo — C144, C165
Greater Dandenong — C145
Greater Geelong — C196, C198, C202, C256
Hobsons Bay — C73
Hume — C155
Kingston — C105
Knox — C84, C104
Latrobe — C39 Part 1
Macedon Ranges — C72, C78
Manningham — C93
Maribyrnong — C85, C94, C99
Maroondah — C69, C79
Melbourne — C143, C156, C165, C182
Melton — C80, C103, C106
Mitchell — C71
Monash — C81, C85
Moreland — C112 Part 1, C120, C124
Mornington Peninsula — C119
Mount Alexander — C50
Pyrenees — C25 Part 2
Stonnington — C89, C150, C160
Surf Coast — C70
Swan Hill — C38
Wellington — C50 Part 2, C66
West Wimmera — C22
Whitehorse — C139, C141

Whittlesea — C77, C128, C143, C152
 Wyndham — C115, C123, C149, C152
 Yarra — C102, C110, C145
 Yarra Ranges — C76, C89 Part 2, C114
 Yarriambiack — C16

Prevention of Cruelty to Animals Act 1986 — Code of Practice for Training Dogs and Cats to Wear Electronic Collars

Statutory Rules under the following Acts:

Agricultural Industry Development Act 1990 — SR 38
Building Act 1993 — SRs 48, 49, 73
Control of Weapons Act 1990 — SR 50
Country Fire Authority Act 1958 — SR 60
Crown Land (Reserves) Act 1978 — SR 41
Environment Protection Act 1970 — SR 45
Fair Trading Act 1999 — SR 80
Forests Act 1958 — SR 42
Funerals Act 2006 — SR 71
Infringements Act 2006 — SRs 39, 67
Juries Act 2000 — SRs 68, 69
Land Act 1958 — SR 40
Liquor Control Reform Act 1998 — SR 70
Magistrates' Court Act 1989 — SRs 54, 55, 58, 59
Metropolitan Fire Brigades Act 1958 — SR 61
National Parks Act 1975 — SR 43
Planning and Environment Act 1987 — SR 63
Public Health and Wellbeing Act 2008 — SRs 57, 72
Regional Growth Fund Act 2011 — SR 65
Road Safety Act 1986 — SRs 51, 62, 66
Subdivision Act 1988 — SR 64
Subordinate Legislation Act 1994 — SR 52
Supreme Court Act 1986 — SRs 53, 77, 78
Tobacco Act 1987 — SR 47
Transport (Compliance and Miscellaneous) Act 1983 — SRs 74, 75, 76
Victorian Energy Efficiency Target Act 2007 — SR 56
Water Act 1989 — SR 79
Wildlife Act 1975 — SR 44
Zoological Parks and Gardens Act 1995 — SR 46

Subordinate Legislation Act 1994:

Documents under s 15 in relation to Statutory Rules 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 71, 72, 73, 74, 75, 76, 80

Guidelines under s 26

Legislative instrument and related documents under s 16B.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 8 February 2011:

Fisheries Amendment Act 2011 — Whole Act — 1 August 2011 (*Gazette S237, 19 July 2011*)
Justice Legislation Amendment Act 2011 — Whole Act — 1 August 2011 (*Gazette S245, 26 July 2011*)

Transport Legislation Amendment (Taxi Services Reform and Other Matters) Act 2011 — Part 1 and ss 3, 4, 7, 9, 15(1), 52 to 58 and 102 — 19 July 2011; remaining provisions of Part 2 — 1 August 2011 (*Gazette S236, 19 July 2011*).

- 15 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Transport Legislation Amendment (Taxi Services Reform and Other Matters) Bill 2011 without amendment.

- 16 **PRESENTATION OF ADDRESS-IN-REPLY TO SPEECH OF THE GOVERNOR** — The Speaker reported that he had, on 18 July 2011, presented to the Governor the Address of the Legislative Assembly in reply to the former Governor's Speech on the Opening of Parliament.

The Governor was pleased to make the following Reply:

Speaker and 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.

ALEX CHERNOV
Governor of Victoria

Melbourne 18 July 2011.

- 17 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 5 July 2011, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Terrorism (Community Protection) Amendment Bill 2011
Transport Legislation Amendment (Taxi Services Reform and Other Matters) Bill 2011
Victorian Urban Development Authority Amendment (Urban Renewal Authority Victoria) Bill 2011.

- 18 **MESSAGE FROM THE GOVERNOR** — Recommending an appropriation for the purposes of the Farm Debt Mediation Bill 2011.

- 19 **COMPLAINT** — The Speaker informed the House that the Member for Northcote had lodged with him written notification of a complaint against the Member for Mount Waverley alleging that he 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 Northcote on Tuesday 16 August 2011 be referred to the Privileges Committee for examination and report (*Ms Richardson*) — and, after debate —

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

Original question — accordingly put and agreed to.

- 20 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 3.00 pm on Thursday 18 August 2011:

Justice Legislation Amendment (Protective Services Officers) Bill 2011

Farm Debt Mediation Bill 2011
 Drugs, Poisons and Controlled Substances Amendment (Drugs of Dependence) Bill 2011
 Local Government Amendment (Electoral Matters) Bill 2011

(*Mr McIntosh*) — after debate, put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrantye*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 43

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

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

Business having been interrupted at 10.00 pm under sessional orders.

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

R W PURDEY
 Clerk of the Legislative Assembly

KEN SMITH
 Speaker

No 31 — Wednesday 17 August 2011

1 The Speaker took the Chair and read the Prayer.

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

Building Height Limit within the Boronia Activity Centre — Requesting that the Legislative Assembly urges the Government to continue the 7.5 metre (two storey) building height limit under the Boronia Structure Plan for all new developments recently rezoned as Residential 1 within the Boronia Activity Centre, bearing 3252 signatures (*Mrs Victoria*)

Portarlington Primary School — Requesting that the Legislative Assembly makes an immediate funding commitment to ensure schematic designs for Portarlington Primary School can be completed, bearing 1941 signatures (*Ms Neville*)

Berwick-Hallam Bypass and Pakenham Bypass — Requesting that the Legislative Assembly urges the Government to undertake urgent road improvements and install additional lanes along the Berwick-Hallam Bypass and the Pakenham Bypass, bearing 1206 signatures (*Mr Battin*)

Solar Powered Electronic Variable Speed Signs — Requesting that the Legislative Assembly instructs VicRoads to install solar powered electronic signs for variable speed limits in the school zone on the Warburton Highway for Wesburn Primary School, bearing 322 signatures (*Mr Battin*)

Warburton Public Hospital — Requesting that the Legislative Assembly urges the Government to re-open the Warburton Hospital as a public hospital or build a new replacement public hospital of similar size, bearing 5808 signatures (*Mr Battin*)

Radiofrequency Radiation from Smart Meters — Requesting that the Legislative Assembly immediately — (a) issues a halt to the mandated installation of smart meters; (b) directs all power companies to offer a permanent 'opt out' for all customers; (c) requires letters to be sent to all customers informing them that radiofrequency radiation is classified by the World Health Organisation as a 2B carcinogen and that smart meters emit radiofrequency radiation; and (d) makes provisions to customers who have had smart meters installed and would like them removed, to reinstall dial or non-wireless interval meters at the option of the customer at no cost, bearing 621 signatures (*Mr Delahunty*)

Monash Children's Centre Funding — Requesting that the Legislative Assembly urges the Baillieu Government to fully fund the new Monash Children's Centre and build it by 2014, bearing 60 signatures (*Ms Barker*)

Churinga Employment Support Service — Requesting that the Legislative Assembly urges the Baillieu Government to work with the community to save the Churinga Employment Support Service for adults with intellectual and physical disabilities, bearing 1166 signatures (*Ms Green*).

Petitions ordered to be tabled.

- 3 **PETITION — PORTARLINGTON PRIMARY SCHOOL** — Motion made and question — That the petition presented by the Member for Bellarine be taken into consideration tomorrow (*Ms Neville*) — put and agreed to.
- 4 **PETITION — BUILDING HEIGHT LIMIT WITHIN THE BORONIA ACTIVITY CENTRE** — Motion made and question — That the petition presented by the Member for Bayswater be taken into consideration tomorrow (*Mrs Victoria*) — put and agreed to.
- 5 **PETITION — BERWICK-HALLAM BYPASS AND PAKENHAM BYPASS** — Motion made and question — That the petition presented by the Member for Gembrook be taken into consideration tomorrow (*Mr Battin*) — put and agreed to.
- 6 **PETITION — SOLAR POWERED ELECTRONIC VARIABLE SPEED SIGNS** — Motion made and question — That the petition presented by the Member for Gembrook be taken into consideration tomorrow (*Mr Battin*) — put and agreed to.
- 7 **PETITION — WARBURTON PUBLIC HOSPITAL** — Motion made and question — That the petition presented by the Member for Gembrook be taken into consideration tomorrow (*Mr Battin*) — put and agreed to.
- 8 **PETITION — MONASH CHILDREN'S CENTRE FUNDING** — Motion made and question — That the petition presented by the Member for Oakleigh be taken into consideration tomorrow (*Ms Barker*) — put and agreed to.

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

Auditor-General:

Biotechnology in Victoria: the Public Sector's Investment — Ordered to be printed
 Developing Cycling as a Safe and Appealing Mode of Transport — Ordered to be printed

Financial Management Act 1994 — Report from the Minister for Agriculture and Food Security that he had received the Report 2010–11 of the Victorian Broiler Industry Negotiation Committee

Municipal Association of Victoria — Report 2009–10

Subordinate Legislation Act 1994 — Documents under s 15 in relation to Statutory Rule 79

Surveyor-General — Report 2010–11 on the administration of the *Survey Co-ordination Act 1958*.

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

Consumer Acts Amendment Bill 2011

Transport Legislation Amendment (Port of Hastings Development Authority) Bill 2011.

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

- 12 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — JOB SECURITY AND FUNDING CUTS IN VICTORIA** — The House was informed that Mr Andrews had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House condemns the Baillieu Government for:

- (1) Failing to outline plans to secure and create jobs in Victoria.
- (2) Choosing to cut funding for employment programs, support for apprentices, JobWatch, libraries and childcare.'

Mr Andrews addressed the House — Discussion followed.

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

Public Accounts and Estimates Committee's Report on the 2011–12 Budget Estimates — Part One

Public Accounts and Estimates Committee's Report on the 2011–12 Budget Estimates — Part Two.

- 14 **JUSTICE LEGISLATION AMENDMENT (PROTECTIVE SERVICES OFFICERS) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.

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

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

Business having been interrupted at 2.00 pm under standing orders.

- 15 **QUESTIONS** — (Under SO 55).

- 16 **JUSTICE LEGISLATION AMENDMENT (PROTECTIVE SERVICES OFFICERS) BILL 2011**
— Debate continued on question — That this Bill be now read a second time.
- Motion made and question — That the debate be now adjourned (*Mr Katos*) — 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 **DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (DRUGS OF DEPENDENCE) BILL 2011** — 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 McCurdy*) — 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 4 to 7 inclusive, be postponed until later this day.
- 20 **RESOURCES LEGISLATION AMENDMENT BILL 2011** — *Mr O'Brien tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr O'Brien*).
- Motion made and question — That the debate be now adjourned (*Ms Neville*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 31 August 2011.
- 21 **COMMERCIAL ARBITRATION BILL 2011** — *Mr Clark tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Clark*).
- Mr Clark 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 Neville*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 31 August 2011.
- 22 **PARLIAMENTARY SALARIES AND SUPERANNUATION FURTHER AMENDMENT BILL 2011** — *Mr McIntosh tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr McIntosh*).
- Motion made and question — That the debate be now adjourned (*Ms Neville*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 31 August 2011.
- 23 **DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (DRUGS OF DEPENDENCE) BILL 2011** — 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.

- 24 **FARM DEBT MEDIATION BILL 2011** — 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 Clark*) — put and agreed to.

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

- 25 **JUSTICE LEGISLATION AMENDMENT (PROTECTIVE SERVICES OFFICERS) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under sessional orders.

- 26 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.51 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

No 32 — Thursday 18 August 2011

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

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

Radiofrequency Radiation from Smart Meters — Requesting that the Legislative Assembly immediately — (a) issues a halt to the mandated installation of smart meters; (b) directs all power companies to offer a permanent 'opt out' for all customers; (c) requires letters to be sent to all customers informing them that radiofrequency radiation is classified by the World Health Organisation as a 2B carcinogen and that smart meters emit radiofrequency radiation; and (d) makes provisions to customers who have had smart meters installed and would like them removed, to reinstall dial or non-wireless interval meters at the option of the customer at no cost, bearing 16 signatures (*Ms Knight*)

Car Parking within Ballarat's Medical Precinct — Requesting that the Legislative Assembly calls on the Baillieu Government to immediately provide funding for the construction of a multi-storey car park with a helipad located on top of the car park within Ballarat's medical precinct, bearing 843 signatures (*Ms Knight*)

Vegetation Removal in Bushfire Affected Areas — Requesting that the Legislative Assembly directs the Department of Sustainability and Environment to remove vegetation to a safe distance from residential properties as set down by the Bushfires Royal Commission prior to next bushfire season, bearing 7 signatures (*Ms Edwards*)

Take a Break Funding — Requesting that the Legislative Assembly urgently calls on the Baillieu Government to reinstate funding for the Take A Break occasional child care program, bearing 7, 37, and 24 signatures (*Ms Halfpenny, Mr Herbert and Ms Knight respectively*)

Monash Children's Centre Funding — Requesting that the Legislative Assembly urges the Baillieu Government to fully fund the new Monash Children's Centre and build it by 2014, bearing 1540 signatures (*Mr Andrews*)

New High School in Coburg — Requesting that the Legislative Assembly urges the Government to — (a) provide a high school in Coburg to cater for all secondary students including Year 7 to 9; (b) establish a Coburg Education Implementation Taskforce (CEIT) to examine options to meet Coburg's education needs; and (c) announce the date of the first meeting of the CEIT committee, the timeframe for nominations to the committee and the date the committee will report their recommendations, bearing 87 signatures (*Ms Campbell*)

Victoria's Native Forests — Requesting that the Legislative Assembly acts to protect Victoria's native forests, including old growth forests and water catchments, and supports the transition of logging into plantations to sustain jobs and forest resources, bearing 2214 signatures (*Mr Newton-Brown*)

Rezoning of Gowrie Train Station — Requesting that the Legislative Assembly urges the Baillieu Government to rezone Gowrie Train Station to Zone 1 no later than 1 December 2011, bearing 366 signatures (*Ms Halfpenny*).

Petitions ordered to be tabled.

- 3 **PETITION — MONASH CHILDREN'S CENTRE FUNDING** — Motion made and question — That the petition presented by the Member for Mulgrave be taken into consideration tomorrow (*Mr Andrews*) — put and agreed to.
- 4 **PETITION — RADIOFREQUENCY RADIATION FROM SMART METERS** — Motion made and question — That the petition presented by the Member for Ballarat West be taken into consideration tomorrow (*Ms Knight*) — put and agreed to.
- 5 **PETITION — CAR PARKING WITHIN BALLARAT'S MEDICAL PRECINCT** — Motion made and question — That the petition presented by the Member for Ballarat West be taken into consideration tomorrow (*Ms Knight*) — put and agreed to.
- 6 **PETITION — TAKE A BREAK FUNDING** — Motion made and question — That the petition presented by the Member for Ballarat West be taken into consideration tomorrow (*Ms Knight*) — put and agreed to.
- 7 **PETITION — VICTORIA'S NATIVE FORESTS** — Motion made and question — That the petition presented by the Member for Prahran be taken into consideration tomorrow (*Mr Newton-Brown*) — put and agreed to.
- 8 **PETITION — VEGETATION REMOVAL IN BUSHFIRE AFFECTED AREAS** — Motion made and question — That the petition presented by the Member for Bendigo West be taken into consideration tomorrow (*Ms Edwards*) — put and agreed to.
- 9 **PETITION — NEW HIGH SCHOOL IN COBURG** — Motion made and question — That the petition presented by the Member for Pascoe Vale be taken into consideration tomorrow (*Ms Campbell*) — put and agreed to.
- 10 **PETITION — TAKE A BREAK FUNDING** — Motion made and question — That the petition presented by the Member for Thomastown be taken into consideration tomorrow (*Ms Halfpenny*) — put and agreed to.

11 **PETITION — RE-ZONING OF GOWRIE TRAIN STATION** — Motion made and question — That the petition presented by the Member for Thomastown be taken into consideration tomorrow (*Ms Halfpenny*) — put and agreed to.

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

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

Albert Park Reserve
Scotchmans Creek Linear Reserve

Victorian Electoral Commission — Report to Parliament on the 2010 Victorian State Election (two documents)

Victorian Environmental Assessment Council Act 2001 — Request and statement under s 16.

13 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 30 August 2011 (*Mr McIntosh*) — put and agreed to.

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

15 **LOCAL GOVERNMENT AMENDMENT (ELECTORAL MATTERS) BILL 2011** — 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 Watt*) — put and agreed to.

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

16 **JUSTICE LEGISLATION AMENDMENT (PROTECTIVE SERVICES OFFICERS) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

17 **QUESTIONS** — (Under SO 55).

Member named and suspended — The Member for Monbulk (*Mr Merlino*) having been named by the Speaker for disregarding the authority of the Chair —

Motion made and question — That the Member for Monbulk (*Mr Merlino*) be suspended from the service of the House during the remainder of the day's sitting (*Mr McIntosh*) — put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrantye*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 43

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

Mr Merlino accordingly withdrew from the Chamber.

- 18 **JUSTICE LEGISLATION AMENDMENT (PROTECTIVE SERVICES OFFICERS) BILL 2011** — Resumption of debate on question — That this Bill be now read a second time.

Allocation of time — The Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 16 August 2011 had expired.

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

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

Bill sent to the Legislative Council and their agreement requested.

- 19 **FARM DEBT MEDIATION BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

- 20 **DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (DRUGS OF DEPENDENCE) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

- 21 **LOCAL GOVERNMENT AMENDMENT (ELECTORAL MATTERS) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

- 22 **CONDOLENCES TO NORWAY** — Order read for resuming debate on 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 King and people of Norway at this time of great suffering caused by the senseless events in Oslo and on the island of Utoya on 22 July 2011; debate resumed.

Business having been interrupted at 4.00 pm under sessional orders.

-
- 23 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 4.39 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 33, 34, 35 and 36

No 33 — Tuesday 30 August 2011

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **DEATH OF KAREN MARIE OVERINGTON** — Motion made and question — That this House expresses its sincere sorrow at the death of Karen Marie Overington, and places on record its acknowledgment 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 Ballarat West from 1999 to 2010 (*Mr Baillieu*) — put, after members had addressed the House in support of the motion and, members rising in their places to signify their assent, agreed to unanimously.
- 3 **ADJOURNMENT** — Motion made, by leave, and question — That, as a further mark of respect to the memory of the late Karen Marie Overington, the House now adjourns until 8.00 pm today (*Mr McIntosh*) — put and agreed to.

And the House, at 4.59 pm adjourned until 8.00 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

No 34 — Tuesday 30 August 2011 (8.00 PM)

- 1 The House met according to the adjournment — The Speaker took the Chair.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **ELECTRONIC TRANSACTIONS (VICTORIA) AMENDMENT BILL 2011** — Mr Clark obtained leave to bring in a Bill '*for an Act to amend the **Electronic Transactions (Victoria) Act 2000** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (PROHIBITION OF DISPLAY AND SALE OF CANNABIS WATER PIPES) BILL 2011** — Ms Wooldridge obtained leave to bring in a Bill '*for an Act to amend the **Drugs, Poisons and Controlled Substances Act 1981** to provide for the prohibition of display, sale and supply of cannabis water pipes and components and the restriction of display for sale of hookahs and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **EXTRACTIVE INDUSTRIES (LYSTERFIELD) AMENDMENT BILL 2011** — Mr O'Brien obtained leave to bring in a Bill '*for an Act to amend the **Extractive Industries (Lysterfield) Act 1986** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

- 6 **GAMBLING REGULATION AMENDMENT (LICENSING) BILL 2011** — Mr O'Brien obtained leave to bring in a Bill '*for an Act to amend the **Gambling Regulation Act 2003**, the **Gambling Regulation Further Amendment Act 2009**, the **Gambling Regulation Amendment (Licensing) Act 2009** and the **Liquor Control Reform Act 1998** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **DOMESTIC ANIMALS AMENDMENT (RESTRICTED BREEDS) BILL 2011** — Mr Walsh obtained leave to bring in a Bill '*for an Act to amend the **Domestic Animals Act 1994** to make further provision with respect to the keeping of restricted breed dogs and for other purposes*'; and the Bill was read a first time and, by leave, ordered to be read a second time immediately.
- 8 **DOMESTIC ANIMALS AMENDMENT (RESTRICTED BREEDS) BILL 2011** — *Mr Walsh tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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.

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

Construction of the Kyneton K-12 Education Facility — Requesting that the Legislative Assembly calls on the Baillieu Government to urgently fund the construction of the Kyneton K-12 state education facility, bearing 1292 signatures (*Mr Howard*)

Change to the Building Act 1993 — Requesting that the Legislative Assembly gives consideration to a change to the *Building Act 1993* that will allow plumbers to only supply a 'Compliance Certificate' when work has been completed and paid for rather than 'within five days of completion or termination of the works' as the Act currently states, bearing 270 signatures (*Mr Perera*)

Radiofrequency Radiation from Smart Meters — Requesting that the Legislative Assembly immediately — (a) issues a halt to the mandated installation of smart meters; (b) directs all power companies to offer a permanent 'opt out' for all customers; (c) requires letters to be sent to all customers informing them that radiofrequency radiation is classified by the World Health Organisation as a 2B carcinogen and that smart meters emit radiofrequency radiation; and (d) makes provisions to customers who have had smart meters installed and would like them removed, to reinstall dial or non-wireless interval meters at the option of the customer at no cost, bearing 14 and 282 signatures (*Mr Madden and Ms McLeish respectively*)

Ovens College Hall, Wangaratta — Requesting that the Legislative Assembly considers reopening the facility of the Ovens College Hall, Wangaratta, up to and including the period following the drafting of the Masterplan, to allow continued use by the community, bearing 691 signatures (*Mr McCurdy*)

New High School in Coburg — Requesting that the Legislative Assembly urges the Government to — (a) provide a high school in Coburg to cater for all secondary students including Year 7 to 9; (b) establish a Coburg Education Implementation Taskforce (CEIT) to examine options to meet Coburg's education needs; and (c) announce the date of the first meeting of the CEIT committee, the timeframe for nominations to the committee and the date the committee will report their recommendations, bearing 133 signatures (*Ms Campbell*).

Petitions ordered to be tabled.

- 10 **PETITION — NEW HIGH SCHOOL IN COBURG** — Motion made and question — That the petition presented by the Member for Pascoe Vale be taken into consideration tomorrow (*Ms Campbell*) — put and agreed to.
- 11 **PETITION — CONSTRUCTION OF THE KYNETON K-12 EDUCATION FACILITY** — Motion made and question — That the petition presented by the Member for Ballarat East be taken into consideration tomorrow (*Ms Knight*) — put and agreed to.
- 12 **PETITION — CHANGE TO THE BUILDING ACT 1993** — Motion made and question — That the petition presented by the Member for Cranbourne be taken into consideration tomorrow (*Mr Perera*) — put and agreed to.
- 13 **PETITION — OVENS COLLEGE HALL, WANGARATTA** — Motion made and question — That the petition presented by the Member for Murray Valley be taken into consideration tomorrow (*Mr McCurdy*) — put and agreed to.

14 **DOCUMENTS**

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms Campbell, Deputy Chair, presented the Alert Digest No 9 of 2011 from the Scrutiny of Acts and Regulations Committee on the:

Commercial Arbitration Bill 2011

Parliamentary Salaries and Superannuation Further Amendment Bill 2011

Resources Legislation Amendment Bill 2011

together with appendices.

Ordered to be tabled and printed.

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

Auditor-General — Report 2010–11

Education and Training Reform Act 2006 — Notice under s 4.3.32 (*Gazette S279, 29 August 2011*)

Financial Management Act 1994 — Reports from the Minister for Public Transport that he had received the reports 2010–11 of:

Rolling Stock (VL-1) Pty Ltd

Rolling Stock (VL-2) Pty Ltd

Rolling Stock (VL-3) Pty Ltd

Linking Melbourne Authority — Report 2010–11

Ombudsman — Investigation into prisoner access to health care — Ordered to be printed

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

Casey — C125

Melbourne — C163

Mornington Peninsula — C74 Part 2, C157

Moyne — C25

Nillumbik — C65

Port Phillip — C105

Southern Grampians — C20
Whittlesea — C99

Rolling Stock Holdings (Victoria) Pty Ltd — Report 2010–11

Rolling Stock (Victoria-VL) Pty Ltd — Report 2010–11

Statutory Rules under the following Acts:

County Court Act 1958 — SRs 81, 82
Estate Agents Act 1980 — SR 84
Residential Tenancies Act 1997 — SR 83

Subordinate Legislation Act 1994:

Documents under s 15 in relation to Statutory Rules 69, 77, 78, 81, 82, 83, 84
Documents under s 16B in relation to the:

Keno Technical Standard under the *Gambling Regulation Act 2003*
Exemption from s 65A(1) of the *Road Safety Act 1986* for persons participating in a Victorian heat of the Australian National Circle Work Championships at the Tatura Racecourse

Victorian Rail Track — Report 2010–11

Victorian Regional Channels Authority — Report 2010–11.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 8 February 2011:

Consumer Affairs Legislation Amendment (Reform) Act 2010 — Remaining provisions of Part 5 — 17 August 2011 (*Gazette S265, 16 August 2011*)
Family Violence Protection Amendment (Safety Notices) Act 2011 — Whole Act — 5 September 2011 (*Gazette S271, 23 August 2011*)
Multicultural Victoria Act 2011 — Whole Act — 1 September 2011 (*Gazette S271, 23 August 2011*)
Personal Safety Intervention Orders Act 2010 — Remaining provisions — 5 September 2011 (*Gazette S271, 23 August 2011*)
Residential Tenancies Amendment Act 2010 — Whole Act (except s 76 and Part 6) — 1 September 2011 (*Gazette S265, 16 August 2011*).

15 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Parliamentary Salaries and Superannuation Amendment Bill 2011 without amendment.

16 **MESSAGE FROM THE LIEUTENANT-GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that she had, on 23 August 2011, given the royal assent to the following bills, presented to her by the Clerk of the Parliaments:

Consumer Acts Amendment Bill 2011
Parliamentary Salaries and Superannuation Amendment Bill 2011
Transport Legislation Amendment (Port of Hastings Development Authority) Bill 2011.

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

Parliamentary Salaries and Superannuation Further Amendment Bill 2011
Resources Legislation Amendment Bill 2011.

- 18 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 1 September 2011:

Health Practitioner Regulation National Law (Victoria) Amendment Bill 2011
 Road Safety Camera Commissioner Bill 2011
 Sentencing Legislation Amendment (Abolition of Home Detention) Bill 2011
 Transport Legislation Amendment (Public Transport Safety) Bill 2011

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

- 19 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 20 **DOMESTIC ANIMALS AMENDMENT (RESTRICTED BREEDS) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under sessional orders.

Motion made and question — That the sitting be continued *(Mr McIntosh)* — 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, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 21 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed *(Mr McIntosh)* — put and agreed to.
- 22 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 11.04 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

No 35 — Wednesday 31 August 2011

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

Radiofrequency Radiation from Smart Meters — Requesting that the Legislative Assembly immediately — (a) issues a halt to the mandated installation of smart meters; (b) directs all power companies to offer a permanent 'opt out' for all customers; (c) requires letters to be sent to all customers informing them that radiofrequency radiation is classified by the World Health Organisation as a 2B carcinogen and that smart meters emit radiofrequency radiation; and (d) makes provisions to customers who have had smart meters installed and would like them removed, to reinstall dial or non-wireless interval meters at the option of the customer at no cost, bearing 934 and 438 signatures *(Ms Edwards and Mr Hodgett respectively)*

New Western Region Health Centre — Requesting that the Legislative Assembly takes necessary steps to ensure the safety, quality and future viability of emergency and general dental care services,

including a commitment to the provision of urgently needed capital upgrades for a new Western Region Health Centre, bearing 2262 signatures (*Ms Thomson, Footscray*)

Intersection of Hade Avenue and the Bass Coast Highway — Requesting that the Legislative Assembly urges the Victorian Government to complete the intersection of Hade Avenue and the Bass Coast Highway before the peak summer traffic period in the interests of safety for the local community, road users and visitors, bearing 540 signatures (*Mr Hodgett*)

New High School in Coburg — Requesting that the Legislative Assembly urges the Government to — (a) provide a high school in Coburg to cater for all secondary students including Year 7 to 9; (b) establish a Coburg Education Implementation Taskforce (CEIT) to examine options to meet Coburg's education needs; and (c) announce the date of the first meeting of the CEIT committee, the timeframe for nominations to the committee and the date the committee will report their recommendations, bearing 100 signatures (*Ms Campbell*)

Bacchus Marsh Avenue of Honour — Requesting that the Legislative Assembly passes a motion condemning the proposed road works to the Bacchus Marsh Avenue of Honour, bearing 970 signatures (*Mr Katos*)

Whittlesea–Kinglake Shuttle Bus — Requesting that the Legislative Assembly urges the Baillieu Government to work with the Kinglake community to reinstate the Whittlesea–Kinglake Shuttle Bus service for bushfire survivors, bearing 240 signatures (*Ms Green*)

Whittlesea-Yea Road — Requesting that the Legislative Assembly urges the Government to improve safety conditions including reducing the speed limit and building road barriers on the Whittlesea-Yea Road between Whittlesea and Kinglake, bearing 1374 signatures (*Ms Green*)

Urban Growth Boundary — Requesting that the Legislative Assembly urges the Government to immediately withdraw any proposals to include the Attwood farming land as an inclusion to the Urban Growth Boundary, bearing 356 signatures (*Ms Beattie*).

Petitions ordered to be tabled.

- 3 **PETITION — NEW HIGH SCHOOL IN COBURG** — Motion made and question — That the petition presented by the Member for Pascoe Vale be taken into consideration tomorrow (*Ms Campbell*) — put and agreed to.
- 4 **PETITION — RADIOFREQUENCY RADIATION FROM SMART METERS** — Motion made and question — That the petition presented by the Member for Bendigo West be taken into consideration tomorrow (*Ms Edwards*) — put and agreed to.
- 5 **PETITION — WHITTLESEA–KINGLAKE SHUTTLE BUS** — Motion made and question — That the petition presented by the Member for Yan Yean be taken into consideration tomorrow (*Ms Green*) — put and agreed to.
- 6 **PETITION — WHITTLESEA-YEA ROAD** — Motion made and question — That the petition presented by the Member for Yan Yean be taken into consideration tomorrow (*Ms Green*) — put and agreed to.
- 7 **PETITION — RADIOFREQUENCY RADIATION FROM SMART METERS** — Motion made and question — That the petition presented by the Member for Kilsyth be taken into consideration tomorrow (*Mr Hodgett*) — put and agreed to.
- 8 **PETITION — INTERSECTION OF HADE AVENUE AND THE BASS COAST HIGHWAY** — Motion made and question — That the petition presented by the Member for Kilsyth be taken into consideration tomorrow (*Mr Hodgett*) — put and agreed to.

9 **PETITION — NEW WESTERN REGION HEALTH CENTRE** — Motion made and question — That the petition presented by the Member for Footscray be taken into consideration tomorrow (*Mr Noonan*) — put and agreed to.

10 **PETITION — BACCHUS MARSH AVENUE OF HONOUR** — Motion made and question — That the petition presented by the Member for South Barwon be taken into consideration tomorrow (*Mr Katos*) — put and agreed to.

11 **PETITION — URBAN GROWTH BOUNDARY** — Motion made and question — That the petition presented by the Member for Yuroke be taken into consideration tomorrow (*Ms Green*) — put and agreed to.

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

Auditor-General — Road Safety Camera Program — Ordered to be printed

Ombudsman — Report 2010–11 Part 1 — Ordered to be printed

Statutory Rules under the following Acts:

Conservation, Forests and Lands Act 1987 — SR 86

Drugs, Poisons and Controlled Substances Act 1981 — SR 88

Electricity Safety Act 1998 — SR 85

Tobacco Act 1987 — SR 87

Subordinate Legislation Act 1994 — Documents under s 15 in relation to Statutory Rules 85, 87

Victorian Multicultural Commission — Report 2010–11.

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

Domestic Animals Amendment (Restricted Breeds) Bill 2011

Justice Legislation Amendment (Protective Services Officers) Bill 2011.

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

15 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.

16 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORT** — Statements were made on the Public Accounts and Estimates Committee's Report on the 2011–12 Budget Estimates — Part 1.

17 **SENTENCING LEGISLATION AMENDMENT (ABOLITION OF HOME DETENTION) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.

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

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

Business having been interrupted at 2.00 pm under standing orders.

18 **QUESTIONS** — (Under SO 55).

- 19 **SENTENCING LEGISLATION AMENDMENT (ABOLITION OF HOME DETENTION) BILL 2011** — Debate continued on question — That this Bill be now read a second time.
- Motion made and question — That the debate be now adjourned (*Mr Northe*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 20 **ROAD SAFETY CAMERA COMMISSIONER BILL 2011** — 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 Southwick*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 21 **HEALTH PRACTITIONER REGULATION NATIONAL LAW (VICTORIA) AMENDMENT BILL 2011** — 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 Miller*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 22 **TRANSPORT LEGISLATION AMENDMENT (PUBLIC TRANSPORT SAFETY) BILL 2011** — 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 Angus*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 23 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 5 to 8 inclusive, be postponed until later this day.
- 24 **DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (PROHIBITION OF DISPLAY AND SALE OF CANNABIS WATER PIPES) BILL 2011** — *Ms Wooldridge tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Ms Wooldridge*).
- Motion made and question — That the debate be now adjourned (*Mr Donnellan*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 14 September 2011.
- 25 **ELECTRONIC TRANSACTIONS (VICTORIA) AMENDMENT BILL 2011** — *Mr Clark tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Clark*).
- Motion made and question — That the debate be now adjourned (*Mr Holding*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 14 September 2011.

- 26 **EXTRACTIVE INDUSTRIES (LYSTERFIELD) AMENDMENT BILL 2011** — *Mr O'Brien tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr O'Brien*).
- Motion made and question — That the debate be now adjourned (*Mr Holding*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 14 September 2011.
- 27 **GAMBLING REGULATION AMENDMENT (LICENSING) BILL 2011** — *Mr O'Brien tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr O'Brien*).
- Motion made and question — That the debate be now adjourned (*Mr Holding*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 14 September 2011.
- 28 **TRANSPORT LEGISLATION AMENDMENT (PUBLIC TRANSPORT SAFETY) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Business having been interrupted at 10.00 pm under sessional orders.*
- 29 **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 10.51 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

No 36 — Thursday 1 September 2011

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
- Car Parking within Ballarat's Medical Precinct** — Requesting that the Legislative Assembly calls on the Baillieu Government to immediately provide funding for the construction of a multi-storey car park with a helipad located on top of the car park within Ballarat's medical precinct, bearing 613 signatures (*Ms Knight*)
- Speed Limits in Tarnagulla** — Requesting that the Legislative Assembly requests VicRoads to review or alter its decision on the change to the speed limit on Commercial Road and the Wimmera Highway, Tarnagulla, bearing 165 signatures (*Ms Edwards*)
- Take a Break Funding** — Requesting that the Legislative Assembly urgently calls on the Baillieu Government to reinstate funding for the Take a Break occasional child care program, bearing 27 signatures (*Ms Garrett*)

Wedge Road and Frankston-Dandenong Road, Carrum Downs — Requesting that the Legislative Assembly gives consideration to either the introduction of traffic lights or the establishment of a roundabout at the intersection of Wedge Road and Frankston-Dandenong Road, Carrum Downs, bearing 9 signatures (*Mrs Bauer*)

Scoreboard promotions at AFL matches — Requesting that the House takes steps to immediately ban scoreboard promotions, both visual and voiced, of live odds and betting at AFL matches at both the MCG and Etihad Stadium, bearing 104 signatures (*Ms Richardson*)

New High School in Coburg — Requesting that the Legislative Assembly urges the Government to — (a) provide a high school in Coburg to cater for all secondary students including Year 7 to 9; (b) establish a Coburg Education Implementation Taskforce (CEIT) to examine options to meet Coburg's education needs; and (c) announce the date of the first meeting of the CEIT committee, the timeframe for nominations to the committee and the date the committee will report their recommendations, bearing 106 signatures (*Ms Campbell*)

Casey Hospital — Requesting that the Legislative Assembly urges the Baillieu Government to properly fund Victoria's hospitals including Casey Hospital, bearing 371 signatures (*Ms Graley*)

Essendon Keilor College — Requesting that the Legislative Assembly urges the Baillieu Government to urgently fund the much needed \$10 million upgrade to Essendon Keilor College, bearing 1588 signatures (*Mr Hulls*)

Ouyen P-12 College — Requesting that the Legislative Assembly supports the allocation of funds in the 2012–13 State Budget for the completion of Ouyen P-12 College, bearing 20 signatures (*Mr Hulls*)

Radiofrequency Radiation from Smart Meters — Requesting that the Legislative Assembly immediately — (a) issues a halt to the mandated installation of smart meters; (b) directs all power companies to offer a permanent 'opt out' for all customers; (c) requires letters to be sent to all customers informing them that radiofrequency radiation is classified by the World Health Organisation as a 2B carcinogen and that smart meters emit radiofrequency radiation; and (d) makes provisions to customers who have had smart meters installed and would like them removed, to reinstall dial or non-wireless interval meters at the option of the customer at no cost, bearing 24 signatures (*Mr Pallas*)

Churinga Employment Support Service — Requesting that the Legislative Assembly urges the Baillieu Government to work with the community to save the Churinga Employment Support Service for adults with intellectual and physical disabilities, bearing 547 signatures (*Ms Green*).

Petitions ordered to be tabled.

- 3 **PETITION — CAR PARKING WITHIN BALLARAT'S MEDICAL PRECINCT** — Motion made and question — That the petition presented by the Member for Ballarat West be taken into consideration tomorrow (*Ms Knight*) — put and agreed to.
- 4 **PETITION — SPEED LIMITS IN TARNAGULLA** — Motion made and question — That the petition presented by the Member for Bendigo West be taken into consideration tomorrow (*Ms Edwards*) — put and agreed to.
- 5 **PETITION — SCOREBOARD PROMOTIONS AT AFL MATCHES** — Motion made and question — That the petition presented by the Member for Northcote be taken into consideration tomorrow (*Ms Richardson*) — put and agreed to.

- 6 **PETITION — TAKE A BREAK FUNDING** — Motion made and question — That the petition presented by the Member for Brunswick be taken into consideration tomorrow (*Ms Garrett*) — put and agreed to.
- 7 **PETITION — CHURINGA EMPLOYMENT SUPPORT SERVICE** — Motion made and question — That the petition presented by the Member for Yan Yean be taken into consideration tomorrow (*Ms Green*) — put and agreed to.
- 8 **PETITION — ESSENDON KEILOR COLLEGE** — Motion made and question — That the petition presented by the Member for Niddrie be taken into consideration tomorrow (*Mr Hulls*) — put and agreed to.
- 9 **PETITION — OUYEN P-12 COLLEGE** — Motion made and question — That the petition presented by the Member for Niddrie be taken into consideration tomorrow (*Mr Hulls*) — put and agreed to.
- 10 **PETITION — WEDGE ROAD AND FRANKSTON-DANDENONG ROAD, CARRUM DOWNS** — Motion made and question — That the petition presented by the Member for Carrum be taken into consideration tomorrow (*Mrs Bauer*) — put and agreed to.
- 11 **PETITION — CASEY HOSPITAL** — Motion made and question — That the petition presented by the Member for Narre Warren South be taken into consideration tomorrow (*Ms Graley*) — put and agreed to.
- 12 **PETITION — NEW HIGH SCHOOL IN COBURG** — Motion made and question — That the petition presented by the Member for Pascoe Vale be taken into consideration tomorrow (*Ms Campbell*) — put and agreed to.

13 **DOCUMENTS**

ENVIRONMENT AND NATURAL RESOURCES COMMITTEE — Mr Pandazopoulos, Deputy Chair, presented a report from the Environment and Natural Resources Committee on the Inquiry into the Environment Effects Statement Process in Victoria, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

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

Alfred Health — Report 2010–11

Ambulance Victoria — Report 2010–11

Disability Services Commissioner — Report 2010–11

Gambling Regulation Act 2003 — Report of the Review Panel to the Minister in relation to invitations to apply for the grant of a wagering and betting licence under s 10.2A.11 — Ordered to be printed

Health Services Commissioner — Report 2010–11

Justice, Department of — Report 2010–11

Ombudsman — SafeStreets Documents — Investigation into Victoria Police's handling of a Freedom of Information request — Ordered to be printed

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

Campaspe — C77
 Frankston — C80
 Greater Shepparton — C138
 Hobsons Bay — C67
 Moira — C57, C58

Police Integrity, Office of — Enabling a flexible workforce for policing in Victoria — Ordered to be printed

Port of Melbourne Corporation — Report 2010–11

Premier and Cabinet, Department of — Report 2010–11

Victorian Government Purchasing Board — Report 2010–11.

14 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILL** — Informing the Legislative Assembly that he had, on 31 August 2011, given the royal assent to the Domestic Animals Amendment (Restricted Breeds) Bill 2011, presented to him by the Clerk of the Parliaments.

15 **LAW REFORM COMMITTEE** — Motion made, by leave, and question — That, under s 33 of the *Parliamentary Committees Act 2003*, an inquiry into the creating, sharing, sending or posting of sexually explicit messages or images via the internet, mobile phones or other electronic devices by people, especially young people, (known as 'sexting') be referred to the Law Reform Committee for consideration and report no later than 30 June 2012, including:

- (1) the incidence, prevalence and nature of sexting in Victoria;
- (2) the extent and effectiveness of existing awareness and education about the social and legal effect and ramifications of sexting;
- (3) the appropriateness and adequacy of existing laws, especially criminal offences and the application of the sex offenders register, that may apply to the practice of sexting, particularly with regard to the creation, possession and transmission of sexually suggestive or explicit messages and images in circumstances where a person:
 - (a) creates, or consents to the creation of, the message or image for his or her own private use and/or the use of one or more other specific persons; or
 - (b) creates, or consents to the creation of, the message or image and without their knowledge and/or their consent the message or image is disseminated more broadly than the person intended —

(*Mr Clark*) — put and agreed to.

16 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 13 September 2011 (*Mr McIntosh*) — put and agreed to.

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

18 **ROAD SAFETY CAMERA COMMISSIONER BILL 2011** — 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 Hodgett*) — put and agreed to.

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

- 19 **SENTENCING LEGISLATION AMENDMENT (ABOLITION OF HOME DETENTION) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

- 20 **QUESTIONS** — (Under SO 55).

- 21 **SENTENCING LEGISLATION AMENDMENT (ABOLITION OF HOME DETENTION) BILL 2011** — Debate continued on question — That this Bill be now read a second time.

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

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

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

Accident Towing Services Amendment Bill 2011
Local Government Amendment (Electoral Matters) Bill 2011.

- 23 **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.

- 24 **CONDOLENCES TO NORWAY** — Order read for resuming debate on 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 King and people of Norway at this time of great suffering caused by the senseless events in Oslo and on the island of Utoya on 22 July 2011.

Members stood in silence in unanimous agreement to the motion.

- 25 **SENTENCING LEGISLATION AMENDMENT (ABOLITION OF HOME DETENTION) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Allocation of time — The Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 30 August 2011 had expired.

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

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

Bill sent to the Legislative Council and their agreement requested.

- 26 **HEALTH PRACTITIONER REGULATION NATIONAL LAW (VICTORIA) AMENDMENT BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

- 27 **TRANSPORT LEGISLATION AMENDMENT (PUBLIC TRANSPORT SAFETY) BILL 2011**
— Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.
- 28 **ROAD SAFETY CAMERA COMMISSIONER BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

Business having been interrupted at 4.02 pm under sessional orders.
- 29 **ADJOURNMENT** — The Speaker announced that the time for the adjournment of the House had arrived, and, after debate, the Deputy Speaker left the Chair, at 4.46 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 37, 38 and 39

No 37 — Tuesday 13 September 2011

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **EMERGENCY MANAGEMENT LEGISLATION AMENDMENT BILL 2011** — Mr Ryan obtained leave to bring in a Bill '*for an Act to amend the Country Fire Authority Act 1958, the Emergency Management Act 1986, the Fire Services Commissioner Act 2010 and the Victoria State Emergency Service Act 2005, to consequentially amend certain other Acts and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **TRANSPORT LEGISLATION AMENDMENT (PUBLIC TRANSPORT DEVELOPMENT AUTHORITY) BILL 2011** — Mr Mulder obtained leave to bring in a Bill '*for an Act to amend the Transport Integration Act 2010 to establish the Public Transport Development Authority, to make related and consequential amendments to that Act, the Transport (Compliance and Miscellaneous) Act 1983 and certain other Acts and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **CRIMES AND DOMESTIC ANIMALS ACTS AMENDMENT (OFFENCES AND PENALTIES) BILL 2011** — Mr Walsh obtained leave to bring in a Bill '*for an Act to amend the Crimes Act 1958 and the Domestic Animals Act 1994 and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **CHILDREN, YOUTH AND FAMILIES AMENDMENT (SECURITY OF YOUTH JUSTICE FACILITIES) BILL 2011** — Ms Wooldridge obtained leave to bring in a Bill '*for an Act to amend the Children, Youth and Families Act 2005 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **VICTORIAN COMMISSION FOR GAMBLING AND LIQUOR REGULATION BILL 2011** — Mr O'Brien obtained leave to bring in a Bill '*for an Act to establish the Victorian Commission for Gambling and Liquor Regulation, to amend the Gambling Regulation Act 2003, the Liquor Control Reform Act 1998 and other Acts and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **ENERGY LEGISLATION AMENDMENT (BUSHFIRE MITIGATION AND OTHER MATTERS) BILL 2011** — Mr O'Brien obtained leave to bring in a Bill '*for an Act to amend the Electricity Safety Act 1998, the Victorian Energy Efficiency Target Act 2007, the Electricity Industry Act 2000, the Gas Safety Act 1997 and the Gas Industry Act 2001 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 9 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Mantle Mining Brown Coal — Requesting that the Legislative Assembly calls for the Victorian Government to — (a) halt the Mantle Mining brown coal exploration in the Shire of Moorabool; (b) mandate a review process that requires community consultation including, but not limited to, satisfactory communication of information requirements; and (c) make the public aware of scientific evidence of the social and environmental impacts of existing and new technologies involved in the exploration and development of an open cut coal mine, bearing 124 signatures (*Mr Nardella*)

New CFA Stations — Requesting that the Legislative Assembly urges the Baillieu–Ryan Government to build new CFA stations for Eden Park, Eltham, Kangaroo Ground, Plenty and Wattle Glen, bearing 6 signatures (*Ms Green*).

Petitions ordered to be tabled.

10 **PETITION — MANTLE MINING BROWN COAL** — Motion made and question — That the petition presented by the Member for Melton be taken into consideration tomorrow (*Mr Nardella*) — put and agreed to.

11 **PETITION — NEW CFA STATIONS** — Motion made and question — That the petition presented by the Member for Yan Yean be taken into consideration tomorrow (*Ms Green*) — put and agreed to.

12 **DOCUMENTS**

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms Campbell, Deputy Chair, presented the Alert Digest No 10 of 2011 from the Scrutiny of Acts and Regulations Committee on the:

Domestic Animals Amendment (Restricted Breeds) Act 2011
 Drugs, Poisons and Controlled Substances Amendment (Prohibition of Display and Sale of Cannabis Water Pipes) Bill 2011
 Electronic Transactions (Victoria) Amendment Bill 2011
 Extractive Industries (Lysterfield) Amendment Bill 2011
 Gambling Regulation Amendment (Licensing) Bill 2011

together with appendices.

Ordered to be tabled and printed.

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

Adult, Community and Further Education Board — Report 2010–11

Agriculture Victoria Services Pty Ltd — Report 2010–11

Casterton Memorial Hospital — Report 2010–11

Crown Land (Reserves) Act 1978 — Order under ss 17B and 17D granting a licence and a lease over Torquay and Jan Juc Foreshore Reserve

Djerriwarrh Health Services — Report 2010–11

Dunmunkle Health Services — Report 2010–11

East Wimmera Health Service — Report 2010–11

Edenhope and District Memorial Hospital — Report 2010–11

Education and Early Childhood Development, Department of — Report 2010–11

Emerald Tourist Railway Board — Report 2010–11

Financial Management Act 1994:

Reports from the Minister for Agriculture and Food Security that he had received the reports 2010–11 of:

Dairy Food Safety Victoria

Murray Valley Citrus Board

Murray Valley Wine Grape Industry Development Committee

Phytogene Pty Ltd

Veterinary Practitioners Registration Board of Victoria

Victorian Strawberry Industry Development Committee

Report from the Minister for Women's Affairs that she had received the Report 2010–11 of the Queen Victoria Women's Centre Trust

Report from the Minister for Veterans' Affairs that he had received the Report 2010–11 of the Victorian Veterans Council

Growth Areas Authority — Report 2010–11

Hepburn Health Service — Report 2010–11

Heywood Rural Health — Report 2010–11

Inglewood and Districts Health Service — Report 2010–11

Interpretation of Legislation Act 1984 — Notice under s 32(3)(a)(iii) in relation to Statutory Rule 92 (*Gazette G36, 8 September 2011*)

Kooweerup Regional Health Service — Report 2010–11

Lorne Community Hospital — Report 2010–11

Mental Health Review Board incorporating Psychosurgery Review Board — Report 2010–11

Moyne Health Services — Report 2010–11

Omeo District Health — Report 2010–11

Orbost Regional Health — Report 2010–11

Otway Health and Community Services — Report 2010–11

Planning and Community Development, Department of — Report 2010–11

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

Banyule — C81

Boroondara — C159

Brimbank — C125 Part 2

Cardinia — C158

Casey — C132

Glen Eira — C84, C88

Glenelg — C70

Greater Bendigo — C154

Greater Geelong — C257

Horsham — C25 Part 4

Maroondah — C77

Melbourne — C183

- Monash — C106
 Moonee Valley — C97, C105
 Mount Alexander — C46
 Moyne — C51
 Victoria Planning Provisions — VC82
 Wellington — C65 Part 2
- Recreational Fishing Licence Trust Account — Report 2010–11 on the disbursement of Revenue
- Robinvale District Health Services — Report 2010–11
- Rural Northwest Health — Report 2010–11
- State Services Authority — Report 2010–11
- Statutory Rules under the following Acts:
- Building Act 1993* — SR 92
Family Violence Protection Act 2008 — SRs 93, 95
Gene Technology Act 2001 — SR 91
Magistrates' Court Act 1989 — SR 90
Personal Safety Intervention Orders Act 2010 — SRs 89, 94, 96
Victorian Civil and Administrative Tribunal Act 1998 — SR 97
- Subordinate Legislation Act 1994* — Documents under s 15 in relation to Statutory Rules 86, 88, 89, 90, 91, 92, 97
- Sustainability and Environment, Department of — Report 2010–11
- Tallangatta Health Service — Report 2010–11
- Terang and Mortlake Health Service — Report 2010–11
- Timboon and District Healthcare Service — Report 2010–11
- Transport Accident Commission — Report 2010–11
- Victorian Curriculum and Assessment Authority — Report 2010–11
- Victorian Environmental Assessment Council Act 2001* — Report on the Metropolitan Melbourne Investigation
- Victorian Institute of Teaching — Report 2010–11
- Victorian Registration and Qualifications Authority — Report 2010–11
- Victorian Skills Commission — Report 2010–11
- Victorian Urban Development Authority — Report 2010–11
- Yarrawonga District Health Service — Report 2010–11
- Youth Parole Board and Youth Residential Board — Report 2010–11.

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

Drugs, Poisons and Controlled Substances Amendment (Drugs of Dependence) Bill 2011
Farm Debt Mediation Bill 2011.

- 14 **MESSAGE FROM THE LIEUTENANT-GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that she had, on 6 September 2011, given the royal assent to the following bills, presented to her by the Clerk of the Parliaments:

Accident Towing Services Amendment Bill 2011
Drugs, Poisons and Controlled Substances Amendment (Drugs of Dependence) Bill 2011
Farm Debt Mediation Bill 2011
Justice Legislation Amendment (Protective Services Officers) Bill 2011
Local Government Amendment (Electoral Matters) Bill 2011.

- 15 **MESSAGE FROM THE LIEUTENANT-GOVERNOR** — Recommending an appropriation for the purposes of the Drugs, Poisons and Controlled Substances Amendment (Prohibition of Display and Sale of Cannabis Water Pipes) Bill 2011.

- 16 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 15 September 2011:

Commercial Arbitration Bill 2011
Drugs, Poisons and Controlled Substances Amendment (Prohibition of Display and Sale of Cannabis Water Pipes) Bill 2011
Electronic Transactions (Victoria) Amendment Bill 2011
Parliamentary Salaries and Superannuation Further Amendment Bill 2011
Resources Legislation Amendment Bill 2011

(*Mr McIntosh*) — after debate, put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrantyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 43

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

- 17 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 18 **RESOURCES LEGISLATION AMENDMENT BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

- 19 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 2 be postponed until later this day.

- 20 **PARLIAMENTARY SALARIES AND SUPERANNUATION FURTHER AMENDMENT BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

- 21 **COMMERCIAL ARBITRATION BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under 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 10.44 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

No 38 — Wednesday 14 September 2011

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

- 2 **SENTENCING AMENDMENT (COMMUNITY CORRECTION REFORM) BILL 2011** — Mr Clark obtained leave to bring in a Bill *for an Act to amend the Sentencing Act 1991 to make further provision as to sentencing orders and other matters, to amend the Sentencing Amendment Act 2010, to amend and make consequential and related amendments to other Acts and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

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

Whittlesea–Kinglake Shuttle Bus Service — Requesting that the Legislative Assembly urges the Baillieu Government to work with the Kinglake community to reinstate the Whittlesea–Kinglake Shuttle Bus service for bushfire survivors, bearing 28 signatures (*Ms Green*)

Whittlesea-Yea Road — Requesting that the Legislative Assembly urges the State Government to improve safety conditions including reducing the speed limit and building road barriers on the Whittlesea-Yea Road between Whittlesea and Kinglake, bearing 170 signatures (*Ms Green*).

Petitions ordered to be tabled.

4 **PETITION — WHITTLESEA–KINGLAKE SHUTTLE BUS SERVICE** — Motion made and question — That the petition presented by the Member for Yan Yean be taken into consideration tomorrow (*Ms Green*) — put and agreed to.

5 **PETITION — WHITTLESEA-YEA ROAD** — Motion made and question — That the petition presented by the Member for Yan Yean be taken into consideration tomorrow (*Ms Green*) — put and agreed to.

6 **DOCUMENTS**

VICTORIAN COMPETITION AND EFFICIENCY COMMISSION — Report 2010–11 tabled by leave (*Mr Wells*).

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — Report 2010–11 tabled by leave (*Mr Angus*).

Ordered to be printed.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — Mr Morris presented a report from the Public Accounts and Estimates Committee on the 2011–12 Budget Estimates — Part Three, together with an appendix.

Ordered to be tabled and printed.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms Campbell, Deputy Chair, presented a report from the Scrutiny of Acts and Regulations Committee on the Review of the *Charter of Human Rights and Responsibilities Act 2006*, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

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

Albury Wodonga Health — Report 2010–11

Auditor-General:

Business Planning for Major Capital Works and Recurrent Services in Local Government — Ordered to be printed

Individualised Funding for Disability Services — Ordered to be printed

Boort District Health — Report 2010–11

Building Commission — Report 2010–11

Essential Services Commission — Report 2010–11

Financial Management Act 1994:

Reports from the Minister for Agriculture and Food Security that he had received the reports 2010–11 of:

Northern Victorian Fresh Tomato Industry Development Committee

PrimeSafe

Report from the Minister for Planning that he had received the Report 2010–11 of the Heritage Council of Victoria

Geoffrey Gardiner Dairy Foundation Ltd — Report 2010–11 (two documents)

Gippsland Southern Health Service — Report 2010–11

Greyhound Racing Victoria — Report 2010–11

Harness Racing Victoria — Report 2010–11

Land Acquisition and Compensation Act 1986 — Certificate under s 7

Mansfield District Hospital — Report 2010–11

Northern Health — Report 2010–11

Ombudsman — Report 2010–11 Part 2 — Ordered to be printed

Plumbing Industry Commission — Report 2010–11

Primary Industries, Department of — Report 2010–11

Radiation Advisory Committee — Report 2010–11

Roads Corporation (VicRoads) — Report 2010–11

Royal Children's Hospital — Report 2010–11

Statutory Rules under the following Acts:

Magistrates' Court Act 1989 — SR 99

Subordinate Legislation Act 1994 — SR 98

Subordinate Legislation Act 1994:

Documents under s 15 in relation to Statutory Rule 99

Documents under s 16B in relation to the Determination that specifies areas are designated bushfire prone areas under the Building Regulations 2006

Transport, Department of — Report 2010–11

Transport Ticketing Authority — Report 2010–11

VicForests — Report 2010–11

Victorian Managed Insurance Authority — Report 2010–11

Victorian WorkCover Authority — Report 2010–11.

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

Sentencing Legislation Amendment (Abolition of Home Detention) Bill 2011

Transport Legislation Amendment (Public Transport Safety) Bill 2011.

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

- 9 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — GOVERNMENT'S COMMUNITY SAFETY ELECTION POLICIES** — The House was informed that Mr Ryan had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House congratulates the Coalition Government for the implementation of its community safety election policies.'

Mr Ryan addressed the House — Discussion followed.

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

Scrutiny of Acts and Regulations Committee's Report on the Review of the *Charter of Human Rights and Responsibilities Act 2006*

Public Accounts and Estimates Committee's Report on the 2011–12 Budget Estimates — Part One

Public Accounts and Estimates Committee's Report on the 2011–12 Budget Estimates — Part Two.

- 11 **DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (PROHIBITION OF DISPLAY AND SALE OF CANNABIS WATER PIPES) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

- 12 **QUESTIONS** — (Under SO 55).

- 13 **DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (PROHIBITION OF DISPLAY AND SALE OF CANNABIS WATER PIPES) BILL 2011** — Debate continued on question — That this Bill be now read a second time.

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

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

- 14 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 2 to 7 inclusive, be postponed until later this day.

- 15 **TRANSPORT LEGISLATION AMENDMENT (PUBLIC TRANSPORT DEVELOPMENT AUTHORITY) BILL 2011** — *Mr Mulder tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 28 September 2011.

- 16 **EMERGENCY MANAGEMENT LEGISLATION AMENDMENT BILL 2011** — *Mr Ryan tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 28 September 2011.

- 17 **CRIMES AND DOMESTIC ANIMALS ACTS AMENDMENT (OFFENCES AND PENALTIES) BILL 2011** — *Mr Walsh tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 28 September 2011.

- 18 **CHILDREN, YOUTH AND FAMILIES AMENDMENT (SECURITY OF YOUTH JUSTICE FACILITIES) BILL 2011** — *Ms Wooldridge tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 28 September 2011.

- 19 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 11 be postponed until later this day.

- 20 **ENERGY LEGISLATION AMENDMENT (BUSHFIRE MITIGATION AND OTHER MATTERS) BILL 2011** — *Mr O'Brien tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 28 September 2011.

- 21 **DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (PROHIBITION OF DISPLAY AND SALE OF CANNABIS WATER PIPES) BILL 2011** — 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 Walsh*) — put and agreed to.

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

- 22 **ELECTRONIC TRANSACTIONS (VICTORIA) AMENDMENT BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under sessional orders.

- 23 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.50 pm.

No 39 — Thursday 15 September 2011

1 The Speaker took the Chair and read the Prayer.

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

Redevelopment of 113 Fraser Street, Sunshine — Requesting that the Legislative Assembly urges Melbourne Water and the Brimbank City Council to stop rezoning land from Public Open Space to Residential 1, along Kororoit Creek at 113 Fraser Street, Sunshine, for the purpose of housing redevelopment, bearing 178 signatures (*Mr Languiller*)

Radiofrequency Radiation from Smart Meters — Requesting that the Legislative Assembly immediately — (a) issues a halt to the mandated installation of smart meters; (b) directs all power companies to offer a permanent 'opt out' for all customers; (c) requires letters to be sent to all customers informing them that radiofrequency radiation is classified by the World Health Organisation as a 2B carcinogen and that smart meters emit radiofrequency radiation; and (d) makes provisions to customers who have had smart meters installed and would like them removed, to reinstall dial or non-wireless interval meters at the option of the customer at no cost, bearing 11 signatures (*Ms Duncan*)

Gisborne–Bacchus Marsh Road, Bullengarook — Requesting that the Legislative Assembly urgently calls on the Baillieu Government to review the 80 kph speed limit on the Gisborne–Bacchus Marsh Road, Bullengarook to ensure the safety of rural drivers, bearing 39 signatures (*Ms Duncan*)

Westlink — Requesting that the Legislative Assembly urges the Baillieu Government to commit funding to build Westlink, bearing 1385 signatures (*Mr Noonan*)

Scientific study of cattle grazing — Requesting that the Legislative Assembly urges the Baillieu Government, in relation to cattle grazing in the high country, to immediately provide answers and details on — (a) the scientific and departmental procedures used when authorising the study and the specific scientific justification for the study; (b) the arrangement made with graziers taking part in the study; and (c) anecdotal evidence which suggests the study has damaged the environment and threatened endangered species, bearing 4 signatures (*Ms Green*)

Secondary College in Doreen — Requesting that the Legislative Assembly urges the Baillieu Government to urgently fund the building of a secondary college in Doreen, bearing 40 signatures (*Ms Green*).

Petitions ordered to be tabled.

3 **PETITION — SCIENTIFIC STUDY OF CATTLE GRAZING** — Motion made and question — That the petition presented by the Member for Yan Yean be taken into consideration tomorrow (*Ms Green*) — put and agreed to.

4 **PETITION — SECONDARY COLLEGE IN DOREEN** — Motion made and question — That the petition presented by the Member for Yan Yean be taken into consideration tomorrow (*Ms Green*) — put and agreed to.

5 **PETITION — REDEVELOPMENT OF 113 FRASER STREET, SUNSHINE** — Motion made and question — That the petition presented by the Member for Derrimut be taken into consideration tomorrow (*Mr Languiller*) — put and agreed to.

6 **PETITION — RADIOFREQUENCY RADIATION FROM SMART METERS** — Motion made and question — That the petition presented by the Member for Macedon be taken into consideration tomorrow (*Ms Duncan*) — put and agreed to.

7 **PETITION — GISBORNE–BACCHUS MARSH ROAD, BULLENGAROOK** — Motion made and question — That the petition presented by the Member for Macedon be taken into consideration tomorrow (*Ms Duncan*) — put and agreed to.

8 **PETITION — WESTLINK** — Motion made and question — That the petition presented by the Member for Williamstown be taken into consideration tomorrow (*Mr Noonan*) — put and agreed to.

9 **DOCUMENTS**

OFFICE OF THE PUBLIC ADVOCATE — Report 2010–11 tabled by leave (*Mr Clark*).

Ordered to be printed.

CONSUMER UTILITIES ADVOCACY CENTRE — Report 2010–11 tabled by leave (*Mr O'Brien*).

PARLIAMENTARY DEPARTMENTS — Reports 2010–11 of the Department of the Legislative Assembly and the Department of Parliamentary Services tabled by leave (*Mrs Fyffe*).

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

Accident Compensation Conciliation Service — Report 2010–11

Adult Parole Board — Report 2010–11

Alexandra District Hospital — Report 2010–11

Alpine Health — Report 2010–11

Australian Centre for the Moving Image — Report 2010–11

Bairnsdale Regional Health Service — Report 2010–11

Barwon Region Water Corporation — Report 2010–11

Bass Coast Regional Health — Report 2010–11

Benalla and District Memorial Hospital — Report 2010–11

Bendigo Health Care Group — Report 2010–11

Central Gippsland Region Water Corporation — Report 2010–11

Central Highlands Region Water Corporation — Report 2010–11

Child Safety Commissioner — Report 2010–11

City West Water Ltd — Report 2010–11

Cobram District Health — Report 2010–11

Coliban Region Water Corporation — Report 2010–11

Community Visitors — Report 2010–11 under s 35 of the *Disability Act 2006*, s 128 of the *Health Services Act 1988* and s 116A of the *Mental Health Act 1986* — Ordered to be printed

Consumer Affairs Victoria — Report 2010–11 — Ordered to be printed

Crown Land (Reserves) Act 1978 — Order under s 17B granting a licence over Domain House Reserve

East Gippsland Region Water Corporation — Report 2010–11

Emergency Services Superannuation Scheme — Report 2010–11

Energy Safe Victoria — Report 2010–11

Fed Square Pty Ltd — Report 2010–11

Financial Management Act 1994:

Report from the Minister for Higher Education and Skills that he had received the Report 2010 of the International Fibre Centre

Report from the Minister for Veterans' Affairs that he had received the Report 2010–11 of the Shrine of Remembrance

Food Safety Council — Report 2010–11

Geelong Performing Arts Centre Trust — Report 2010–11

Gippsland and Southern Rural Water Corporation — Report 2010–11

Goulburn-Murray Rural Water Corporation — Report 2010–11

Goulburn Valley Region Water Corporation — Report 2010–11

Grampians Wimmera Mallee Water Corporation — Report 2010–11

Hesse Rural Health Service — Report 2010–11

Human Services, Department of — Report 2010–11

Kerang District Health — Report 2010–11

Kyneton District Health Service — Report 2010–11

Legal Services Board — Report 2010–11

Legal Services Commissioner — Report 2010–11 — Ordered to be printed

Library Board of Victoria — Report 2010–11

Lower Murray Urban and Rural Water Corporation — Report 2010–11

Mallee Track Health and Community Service — Report 2010–11

Maryborough District Health Service — Report 2010–11

Melbourne Recital Centre — Report 2010–11 (two documents)

Melbourne Water Corporation — Report 2010–11

Metropolitan Fire and Emergency Services Board — Report 2010–11

Museums Board of Victoria — Report 2010–11

National Gallery of Victoria, Council of Trustees — Report 2010–11

North East Region Water Corporation — Report 2010–11

Northeast Health Wangaratta — Report 2010–11

Northern Victoria Irrigation Renewal Project — Report 2010–11

Numurkah District Health Service — Report 2010–11

Parliamentary Contributory Superannuation Fund — Report 2010–11

Police Integrity, Office of — Report 2010–11 — Ordered to be printed

Public Record Office Victoria — Report 2010–11

Queen Elizabeth Centre — Report 2010–11

Racing Integrity Commissioner, Office of — Report 2010–11

Residential Tenancies Bond Authority — Report 2010–11

Royal Victorian Eye and Ear Hospital — Report 2010–11

Royal Women's Hospital — Report 2010–11

Rural Finance Corporation of Victoria — Report 2010–11

South East Water Ltd — Report 2010–11

South Gippsland Region Water Corporation — Report 2010–11

State Sport Centres Trust — Report 2010–11

State Trustees Ltd — Report 2010–11

Victoria Law Foundation — Report 2010–11

Victoria Legal Aid — Report 2010–11

Victorian Arts Centre Trust — Report 2010–11

Victorian Civil and Administrative Tribunal — Report 2010–11

Victorian Equal Opportunity and Human Rights Commission — Report 2010–11 — Ordered to be printed

Victorian Institute of Forensic Mental Health — Report 2010–11

Victorian Small Business Commissioner, Office of — Report 2010–11

VITS LanguageLink — Report 2010–11

V/Line Corporation — Report 2010–11

V/Line Pty Ltd — Report 2010–11

Wannon Region Water Corporation — Report 2010–11

Water Industry Act 1994 — Reports under s 77A (three reports)

Western District Health Service — Report 2010–11

Westernport Region Water Corporation — Report 2010–11

Western Region Water Corporation — Report 2010–11

Yarra Valley Water Ltd — Report 2010–11

Yarram and District Health Service — Report 2010–11

Young Farmers' Finance Council — Report 2010–11.

- 10 **MESSAGE FROM THE LIEUTENANT-GOVERNOR** — Recommending an appropriation for the purposes of the Crimes and Domestic Animals Acts Amendment (Offences and Penalties) Bill 2011.

- 11 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 11 October 2011 (*Mr McIntosh*) — put and agreed to.

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

- 13 **DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (PROHIBITION OF DISPLAY AND SALE OF CANNABIS WATER PIPES) BILL 2011** — 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 Burgess*) — put and agreed to.

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

- 14 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 2 to 5 inclusive, be postponed until later this day.

- 15 **SENTENCING AMENDMENT (COMMUNITY CORRECTION REFORM) BILL 2011** — *Mr Clark tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 29 September 2011.

- 16 **VICTORIAN COMMISSION FOR GAMBLING AND LIQUOR REGULATION BILL 2011** — *Mr O'Brien tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 29 September 2011.

- 17 **DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (PROHIBITION OF DISPLAY AND SALE OF CANNABIS WATER PIPES) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Motion made and question — That the debate be now adjourned (*Mr Donnellan*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 18 **RESOURCES LEGISLATION AMENDMENT BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Business having been interrupted at 2.00 pm under standing orders.*
- 19 **QUESTIONS** — (Under SO 55).
- 20 **RESOURCES LEGISLATION AMENDMENT BILL 2011** — Debate continued on question — That this Bill be now read a second time.
- Motion made and question — That the debate be now adjourned (*Dr Naphthine*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 21 **COMMERCIAL ARBITRATION BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Allocation of time — The Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 13 September 2011 had expired.*
- Question — That this Bill be now read a second time — put and agreed to.
- Bill read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.
- Bill sent to the Legislative Council and their agreement requested.
- 22 **ELECTRONIC TRANSACTIONS (VICTORIA) AMENDMENT BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.
- Question — That this Bill be now read a second time and a third time — put and agreed to.
- Bill sent to the Legislative Council and their agreement requested.
- 23 **DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (PROHIBITION OF DISPLAY AND SALE OF CANNABIS WATER PIPES) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.
- Question — That this Bill be now read a second time and a third time — put and agreed to.
- Bill sent to the Legislative Council and their agreement requested.
- 24 **RESOURCES LEGISLATION AMENDMENT BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.
- Question — That this Bill be now read a second time and a third time — put and agreed to.
- Bill sent to the Legislative Council and their agreement requested.

Business having been interrupted at 4.04 pm under sessional orders.

- 25 **ADJOURNMENT** — The Speaker announced that the time for the adjournment of the House had arrived and, after debate, the Deputy Speaker left the Chair, at 4.51 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 40, 41 and 42

No 40 — Tuesday 11 October 2011

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **SEX WORK AND OTHER ACTS AMENDMENT BILL 2011** — Mr O'Brien obtained leave to bring in a Bill '*for an Act to amend the Sex Work Act 1994, the Confiscation Act 1997 and the Confiscation Amendment Act 2010 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **ELECTRICITY INDUSTRY AMENDMENT (TRANSITIONAL FEED-IN TARIFF SCHEME) BILL 2011** — Mr O'Brien obtained leave to bring in a Bill '*for an Act to amend the Electricity Industry Act 2000 and the National Electricity (Victoria) Act 2005 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **VICTORIAN RESPONSIBLE GAMBLING FOUNDATION BILL 2011** — Mr O'Brien obtained leave to bring in a Bill '*for an Act to establish the Victorian Responsible Gambling Foundation, to amend the Gambling Regulation Act 2003 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **WATER LEGISLATION AMENDMENT (WATER INFRASTRUCTURE CHARGES) BILL 2011** — Mr Walsh obtained leave to bring in a Bill '*for an Act to amend the Water Industry Act 1994 to apply certain provisions of the Water Charge (Infrastructure) Rules 2010 of the Commonwealth as a law of Victoria to enable the Essential Services Commission to approve or determine charges for the provision of certain water services in the State and to make related and consequential amendments to that Act and other Acts and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
 - Hallam Road Landfill** — Requesting that the Legislative Assembly gives consideration to having the Hallam Road Landfill cleaned up and officially closed, bearing 125 signatures (*Mr Perera*)
 - Rail Services between Traralgon and Sale** — Requesting that the Legislative Assembly supports the Wellington Shire's business case of June 2010, seeking improvements to the Sale–Traralgon rail passenger service, bearing 159 signatures (*Mr Ryan*)
 - Victorian Certificate of Applied Learning (VCAL)** — Requesting that the Baillieu Government immediately reverses its decision and restores funding to the vital Victorian Certificate of Applied Learning program as a matter of urgency, bearing 400 signatures (*Mr Wynne*)
 - Bacchus Marsh Avenue of Honour** — Requesting that the Legislative Assembly passes a motion condemning the proposed road works to the Bacchus Marsh Avenue of Honour, bearing 2907 signatures (*Mr Katos*).

Petitions ordered to be tabled.

- 8 **PETITION — VICTORIAN CERTIFICATE OF APPLIED LEARNING (VCAL)** — Motion made and question — That the petition presented by the Member for Richmond be taken into consideration tomorrow (*Mr Wynne*) — put and agreed to.

9 **DOCUMENTS**

HEALTH PRACTITIONER REGULATION NATIONAL LAW AMENDMENT (MIDWIFE INSURANCE EXEMPTION) REGULATION — No 108/2011 tabled by leave (*Dr Naphthine*).

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms Campbell, Deputy Chair, presented the Alert Digest No 11 of 2011 from the Scrutiny of Acts and Regulations Committee on the:

Children, Youth and Families Amendment (Security of Youth Justice Facilities) Bill 2011
 Crimes and Domestic Animals Acts Amendment (Offences and Penalties) Bill 2011
 Emergency Management Legislation Amendment Bill 2011
 Energy Legislation Amendment (Bushfire Mitigation and Other Matters) Bill 2011
 Gambling Regulation Amendment (Licensing) Bill 2011
 Sentencing Amendment (Community Correction Reform) Bill 2011
 Transport Legislation Amendment (Public Transport Development Authority) Bill 2011
 Victorian Commission for Gambling and Liquor Regulation Bill 2011

together with appendices.

Ordered to be tabled and printed.

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

Business and Innovation, Department of — Report 2010–11

Crown Land (Reserves) Act 1978:

Orders under s17D granting leases over:

Geelong Botanical Gardens and Public Recreation Reserve

Sandringham Beach Park Reserve

Order under ss 17B and 17D granting a licence and a lease over Torquay and Jan Juc Foreshore Reserve

Essential Services Commission — Report into Vocational Education and Training Fees and Funding

Financial Management Act 1994:

Report from the Minister for Environment and Climate Change that he had received the Report 2010–11 of the Alpine Resorts Co-ordinating Council

Reports from the Minister for Health that he had received the reports 2010–11 of the:

Ballaarat General Cemeteries Trust

Bendigo Cemeteries Trust

Health Purchasing Victoria

Medical Radiation Practitioners Board of Victoria

Tweddle Child and Family Health Service

Melbourne and Olympic Parks Trust — Report 2010–11

Melbourne Market Authority — Report 2010–11

Members of Parliament (Register of Interests) Act 1978 — Summary of Returns June 2011 and Summary of Variations notified between 29 June 2011 and 7 October 2011 — Ordered to be printed

Mercy Public Hospitals Inc — Report 2010–11

Nathalia District Hospital — Report 2010–11

National Parks Act 1975 — Notice of consent under s 40

Ombudsman — *Whistleblowers Protection Act 2001*: Investigation into the Office of Police Integrity's handling of a complaint — Ordered to be printed

Peninsula Health — Report 2010–11

Peter MacCallum Cancer Centre — Report 2010–11

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

Ballarat — C145

Cardinia — C160

Greater Geelong — C217

Greater Shepparton — C152

Knox — C99

Maribyrnong — C82 Part 1, C120

Mornington Peninsula — C156

Stonnington — C134

Victoria Planning Provisions — VC77

Yarra — C144

Police Appeals Board — Report 2010–11

Regional Development Victoria — Report 2010–11

Rochester and Elmore District Health Service — Report 2010–11

South Gippsland Hospital — Report 2010–11

Southern Metropolitan Cemeteries Trust — Report 2010–11

South West Healthcare — Report 2010–11

Statutory rules under the following Acts:

County Court Act 1958 — SR 107

Courts (Case Transfer) Act 1991 — SR 101

Education and Training Reform Act 2006 — SR 109

Electricity Safety Act 1998 — SR 110

Estate Agents Act 1980 — SR 100

Local Government Act 1989 — SR 103

Rail Safety Act 2006 — SRs 104, 113

Subdivision Act 1988 — SRs 111, 112

Tourist and Heritage Railways Act 2010 — SR 102

Transport (Compliance and Miscellaneous) Act 1983 — SRs 105, 106

Stawell Regional Health — Report 2010–11

Subordinate Legislation Act 1994 — Documents under s 15 in relation to Statutory Rules 93, 94, 95, 96, 98, 100, 101, 102, 103, 104, 105, 106, 107, 110, 112

Swan Hill District Health — Report 2010–11

Tourism Victoria — Report 2010–11

Treasury Corporation of Victoria — Report 2010–11

Upper Murray Health and Community Services — Report 2010–11

Victoria Grants Commission — Report year ended 31 August 2011

Victoria Police — Report 2010–11

Victorian Commission for Gambling Regulation — Report 2010–11

Victorian Electoral Commission — Report 2010–11

Victorian Environmental Assessment Council Act 2001 — Request under s 16

Victorian Law Reform Commission — Report 2010–11 — Ordered to be printed

Victorian Privacy Commissioner, Office of — Report 2010–11 — Ordered to be printed

West Gippsland Healthcare Group — Report 2010–11

West Wimmera Health Service — Report 2010–11

Wimmera Health Care Group — Report 2010–11

Yea and District Memorial Hospital — Report 2010–11.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 8 February 2011:

Road Safety Camera Commissioner Act 2011 — Whole Act — 12 October 2011 (*Gazette S313, 4 September 2011*)

Tourist and Heritage Railways Act 2010 — Whole Act — 1 October 2011 (*Gazette S298, 22 September 2011*)

Transport Legislation Amendment (Public Transport Safety) Act 2011 — Whole Act — 5 October 2011 (*Gazette S313, 4 September 2011*).

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

Health Practitioner Regulation National Law (Victoria) Amendment Bill 2011

Parliamentary Salaries and Superannuation Further Amendment Bill 2011

Road Safety Camera Commissioner Bill 2011.

- 11 **MESSAGE FROM THE LIEUTENANT-GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that she had, on 22 September 2011, given the royal assent to the following bills, presented to her by the Clerk of the Legislative Council for and in the absence of the Clerk of the Parliaments:

Health Practitioner Regulation National Law (Victoria) Amendment Bill 2011

Parliamentary Salaries and Superannuation Further Amendment Bill 2011
 Road Safety Camera Commissioner Bill 2011
 Sentencing Legislation Amendment (Abolition of Home Detention) Bill 2011
 Transport Legislation Amendment (Public Transport Safety) Bill 2011.

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

Children, Youth and Families Amendment (Security of Youth Justice Facilities) Bill 2011
 Energy Legislation Amendment (Bushfire Mitigation and Other Matters) Bill 2011
 Sentencing Amendment (Community Correction Reform) Bill 2011
 Transport Legislation Amendment (Public Transport Development Authority) Bill 2011
 Victorian Commission for Gambling and Liquor Regulation Bill 2011.

- 13 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 13 October 2011:

Children, Youth and Families Amendment (Security of Youth Justice Facilities) Bill 2011
 Crimes and Domestic Animals Acts Amendment (Offences and Penalties) Bill 2011
 Emergency Management Legislation Amendment Bill 2011
 Energy Legislation Amendment (Bushfire Mitigation and Other Matters) Bill 2011
 Extractive Industries (Lysterfield) Amendment Bill 2011
 Gambling Regulation Amendment (Licensing) Bill 2011
 Victorian Commission for Gambling and Liquor Regulation Bill 2011

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

- 14 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 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 **EXTRACTIVE INDUSTRIES (LYSTERFIELD) AMENDMENT BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

- 17 **GAMBLING REGULATION AMENDMENT (LICENSING) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

- 18 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Resources Legislation Amendment Bill 2011 without amendment.

- 19 **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.

- 20 **EMERGENCY MANAGEMENT LEGISLATION AMENDMENT BILL 2011** — 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 Bull*) — put and agreed to.

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

- 21 **VICTORIAN COMMISSION FOR GAMBLING AND LIQUOR REGULATION BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.

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

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

Business having been interrupted at 10.00 pm under 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 10.36 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

No 41 — Wednesday 12 October 2011

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

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

Melbourne's Green Wedge — Requesting that the Baillieu Government — (a) stops the current review which only recognises green wedges as a development opportunity; (b) agrees to strengthen and grow rather than reduce green wedge space; and (c) works with the community to enhance Melbourne's green wedges, bearing 68 signatures (*Ms Hennessy*)

Bridgewater-Maldon Road — Requesting that the Legislative Assembly demands the Liberal-National Government makes the funding available to repair the Bridgewater-Maldon Road as an urgent priority, bearing 98 signatures (*Ms Edwards*)

Victorian Certificate of Applied Learning (VCAL) — Requesting that the Baillieu Government immediately reverses its decision and restores funding to the vital Victorian Certificate of Applied Learning program as a matter of urgency, bearing 586 signatures (*Ms Garrett*)

School Start Bonus — Requesting that the Legislative Assembly urges the Baillieu Government not to withdraw funding for the School Start Bonus for all previously eligible families, bearing 29 signatures (*Ms Duncan*)

Gisborne-Bacchus Marsh Road, Bullengarook — Requesting that the Legislative Assembly urgently calls on the Baillieu Government to review the 80 kph speed limit on the Gisborne-Bacchus Marsh Road, Bullengarook to ensure the safety of rural drivers, bearing 21 signatures (*Ms Duncan*)

Take a Break Funding — Requesting that the Legislative Assembly urgently calls on the Baillieu Government to reinstate funding for the Take a Break occasional child care program, bearing 9 signatures (*Ms Duncan*)

Whittlesea–Kinglake Shuttle Bus — Requesting that the Legislative Assembly urges the Baillieu Government to work with the Kinglake community to reinstate the Whittlesea–Kinglake Shuttle Bus service for bushfire survivors, bearing 17 signatures (*Ms Green*)

Churinga Employment Support Service — Requesting that the Legislative Assembly urges the Baillieu Government to work with the community to save the Churinga Employment Support Service for adults with intellectual and physical disabilities, bearing 133 signatures (*Ms Green*).

Petitions ordered to be tabled.

- 3 **PETITION — VICTORIAN CERTIFICATE OF APPLIED LEARNING (VCAL)** — Motion made and question — That the petition presented by the Member for Brunswick be taken into consideration tomorrow (*Ms Garrett*) — put and agreed to.
- 4 **PETITION — BRIDGEWATER MALDON ROAD** — Motion made and question — That the petition presented by the Member for Bendigo West be taken into consideration tomorrow (*Ms Edwards*) — put and agreed to.
- 5 **PETITION — WHITTLESEA–KINGLAKE SHUTTLE BUS** — Motion made and question — That the petition presented by the Member for Yan Yean be taken into consideration tomorrow (*Ms Green*) — put and agreed to.
- 6 **PETITION — CHURINGA EMPLOYMENT SUPPORT SERVICE** — Motion made and question — That the petition presented by the Member for Yan Yean be taken into consideration tomorrow (*Ms Green*) — put and agreed to.
- 7 **PETITION — SCHOOL START BONUS** — Motion made and question — That the petition presented by the Member for Macedon be taken into consideration tomorrow (*Ms Duncan*) — put and agreed to.
- 8 **PETITION — GISBORNE–BACCHUS MARSH ROAD, BULLENGAROOK** — Motion made and question — That the petition presented by the Member for Macedon be taken into consideration tomorrow (*Ms Duncan*) — put and agreed to.
- 9 **PETITION — TAKE A BREAK FUNDING** — Motion made and question — That the petition presented by the Member for Macedon be taken into consideration tomorrow (*Ms Duncan*) — put and agreed to.
- 10 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Auditor-General:

Maternity Services: Capacity — Ordered to be printed

Supporting Changes in Farming Practices: Sustainable Irrigation — Ordered to be printed

Austin Health — Report 2010–11

Barwon Health — Report 2010–11

Beaufort and Skipton Health Service — Report 2010–11

Beechworth Health Service — Report 2010–11

Calvary Health Care Bethlehem Ltd — Report 2010–11

Castlemaine Health — Report 2010–11

Central Gippsland Health Service — Report 2010–11

Cohuna District Hospital — Report 2010–11

Colac Area Health — Report 2010–11

Country Fire Authority — Report 2010–11

Echuca Regional Health — Report 2010–11

Film Victoria — Report 2010–11

Financial Management Act 1994:

Report from the Minister for Environment and Climate Change that he had received the Report 2010–11 of the Surveyors Registration Board of Victoria

Reports from the Minister for Health that he had received the reports 2010–11 of:

Maldon Hospital

Mildura Cemetery Trust

Fire Services Commissioner — Report 2010–11

Geelong Cemeteries Trust — Report 2010–11

Goulburn Valley Health — Report 2010–11

Heathcote Health — Report 2010–11

Kilmore and District Hospital — Report 2010–11

Kyabram and District Health Service — Report 2010–11

Latrobe Regional Hospital — Report 2010–11

Legal Practitioners' Liability Fund — Report 2010–11

Melbourne Health — Report 2010–11

Sentencing Advisory Council — Report 2010–11

St Vincent's Hospital (Melbourne) Ltd — Report 2010–11

Subordinate Legislation Act 1994 — Documents under s 15 in relation to Statutory Rule 113

Terrorism (Community Protection) Act 2003 — Reports 2010–11 under ss 13 and 13ZR

Victims of Crime Assistance Tribunal — Report 2010–11

Victoria State Emergency Service Authority — Report 2010–11

Victorian Environmental Assessment Council — Report 2010–11

Zoological Parks and Gardens Board — Report 2010–11 (two documents).

- 12 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — FUNDING FOR VCAL PROGRAM** — The House was informed that Mr Hulls had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House calls on the Baillieu Government to immediately reverse its \$48 million cut in funding for the coordination of the Victorian Certificate of Applied Learning (VCAL) program.'

Mr Hulls addressed the House — Discussion followed.

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

Public Accounts and Estimates Committee's Report on the 2011–12 Budget Estimates — Part One

Public Accounts and Estimates Committee's Report on the 2011–12 Budget Estimates — Part Three

Scrutiny of Acts and Regulations Committee's Report on the Review of the *Charter of Human Rights and Responsibilities Act 2006*

Public Accounts and Estimates Committee's Report on the 2011–12 Budget Estimates — Part Two.

- 14 **VICTORIAN COMMISSION FOR GAMBLING AND LIQUOR REGULATION BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

- 15 **QUESTIONS** — (Under SO 55).

- 16 **VICTORIAN COMMISSION FOR GAMBLING AND LIQUOR REGULATION BILL 2011** — Debate resumed on question — That this Bill be now read a second time.

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

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

- 17 **CRIMES AND DOMESTIC ANIMALS ACTS AMENDMENT (OFFENCES AND PENALTIES) BILL 2011** — 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 Battin*) — put and agreed to.

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

- 18 **CHILDREN, YOUTH AND FAMILIES AMENDMENT (SECURITY OF YOUTH JUSTICE FACILITIES) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

- 19 **ENERGY LEGISLATION AMENDMENT (BUSHFIRE MITIGATION AND OTHER MATTERS) BILL 2011** — 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 Bull*) — put and agreed to.

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

- 20 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 5 to 9 inclusive, be postponed until later this day.

- 21 **SEX WORK AND OTHER ACTS AMENDMENT BILL 2011** — *Mr O'Brien tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 26 October 2011.

- 22 **ELECTRICITY INDUSTRY AMENDMENT (TRANSITIONAL FEED-IN TARIFF SCHEME) BILL 2011** — *Mr O'Brien tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 26 October 2011.

- 23 **VICTORIAN RESPONSIBLE GAMBLING FOUNDATION BILL 2011** — *Mr O'Brien tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 26 October 2011.

- 24 **WATER LEGISLATION AMENDMENT (WATER INFRASTRUCTURE CHARGES) BILL 2011** — *Mr Walsh tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 26 October 2011.

- 25 **ENERGY LEGISLATION AMENDMENT (BUSHFIRE MITIGATION AND OTHER MATTERS) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under sessional orders.

- 26 **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 10.41 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

No 42 — Thursday 13 October 2011

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PUBLIC INTEREST MONITOR BILL 2011** — Mr McIntosh obtained leave to bring in a Bill '*for an Act to establish a Principal Public Interest Monitor and Deputy Public Interest Monitors and to confer functions on those Public Interest Monitors under the Act and under the Major Crime (Investigative Powers) Act 2004, the Surveillance Devices Act 1999, the Telecommunications (Interception) (State Provisions) Act 1988 and the Terrorism (Community Protection) Act 2003, to amend other Acts and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 3 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
- Melbourne's Green Wedge** — Requesting that the Baillieu Government — (a) stops the current review which only recognises green wedges as a development opportunity; (b) agrees to strengthen and grow rather than reduce green wedge space; and (c) works with the community to enhance Melbourne's green wedges, bearing 117 signatures (*Ms Hennessy*)
- Upgrade of Castlemaine Hospital** — Requesting that the Legislative Assembly urges the Baillieu Government to meet its election commitment to upgrade the Castlemaine Hospital, bearing 690 signatures (*Ms Edwards*)
- Coverage of Lawn Bowls on ABC Television** — Requesting that the Legislative Assembly urges the federal Minister for Broadband, Communications and the Digital Economy to restore the coverage of lawn bowls on ABC Television, bearing 119, 79, 710, 67, 87, 67, 115, 334, 40, 219, 77, 42, 245, 30, 30, 14, 104 and 34 signatures (*Ms Miller, Mrs Bauer, Mr Southwick, Ms Wooldridge, Mr Angus, Mr Shaw, Mr Burgess, Mr Delahunty, Ms Ryall, Mr Northe, Mr McCurdy, Mr Blackwood, Mr Dixon, Mr Mulder, Mr Thompson (Sandringham), Ms McLeish, Mrs Powell and Mr Katos respectively*)
- Radiofrequency Radiation from Smart Meters** — Requesting that the Legislative Assembly immediately — (a) issues a halt to the mandated installation of smart meters; (b) directs all power companies to offer a permanent 'opt out' for all customers; (c) requires letters to be sent to all customers informing them that radiofrequency radiation is classified by the World Health Organisation as a 2B carcinogen and that smart meters emit radiofrequency radiation; and (d) makes provisions to customers who have had smart meters installed and would like them removed, to reinstall dial or non-wireless interval meters at the option of the customer at no cost, bearing 23 signatures (*Mr Hodgett*)
- Red Cliffs Police Station** — Requesting that the Legislative Assembly takes action to increase staff levels at the Red Cliffs Police Station and installs a closed circuit TV system as a proactive step towards reducing crime in the district, bearing 629 signatures (*Mr Crisp*)

Thomastown Railway Station — Requesting that the House addresses the need for a passenger and public ramp to be included as access to the new pedestrian overpass at the Thomastown Railway Station, bearing 295 signatures (*Ms Halfpenny*).

Petitions ordered to be tabled.

- 4 **PETITION — RADIOFREQUENCY RADIATION FROM SMART METERS** — Motion made and question — That the petition presented by the Member for Kilsyth be taken into consideration tomorrow (*Mr Hodggett*) — put and agreed to.
- 5 **PETITION — MELBOURNE'S GREEN WEDGE** — Motion made and question — That the petition presented by the Member for Altona be taken into consideration tomorrow (*Ms Hennessy*) — put and agreed to.
- 6 **PETITION — UPGRADE OF CASTLEMAINE HOSPITAL** — Motion made and question — That the petition presented by the Member for Bendigo West be taken into consideration tomorrow (*Ms Edwards*) — put and agreed to.
- 7 **PETITION — THOMASTOWN RAILWAY STATION** — Motion made and question — That the petition presented by the Member for Thomastown be taken into consideration tomorrow (*Ms Halfpenny*) — put and agreed to.
- 8 **PETITION — COVERAGE OF LAWN BOWLS ON ABC TELEVISION** — Motion made and question — That the petition presented by the Member for Narracan be taken into consideration tomorrow (*Mr Blackwood*) — put and agreed to.
- 9 **PETITION — COVERAGE OF LAWN BOWLS ON ABC TELEVISION** — Motion made and question — That the petition presented by the Member for Caulfield be taken into consideration tomorrow (*Mr Southwick*) — put and agreed to.
- 10 **PETITION — COVERAGE OF LAWN BOWLS ON ABC TELEVISION** — Motion made and question — That the petition presented by the Member for Mitcham be taken into consideration tomorrow (*Ms Ryall*) — put and agreed to.
- 11 **PETITION — COVERAGE OF LAWN BOWLS ON ABC TELEVISION** — Motion made and question — That the petition presented by the Member for Carrum be taken into consideration tomorrow (*Mrs Bauer*) — put and agreed to.
- 12 **PETITION — COVERAGE OF LAWN BOWLS ON ABC TELEVISION** — Motion made and question — That the petition presented by the Member for Nepean be taken into consideration tomorrow (*Mr Southwick*) — put and agreed to.
- 13 **PETITION — COVERAGE OF LAWN BOWLS ON ABC TELEVISION** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Ms Miller*) — put and agreed to.
- 14 **PETITION — COVERAGE OF LAWN BOWLS ON ABC TELEVISION** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Northe*) — put and agreed to.
- 15 **PETITION — COVERAGE OF LAWN BOWLS ON ABC TELEVISION** — Motion made and question — That the petition presented by the Member for Shepparton be taken into consideration tomorrow (*Mr McCurdy*) — put and agreed to.

- 16 **PETITION — COVERAGE OF LAWN BOWLS ON ABC TELEVISION** — Motion made and question — That the petition presented by the Member for Polwarth be taken into consideration tomorrow (*Mr Katos*) — put and agreed to.
- 17 **PETITION — COVERAGE OF LAWN BOWLS ON ABC TELEVISION** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Northe*) — put and agreed to.
- 18 **PETITION — COVERAGE OF LAWN BOWLS ON ABC TELEVISION** — Motion made and question — That the petition presented by the Member for Bentleigh be taken into consideration tomorrow (*Ms Miller*) — put and agreed to.
- 19 **PETITION — COVERAGE OF LAWN BOWLS ON ABC TELEVISION** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Mr Burgess*) — put and agreed to.
- 20 **PETITION — COVERAGE OF LAWN BOWLS ON ABC TELEVISION** — Motion made and question — That the petition presented by the Member for Forest Hill be taken into consideration tomorrow (*Mr Angus*) — put and agreed to.
- 21 **PETITION — COVERAGE OF LAWN BOWLS ON ABC TELEVISION** — Motion made and question — That the petition presented by the Member for Murray Valley be taken into consideration tomorrow (*Mr McCurdy*) — put and agreed to.
- 22 **PETITION — COVERAGE OF LAWN BOWLS ON ABC TELEVISION** — Motion made and question — That the petition presented by the Member for Frankston be taken into consideration tomorrow (*Mr Shaw*) — put and agreed to.
- 23 **PETITION — COVERAGE OF LAWN BOWLS ON ABC TELEVISION** — Motion made and question — That the petition presented by the Member for South Barwon be taken into consideration tomorrow (*Mr Katos*) — put and agreed to.
- 24 **PETITION — COVERAGE OF LAWN BOWLS ON ABC TELEVISION** — Motion made and question — That the petition presented by the Member for Sandringham be taken into consideration tomorrow (*Mr Thompson, Sandringham*) — put and agreed to.
- 25 **PETITION — COVERAGE OF LAWN BOWLS ON ABC TELEVISION** — Motion made and question — That the petition presented by the Member for Seymour be taken into consideration tomorrow (*Ms McLeish*) — put and agreed to.

26 **DOCUMENTS BY COMMAND OF THE GOVERNOR**

Mr Clark presented by Command of the Governor:

County Court of Victoria — Report 2009–10

Ordered to be tabled.

Magistrates' Court of Victoria — Report 2010–11

Ordered to be tabled.

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

Ballarat Health Services — Report 2010–11

CenITex — Report 2010–11

Coronial Council of Victoria — Report 2010–11

Crown Land (Reserves) Act 1978 — Orders under s 17D granting leases over Torquay and Jan Juc Foreshore Reserve (two orders)

Dental Health Services Victoria — Report 2010–11

East Grampians Health Service — Report 2010–11

Eastern Health — Report 2010–11

Financial Management Act 1994:

Financial Report for the State of Victoria 2010–11, incorporating the Quarterly Financial Report No 4 — Ordered to be printed

Reports from the Minister for Health that he had received the reports 2010–11 of the:

Chinese Medicine Registration Board of Victoria

Victorian Assisted Reproductive Treatment Authority

Victorian Pharmacy Authority

Forensic Leave Panel — Report 2010–11

Gambling Regulation Act 2003 — Report of the Gambling and Lotteries Licence Review Panel to the Minister in relation to the invitation to apply stage for the grant of the monitoring licence under s 10.2A.11 — Ordered to be printed

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

Ballarat — C119

Campaspe — C90

Greater Geelong — C164, C184, C241

Greater Shepparton — C116, C157

Moira — C68

Portland District Health — Report 2010–11

Seymour District Memorial Hospital — Report 2010–11

Southern Health — Report 2010–11

Special Investigations Monitor, Office of — Report 2010–11 under s 126 of the *Police Integrity Act 2008*, s 105L of the *Whistleblowers Protection Act 2001* and s 61 of the *Major Crime (Investigative Powers) Act 2004*

Surveillance Devices Act 1999 — Report 2010–11 under s 30L

Victorian Health Promotion Foundation — Report 2010–11

Victorian Institute of Forensic Medicine — Report 2010–11

Western Health — Report 2010–11.

27 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 25 October 2011 (*Mr McIntosh*) — put and agreed to.

- 28 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 29 **SUSPENSION OF STANDING AND SESSIONAL ORDERS** — Motion made and question — That so much of standing and sessional orders be suspended to allow that:
- (1) On Wednesday 26 October 2011:
- (a) the House meets at 7.00 pm;
 - (b) the order of business be as follows:
 - (i) question time;
 - (ii) formal business;
 - (iii) statements by members (SO 40);
 - (iv) government business;
 - (v) adjournment under Sessional Order 8;
- (2) On Wednesday 9 November 2011, the matter of public importance be omitted from the order of business on that day and, instead, a grievance debate to occur under SO 38 —
- (Mr McIntosh)* — put, after debate, and agreed to.
- 30 **VICTORIAN COMMISSION FOR GAMBLING AND LIQUOR REGULATION BILL 2011** — 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 Hodggett)* — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 31 **CHILDREN, YOUTH AND FAMILIES AMENDMENT (SECURITY OF YOUTH JUSTICE FACILITIES) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Motion made and question — That the debate be now adjourned *(Mrs Powell)* — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 32 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Commercial Arbitration Bill 2011 without amendment.
- 33 **CRIMES AND DOMESTIC ANIMALS ACTS AMENDMENT (OFFENCES AND PENALTIES) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Business having been interrupted at 2.00 pm under standing orders.*
- 34 **QUESTIONS** — (Under SO 55).
- 35 **CRIMES AND DOMESTIC ANIMALS ACTS AMENDMENT (OFFENCES AND PENALTIES) BILL 2011** — Debate continued on question — That this Bill be now read a second time.

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

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

36 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Electronic Transactions (Victoria) Amendment Bill 2011 without amendment.

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

38 **GAMBLING REGULATION AMENDMENT (LICENSING) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Allocation of time — The Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 11 October 2011 had expired.

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

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

Bill sent to the Legislative Council and their agreement requested.

39 **EMERGENCY MANAGEMENT LEGISLATION AMENDMENT BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

40 **VICTORIAN COMMISSION FOR GAMBLING AND LIQUOR REGULATION BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time, Government amendment Nos 1 to 4 inclusive be agreed to and the Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

41 **CHILDREN, YOUTH AND FAMILIES AMENDMENT (SECURITY OF YOUTH JUSTICE FACILITIES) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

42 **CRIMES AND DOMESTIC ANIMALS ACTS AMENDMENT (OFFENCES AND PENALTIES) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

43 **ENERGY LEGISLATION AMENDMENT (BUSHFIRE MITIGATION AND OTHER MATTERS) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

- 44 **EXTRACTIVE INDUSTRIES (LYSTERFIELD) AMENDMENT BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

Business having been interrupted at 4.03 pm under sessional orders.

- 45 **ADJOURNMENT** — The Speaker announced that the time for the adjournment of the House had arrived and, after debate, the Deputy Speaker left the Chair, at 4.58 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS

Nos 43, 44 and 45

No 43 — Tuesday 25 October 2011

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **JUSTICE LEGISLATION FURTHER AMENDMENT BILL 2011** — Mr Clark obtained leave to bring in a Bill '*for an Act to amend the Criminal Procedure Act 2009, the Major Crime (Investigative Powers) Act 2004 and the Road Safety Amendment (Hoon Driving and Other Matters) Act 2011 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **PUBLIC PROSECUTIONS AMENDMENT BILL 2011** — Mr Clark obtained leave to bring in a Bill '*for an Act to amend the Public Prosecutions Act 1994 in relation to the public prosecutions service and the Public Administration Act 2004 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **PLANNING AND ENVIRONMENT AMENDMENT (SCHOOLS) BILL 2011** — Mr Clark obtained leave to bring in a Bill '*for an Act to amend the Planning and Environment Act 1987 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **DOMESTIC ANIMALS AMENDMENT (PUPPY FARM ENFORCEMENT AND OTHER MATTERS) BILL 2011** — Mr Walsh obtained leave to bring in a Bill '*for an Act to amend the Domestic Animals Act 1994, the Prevention of Cruelty to Animals Act 1986 and the Confiscation Act 1997 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **MINES (ALUMINIUM AGREEMENT) AMENDMENT BILL 2011** — Mr O'Brien obtained leave to bring in a Bill '*for an Act to amend the Mines (Aluminium Agreement) Act 1961 to provide for amendments to the agreement in the Schedule to that Act, to repeal the Mines (Aluminium Agreement) (Brown Coal Royalties) Act 2005 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **STATE TAXATION ACTS FURTHER AMENDMENT BILL 2011** — Mr Wells obtained leave to bring in a Bill '*for an Act to amend the Payroll Tax Act 2007, the Duties Act 2000, the Land Tax Act 2005, the Taxation Administration Act 1997, the Livestock Disease Control Act 1994 and the Valuation of Land Act 1960 and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 9 **LIQUOR CONTROL REFORM FURTHER AMENDMENT BILL 2011** — Mr O'Brien obtained leave to bring in a Bill '*for an Act to amend the Liquor Control Reform Act 1998 to introduce a demerit points system for licensees and permittees involved in non-compliance incidents, to introduce a licence for wine and beer producers, to recognise the importance of live music and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

- 10 **PARKS AND CROWN LAND LEGISLATION AMENDMENT BILL 2011** — Mr Smith (*Warrantyte*) obtained leave to bring in a Bill '*for an Act to amend the Crown Land (Reserves) Act 1978, the Forests Act 1958, the National Parks Act 1975 and the Water Industry Act 1994 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 11 **SERIOUS SEX OFFENDERS (DETENTION AND SUPERVISION) AMENDMENT BILL 2011** — Mr McIntosh obtained leave to bring in a Bill '*for an Act to amend the Serious Sex Offenders (Detention and Supervision) Act 2009, to make consequential and related amendments to other Acts and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 12 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
- Gisborne Secondary College** — Requesting that the Legislative Assembly urges the Baillieu Government to urgently fund the final stage of the Gisborne Secondary College redevelopment, bearing 127 signatures (*Ms Duncan*)
- Physician Associates** — Requesting that the Legislative Assembly — (a) makes amendments to the *Drugs, Poisons and Controlled Substances Act 1981* and its regulations (and any associated legislation) to allow Physician Associates to prescribe medications to patients and to practice to their full capacity; and (b) requests the Government through COAG to reach agreement with the Commonwealth and other States to achieve access for Physician Associates to national registration, the Medical Benefits Scheme (MBS) and Pharmaceutical Benefit Scheme (PBS) as a matter of urgency, bearing 324 signatures (*Ms Duncan*)
- Melbourne's Green Wedge** — Requesting that the Baillieu Government — (a) stops the current review which only recognises green wedges as a development opportunity; (b) agrees to strengthen and grow rather than reduce green wedge space; and (c) works with the community to enhance Melbourne's green wedges, bearing 379 signatures (*Ms Green*)
- Green Wedges in Melbourne** — Requesting that the Baillieu Government immediately stops the current planning review and agrees to work with the community to enhance and improve Melbourne's green wedges, bearing 544 signatures (*Ms Green*).
- Petitions ordered to be tabled.
- 13 **PETITION — GISBORNE SECONDARY COLLEGE** — Motion made and question — That the petition presented by the Member for Macedon be taken into consideration tomorrow (*Ms Duncan*) — put and agreed to.
- 14 **PETITION — PHYSICIAN ASSOCIATES** — Motion made and question — That the petition presented by the Member for Macedon be taken into consideration tomorrow (*Ms Duncan*) — put and agreed to.
- 15 **PETITION — MELBOURNE'S GREEN WEDGE** — Motion made and question — That the petition presented by the Member for Yan Yean be taken into consideration tomorrow (*Ms Green*) — put and agreed to.
- 16 **PETITION — GREEN WEDGES IN MELBOURNE** — Motion made and question — That the petition presented by the Member for Yan Yean be taken into consideration tomorrow (*Ms Green*) — put and agreed to.
- 17 **PETITION — BACCHUS MARSH AVENUE OF HONOUR** — Motion made and question — That the petition presented by the Member for South Barwon on 11 October 2011 be taken into consideration tomorrow (*Mr Katos*) — put and agreed to.

18 DOCUMENTS

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms Campbell, Deputy Chair, presented the Alert Digest No 12 of 2011 from the Scrutiny of Acts and Regulations Committee on the:

Children's Services Amendment Bill 2011
 Children, Youth and Families Amendment (Security of Youth Justice Facilities) Bill 2011
 Gambling Regulation Amendment (Licensing) Bill 2011
 Electricity Industry (Transitional Feed-in Tariff Scheme) Bill 2011
 Resources Legislation Amendment Bill 2011
 Sex Work and Other Acts Amendment Bill 2011
 Victorian Responsible Gambling Foundation Bill 2011
 Water Legislation Amendment (Water Infrastructure Charges) Bill 2011

together with appendices.

Ordered to be tabled and printed.

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

Confiscation Act 1997 — Asset Confiscation Operations Report 2010–11

Corangamite Catchment Management Authority — Report 2010–11

Crown Land (Reserves) Act 1978:

Orders under s 17B granting licences over:
 Bells Beach Surfing and Recreation Reserve
 Kings Domain Reserve and Alexandra Park
 Orders under s 17D granting leases over:
 Kardinia Park Reserve
 Lynch's Bridge Historic Precinct Reserve

Duties Act 2000 — Reports 2010–11 of exemptions and refunds under ss 250B and 250DD (two documents)

East Gippsland Catchment Management Authority — Report 2010–11

Environment Protection Authority — Report 2010–11

Glenelg Hopkins Catchment Management Authority — Report 2010–11

Goulburn Broken Catchment Management Authority — Report 2010–11

Interpretation of Legislation Act 1984 — Notice under s 32(3)(a)(iii) in relation to Statutory Rule 110

Judicial College of Victoria — Report 2010–11

Mallee Catchment Management Authority — Report 2010–11

Members of Parliament (Register of Interests) Act 1978 — Cumulative Summary of Returns as at 30 September 2011 — Ordered to be printed

Metropolitan Waste Management Group — Report 2010–11

North Central Catchment Management Authority — Report 2010–11

North East Catchment Management Authority — Report 2010–11

Ombudsman — *Whistleblowers Protection Act 2001*: Investigation regarding the Department of Human Services Child Protection program (Loddon Mallee Region) — Ordered to be printed

Parks Victoria — Report 2010–11

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

Ballarat — C128

Greater Geelong — C190

Kingston — C122

Macedon Ranges — C69 Part 2

Melton — C115

Murrindindi — C38

Nillumbik — C75

Pyrenees — C29

Port Phillip and Westernport Catchment Management Authority — Report 2010–11

Subordinate Legislation Act 1994 — Documents under s 15 in relation to Statutory Rule 111

Victorian Coastal Council — Report 2010–11

West Gippsland Catchment Management Authority — Report 2010–11

Wimmera Catchment Management Authority — Report 2010–11.

- 19 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Drugs, Poisons and Controlled Substances Amendment (Prohibition of Display and Sale of Cannabis Water Pipes) Bill 2011 without amendment.
- 20 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 18 October 2011, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:
- Commercial Arbitration Bill 2011
 Drugs, Poisons and Controlled Substances Amendment (Prohibition of Display and Sale of Cannabis Water Pipes) Bill 2011
 Electronic Transactions (Victoria) Amendment Bill 2011
 Resources Legislation Amendment Bill 2011.
- 21 **MESSAGES FROM THE GOVERNOR** — Recommending appropriations for the purposes of the following bills:
- Sex Work and Other Acts Amendment Bill 2011
 Victorian Responsible Gambling Foundation Bill 2011
 Water Legislation Amendment (Water Infrastructure Charges) Bill 2011.
- 22 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 27 October 2011:

Electricity Industry Amendment (Transitional Feed-in Tariff Scheme) Bill 2011
 Sentencing Amendment (Community Correction Reform) Bill 2011
 Transport Legislation Amendment (Public Transport Development Authority) Bill 2011
 Victorian Responsible Gambling Foundation Bill 2011
 Water Legislation Amendment (Water Infrastructure Charges) Bill 2011

(*Mr McIntosh*) — after debate, put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 43

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrandyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 42

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Mr Trezise; Mr Wynne.

Question agreed to.

- 23 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 24 **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.
- 25 **TRANSPORT LEGISLATION AMENDMENT (PUBLIC TRANSPORT DEVELOPMENT AUTHORITY) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.

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

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

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

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

- 26 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:
 Crimes and Domestic Animals Acts Amendment (Offences and Penalties) Bill 2011
 Emergency Management Legislation Amendment Bill 2011.
- 27 **PUBLIC INTEREST MONITOR BILL 2011** — *Mr McIntosh tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Tuesday 8 November 2011.

- 28 **SENTENCING AMENDMENT (COMMUNITY CORRECTION REFORM) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under sessional orders.

Motion made and question — That the sitting be continued (*Mr Kotsiras*) — 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 Newton-Brown*) — put and agreed to.

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

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

Children, Youth and Families Amendment (Security of Youth Justice Facilities) Bill 2011
Extractive Industries (Lysterfield) Amendment Bill 2011.

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

- 31 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 11.39 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

No 44 — Wednesday 26 October 2011

- 1 The House met in accordance with the resolution of the House on 13 October 2011 — The Speaker took the Chair and read the Prayer.

- 2 **QUESTIONS** — (Under SO 55).

- 3 **INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION BILL 2011** — Mr McIntosh obtained leave to bring in a Bill '*for an Act to establish the Independent Broad-based Anti-corruption Commission, to amend the **Parliamentary Committees Act 2003** and certain other Acts, and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

- 4 **VICTORIAN INSPECTORATE BILL 2011** — Mr McIntosh obtained leave to bring in a Bill '*for an Act to establish the Victorian Inspectorate to provide oversight of the Independent Broad-based Anti-corruption Commission, to amend certain Acts and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

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

Abolition of Puppy Factories — Requesting that the Legislative Assembly supports Oscar's Law and abolishes puppy factories and bans the sale of factory farmed companion animals from pet shops and online, bearing 47 signatures (*Mr Wakeling*)

Puffing Billy — Requesting that the Baillieu Government immediately commits the \$15 million needed to ensure the survival of the Puffing Billy historic rail line, bearing 580 signatures (*Mr Merlino*)

Casey Hospital — Requesting that the Legislative Assembly urges the Baillieu Government to properly fund Victoria's hospitals including Casey Hospital, bearing 120 signatures (*Ms Graley*)

Doreen Secondary College — Requesting that the Legislative Assembly urges the Baillieu Government to urgently fund the building of a secondary college in Doreen, bearing 16 signatures (*Ms Green*)

Take a Break Funding — Requesting that the Legislative Assembly urgently calls on the Baillieu Government to reinstate funding for the Take a Break occasional child care program, bearing 34 signatures (*Ms Green*).

Petitions ordered to be tabled.

6 **PETITION — CASEY HOSPITAL** — Motion made and question — That the petition presented by the Member for Narre Warren South be taken into consideration tomorrow (*Ms Graley*) — put and agreed to.

7 **PETITION — ABOLITION OF PUPPY FACTORIES** — Motion made and question — That the petition presented by the Member for Ferntree Gully be taken into consideration tomorrow (*Mr Wakeling*) — put and agreed to.

8 **PETITION — PUFFING BILLY** — Motion made and question — That the petition presented by the Member for Monbulk be taken into consideration tomorrow (*Mr Merlino*) — put and agreed to.

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

Auditor-General:

Procurement Practices in the Health Sector — Ordered to be printed

TAFE Governance — Ordered to be printed

Financial Management Act 1994:

Report from the Minister for Environment and Climate Change that he had received the Report 2010–11 of the Commissioner for Environmental Sustainability

Report from the Minister for Finance that he had received the Report 2010–11 of VicFleet Pty Ltd

Health, Department of — Report 2010–11

Melbourne Convention and Exhibition Trust — Report 2010–11

National Parks Act 1975 — Report 2010–11 on the working of the Act

Professional Standards Council — Report 2010–11 (two documents)

Public Prosecutions — Director, Committee and Office — Report 2010–11

Royal Botanic Gardens Board — Report 2010–11

Statutory Rule under the *Transport (Compliance and Miscellaneous) Act 1983* — SR 114

Subordinate Legislation Act 1994 — Documents under s 15 in relation to Statutory Rule 114

Trust for Nature (Victoria) — Report 2010–11.

10 **MESSAGE FROM THE GOVERNOR** — Recommending an appropriation for the purposes of the Public Interest Monitor Bill 2011.

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

12 **ELECTRICITY INDUSTRY AMENDMENT (TRANSITIONAL FEED-IN TARIFF SCHEME) BILL 2011** — 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 Gidley*) — 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 to 6 inclusive, be postponed until later this day.

14 **JUSTICE LEGISLATION FURTHER AMENDMENT BILL 2011** — *Mr Clark tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 9 November 2011.

15 **PLANNING AND ENVIRONMENT AMENDMENT (SCHOOLS) BILL 2011** — *Mr Clark tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 9 November 2011.

16 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 9 to 11 inclusive, be postponed until later this day.

17 **LIQUOR CONTROL REFORM FURTHER AMENDMENT BILL 2011** —

Business having been interrupted at 10.00 pm under sessional orders.

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

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

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

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

Ordered — That the debate be adjourned until Wednesday 9 November 2011.

- 18 **MINES (ALUMINIUM AGREEMENT) AMENDMENT BILL 2011** — *Mr O'Brien tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 9 November 2011.

- 19 **STATE TAXATION ACTS FURTHER AMENDMENT BILL 2011** — *Mr Wells tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 9 November 2011.

- 20 **SERIOUS SEX OFFENDERS (DETENTION AND SUPERVISION) AMENDMENT BILL 2011** — *Mr McIntosh tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 9 November 2011.

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

- 22 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 11.51 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

No 45 — Thursday 27 October 2011

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

- 2 **TRANSPORT LEGISLATION AMENDMENT (MARINE SAFETY AND OTHER AMENDMENTS) BILL 2011** — Dr Napthine obtained leave to bring in a Bill '*for an Act to amend the Marine Safety Act 2010, the Marine Act 1988, the Port Management Act 1995 and the Transport Integration Act 2010 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

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

Melbourne's Green Wedge — Requesting that the Baillieu Government — (a) stops the current review which only recognises green wedges as a development opportunity; (b) agrees to strengthen and grow rather than reduce green wedge space; and (c) works with the community to enhance Melbourne's green wedges, bearing 214 signatures (*Ms Hennessy*)

Victorian Certificate of Applied Learning (VCAL) — Requesting that the Baillieu Government immediately reverses its decision and restores funding to the vital Victorian Certificate of Applied Learning program as a matter of urgency, bearing 161 signatures (*Ms Garrett*)

Coverage of Lawn Bowls on ABC Television — Requesting that the Legislative Assembly urges the federal Minister for Broadband, Communications and the Digital Economy to restore the coverage of lawn bowls on ABC Television, bearing 14 and 27 signatures (*Mr Wakeling and Mr Northe respectively*)

Bacchus Marsh Avenue of Honour — Requesting that the Legislative Assembly passes a motion condemning the proposed road works to the Bacchus Marsh Avenue of Honour, bearing 435 signatures (*Mr Katos*)

Whittlesea-Yea Road — Requesting that the Legislative Assembly urges the State Government to improve safety conditions including reducing the speed limit and building road barriers on the Whittlesea-Yea Road between Whittlesea and Kinglake, bearing 10 signatures (*Ms Green*).

Petitions ordered to be tabled.

4 **PETITION — VICTORIAN CERTIFICATE OF APPLIED LEARNING (VCAL)** — Motion made and question — That the petition presented by the Member for Brunswick be taken into consideration tomorrow (*Ms Garrett*) — put and agreed to.

5 **PETITION — MELBOURNE'S GREEN WEDGE** — Motion made and question — That the petition presented by the Member for Altona be taken into consideration tomorrow (*Ms Hennessy*) — put and agreed to.

6 **PETITION — WHITTLESEA-YEA ROAD** — Motion made and question — That the petition presented by the Member for Yan Yean be taken into consideration tomorrow (*Ms Green*) — put and agreed to.

7 **PETITION — BACCHUS MARSH AVENUE OF HONOUR** — Motion made and question — That the petition presented by the Member for South Barwon be taken into consideration tomorrow (*Mr Katos*) — put and agreed to.

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

Australian Grand Prix Corporation — Report 2010–11

Commissioner for Law Enforcement Data Security, Office of — Report 2010–11

Docklands Studios Melbourne Pty Ltd — Report 2010–11

Financial Management Act 1994:

Reports from the Minister for Environment and Climate Change that he had received the reports 2010–11 of the:

Barwon Regional Waste Management Group

Calder Regional Waste Management Group
 Central Murray Regional Waste Management Group
 Desert Fringe Regional Waste Management Group
 Gippsland Regional Waste Management Group
 Goulburn Valley Regional Waste Management Group
 Grampians Regional Waste Management Group
 Highlands Regional Waste Management Group
 Mildura Regional Waste Management Group
 Mornington Peninsula Regional Waste Management Group
 North East Victorian Regional Waste Management Group
 South Western Regional Waste Management Group

National Parks Advisory Council — Report 2010–11

Ombudsman — Investigation into how universities deal with international students — Ordered to be printed

Phillip Island Nature Parks — Report 2010–11

Police Integrity, Office of — Crossing the Line — Report of an investigation into the conduct of a member of Victoria Police undertaking secondary employment as a Ministerial Adviser and his relationship with a Deputy Commissioner of Victoria Police — Ordered to be printed

Sustainability Victoria — Report 2010–11

Terrorism (Community Protection) Act 2003 — Reports 2009–10 and 2010–11 under s 21M

Treasury and Finance, Department of — Report 2010–11

Victorian Catchment Management Council — Report 2010–11

Victorian Funds Management Corporation — Report 2010–11.

9 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 8 November 2011 (*Mr McIntosh*) — put and agreed to.

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

11 **VICTORIAN RESPONSIBLE GAMBLING FOUNDATION BILL 2011** — 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 Wreford*) — put and agreed to.

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

12 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 2 to 6 inclusive, be postponed until later this day.

13 **PARKS AND CROWN LAND LEGISLATION AMENDMENT BILL 2011** — *Mr Smith (Warrantyte)* tabled a statement of compatibility in accordance with the *Charter of Human Rights and Responsibilities Act 2006*.

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

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

Ordered — That the debate be adjourned until Thursday 10 November 2011.

- 14 **PUBLIC PROSECUTIONS AMENDMENT BILL 2011** — *Mr Clark tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 10 November 2011.

- 15 **VICTORIAN RESPONSIBLE GAMBLING FOUNDATION BILL 2011** — 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 Southwick*) — put and agreed to.

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

- 16 **CHILDREN'S SERVICES AMENDMENT BILL 2011** — The Acting Speaker announced the receipt of a message from the Legislative Council presenting, for the agreement of the Legislative Assembly, a Bill '*for an Act to amend the Children's Services Act 1996, the Education and Care Services National Law Act 2010, to make consequential amendments to other Acts and for other purposes*'.

On the motion of Ms Wooldridge, the Bill was read a first time and ordered to be read a second time tomorrow.

- 17 **WATER LEGISLATION AMENDMENT (WATER INFRASTRUCTURE CHARGES) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

- 18 **QUESTIONS** — (Under SO 55).

Member named and suspended — The Member for Mulgrave (*Mr Andrews*) having been named by the Speaker for disregarding the authority of the Chair —

Motion made and question — That the Member for Mulgrave (*Mr Andrews*) be suspended from the service of the House during the remainder of the day's sitting (*Mr McIntosh*) — put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrantye*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 43

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

Mr Andrews accordingly withdrew from the Chamber.

- 19 **WATER LEGISLATION AMENDMENT (WATER INFRASTRUCTURE CHARGES) BILL 2011** — Debate continued on question — That this Bill be now read a second time.

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

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

- 20 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Victorian Commission for Gambling and Liquor Regulation Bill 2011 without amendment.

- 21 **INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION BILL 2011** — *Mr McIntosh tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 10 November 2011.

- 22 **VICTORIAN INSPECTORATE BILL 2011** — *Mr McIntosh tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 10 November 2011.

- 23 **WATER LEGISLATION AMENDMENT (WATER INFRASTRUCTURE CHARGES) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Allocation of time — The Acting Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 25 October 2011 had expired.

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

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

Bill sent to the Legislative Council and their agreement requested.

- 24 **TRANSPORT LEGISLATION AMENDMENT (PUBLIC TRANSPORT DEVELOPMENT AUTHORITY) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

- 25 **SENTENCING AMENDMENT (COMMUNITY CORRECTION REFORM) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

- 26 **ELECTRICITY INDUSTRY AMENDMENT (TRANSITIONAL FEED-IN TARIFF SCHEME) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.

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

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrantyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 42

Ms Allan; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 27 **VICTORIAN RESPONSIBLE GAMBLING FOUNDATION BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

Business having been interrupted at 4.07 pm under sessional orders.

- 28 **ADJOURNMENT** — The Speaker announced that the time for the adjournment of the House had arrived and, after debate, the Deputy Speaker left the Chair, at 4.53 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS

Nos 46, 47 and 48

No 46 — Tuesday 8 November 2011

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **CONDOLENCES FOR TURKEY AND THAILAND** — Motion made, by leave, and question — That we, the Legislative Assembly of Victoria:
 - (1) note with sadness the recent natural disasters that have affected the people of Turkey and Thailand;
 - (2) offer our deepest and sincere condolences to the Government and people of Turkey following the major earthquake in the Province of Van on 23 October 2011;
 - (3) offer our deepest and sincere condolences to the Government and people of Thailand following the devastating floods that are occurring in that country;
 - (4) recognise the significant Turkish and Thai communities in Victoria, and the strong family and cultural bonds that exist;
 - (5) join with all the people of the State of Victoria in expressing our sympathy and our strong support for the rescue, relief and recovery of Turkey and Thailand from these natural disasters; and
 - (6) request that the Speaker conveys messages of condolence from this Legislative Assembly to:
 - (a) the Grand National Assembly and the Government of the Republic of Turkey;
 - (b) the National Assembly of Thailand and the Royal Thai Government —

(*Mr Baillieu*) — and, after debate —

Members stood in silence in unanimous agreement to the motion.
- 3 **QUESTIONS** — (Under SO 55).
- 4 **WILLS AMENDMENT (INTERNATIONAL WILLS) BILL 2011** — Mr Clark obtained leave to bring in a Bill '*for an Act to amend the Wills Act 1997 and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **CRIMINAL PROCEDURE AMENDMENT (DOUBLE JEOPARDY AND OTHER MATTERS) BILL 2011** — Mr Clark obtained leave to bring in a Bill '*for an Act to amend the Criminal Procedure Act 2009, the Public Prosecutions Act 1994 and the Appeal Costs Act 1998 and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **CITY OF MELBOURNE AMENDMENT BILL 2011** — Mrs Powell obtained leave to bring in a Bill '*for an Act to amend the City of Melbourne Act 2001 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

7 **EDUCATION AND TRAINING REFORM AMENDMENT (SKILLS) BILL 2011** — Mr Dixon obtained leave to bring in a Bill 'for an Act to amend the *Education and Training Reform Act 2006* in relation to vocational education and training and to make related amendments to the *Accident Compensation Act 1985* and for other purposes'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

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

Upgrade of Greensborough College — Requesting that the Legislative Assembly urges the Baillieu Government to urgently fund the much needed upgrade of Greensborough College, bearing 20 signatures (*Mr Brooks*)

Epping Road Project — Requesting that the Legislative Assembly urges the Baillieu Government to fund and commence work on the Epping Road project as a matter of urgency, bearing 77 signatures (*Ms Green*)

Green Wedges in Melbourne — Requesting that the Baillieu Government immediately stops the current planning review and agrees to work with the community to enhance and improve Melbourne's green wedges, bearing 80 signatures (*Ms Green*).

Petitions ordered to be tabled.

9 **PETITION — EPPING ROAD PROJECT** — Motion made and question — That the petition presented by the Member for Yan Yean be taken into consideration tomorrow (*Ms Green*) — put and agreed to.

10 **PETITION — GREEN WEDGES IN MELBOURNE** — Motion made and question — That the petition presented by the Member for Yan Yean be taken into consideration tomorrow (*Ms Green*) — put and agreed to.

11 **PETITION — UPGRADE OF GREENSBOROUGH COLLEGE** — Motion made and question — That the petition presented by the Member for Bundoora be taken into consideration tomorrow (*Mr Brooks*) — put and agreed to.

12 **DOCUMENTS**

THE VICTORIAN GOVERNMENT'S VISION FOR LANGUAGES EDUCATION — Report tabled by leave (*Mr Dixon*).

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms Campbell, Deputy Chair, presented the Alert Digest No 13 of 2011 from the Scrutiny of Acts and Regulations Committee on the:

Business Names (Commonwealth Powers) Bill 2011
 Independent Broad-based Anti-corruption Commission Bill 2011
 Justice Legislation Further Amendment Bill 2011
 Leo Cussen Institute (Registration as a Company) Bill 2011
 Liquor Control Reform Further Amendment Bill 2011
 Mines (Aluminium Agreement) Amendment Bill 2011
 Parks and Crown Land Legislation Amendment Bill 2011
 Planning and Environment Amendment (Schools) Bill 2011
 Public Interest Monitor Bill 2011
 Public Prosecutions Amendment Bill 2011
 Sentencing Amendment (Community Correction Reform) Bill 2011
 Serious Sex Offenders (Detention and Supervision) Bill 2011
 State Taxation Acts Further Amendment Bill 2011

Victorian Inspectorate Bill 2011

together with appendices.

Ordered to be tabled and printed.

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

Crown Land (Reserves) Act 1978 — Order under s 17B granting a licence over Alexandra Gardens Reserve

Emergency Services Telecommunications Authority — Report 2010–11

Financial Management Act 1994:

Report from the Minister for Higher Education and Skills that he had received the Report 2010–11 of the TAFE Development Centre

Report from the Minister for Planning that he had not received the Report 2010–11 of the Architects Registration Board of Victoria, together with an explanation for the delay

Report from the Treasurer that he had not received the Report 2010–11 of the State Electricity Commission of Victoria, together with an explanation for the delay

Liquor Control Reform Act 1998 — Report 2010–11 under s 148R

Major Sporting Events Act 2009 — Major sporting event order under s 22

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

Baw Baw — C80

Bayside — C57, C92

East Gippsland — C81

Greater Geelong — C188, C189

Moonee Valley — C114

Mount Alexander — C57

Wellington — C68 Part 2

Statutory Rules under the following Acts:

Coroners Act 2008 — SR 117

Criminal Procedure Act 2009 — SR 120

Subordinate Legislation Act 1994 — SR 116

Supreme Court Act 1986 — SRs 118, 119, 120

Transport Accident Act 1986 — SR 115

Subordinate Legislation Act 1994 — Documents under s 15 in relation to Statutory Rules 109, 116, 117, 118, 119, 120.

The following proclamation fixing an operative date was tabled by the Clerk in accordance with an order of the House dated 8 February 2011:

Victorian Urban Development Authority Amendment (Urban Renewal Authority Victoria) Act 2011 — Whole Act — 25 October 2011 (*Gazette S342, 25 October 2011*).

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

Energy Legislation Amendment (Bushfire Mitigation and Other Matters) Bill 2011
Gambling Regulation Amendment (Licensing) Bill 2011.

- 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 2 November 2011

Children, Youth and Families Amendment (Security of Youth Justice Facilities) Bill 2011
Crimes and Domestic Animals Acts Amendment (Offences and Penalties) Bill 2011
Emergency Management Legislation Amendment Bill 2011
Extractive Industries (Lysterfield) Amendment Bill 2011
Victorian Commission for Gambling and Liquor Regulation Bill 2011

On 8 November 2011

Energy Legislation Amendment (Bushfire Mitigation and Other Matters) Bill 2011
Gambling Regulation Amendment (Licensing) Bill 2011.

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

Independent Broad-based Anti-corruption Commission Bill 2011
Justice Legislation Further Amendment Bill 2011
Liquor Control Reform Further Amendment Bill 2011
Parks and Crown Land Legislation Amendment Bill 2011
State Taxation Acts Further Amendment Bill 2011
Victorian Inspectorate Bill 2011.

- 16 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 10 November 2011:

Independent Broad-based Anti-corruption Commission Bill 2011
Justice Legislation Further Amendment Bill 2011
Liquor Control Reform Further Amendment Bill 2011
Mines (Aluminium Agreement) Amendment Bill 2011
Public Interest Monitor Bill 2011
Sex Work and Other Acts Amendment Bill 2011
State Taxation Acts Further Amendment Bill 2011
Victorian Inspectorate Bill 2011

(*Mr McIntosh*) — after debate, put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrantdyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 43

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

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

18 **SEX WORK AND OTHER ACTS AMENDMENT BILL 2011** — 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 Angus*) — put and agreed to.

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

19 **PUBLIC INTEREST MONITOR BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.

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

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

Motion made and question — That the debate be now adjourned (*Mr Battin*) — 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:

Victorian Responsible Gambling Foundation Bill 2011

Water Legislation Amendment (Water Infrastructure Charges) Bill 2011.

21 **DOMESTIC ANIMALS AMENDMENT (PUPPY FARM ENFORCEMENT AND OTHER MATTERS) BILL 2011** — *Mr Walsh tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Tuesday 22 November 2011.

22 **TRANSPORT LEGISLATION AMENDMENT (MARINE SAFETY AND OTHER AMENDMENTS) BILL 2011** — *Dr Naphthine tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Tuesday 22 November 2011.

- 23 **CHILDREN'S SERVICES AMENDMENT BILL 2011** — *Ms Wooldridge tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Ms Wooldridge*).
- Motion made and question — That the debate be now adjourned (*Ms Allan*) — put and agreed to.
- Ordered — That the debate be adjourned until Tuesday 22 November 2011.
- 24 **PUBLIC INTEREST MONITOR BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Business having been interrupted at 10.00 pm under sessional orders.*
- 25 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.47 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

No 47 — Wednesday 9 November 2011

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
- Bridgewater Maldon Road** — Requesting that the Legislative Assembly demands the Liberal Nationals Government makes the funding available to repair the Bridgewater Maldon Road as an urgent priority, bearing 262 signatures (*Ms Edwards*)
- Victorian Certificate of Applied Learning (VCAL)** — Requesting that the Baillieu Government immediately reverses its decision and restores funding to the vital Victorian Certificate of Applied Learning program as a matter of urgency, bearing 24 and 804 signatures (*Ms Garrett and Mr Wynne respectively*)
- New Public Dental Facility in Footscray** — Requesting that the Legislative Assembly urges the Baillieu Government to immediately commit to funding a new public dental facility in Footscray, bearing 339 signatures (*Ms Thomson, Footscray*)
- Arden Macaulay Structure Plan** — Requesting that the Legislative Assembly of Victoria — (a) takes note of the potential conflict between the MCC's plan for the site bounded by Canning Street, Vaughan Terrace and Macaulay Road, North Melbourne and the proposed development within it; and (b) withholds the planning approval of Application No 2011/008241 until the City of Melbourne and the Government have approved the draft Arden Macaulay Structure Plan, bearing 435 signatures (*Ms Pike*)
- Epping Road Project** — Requesting that the Legislative Assembly urges the Baillieu Government to fund and commence work on the Epping Road project as a matter of urgency, bearing 336 signatures (*Ms Green*)

Secondary College in Doreen — Requesting that the Legislative Assembly urges the Baillieu Government to urgently fund the building of a secondary college in Doreen, bearing 78 signatures (*Ms Green*).

Petitions ordered to be tabled.

3 **PETITION — VICTORIAN CERTIFICATE OF APPLIED LEARNING (VCAL)** — Motion made and question — That the petition presented by the Member for Brunswick be taken into consideration tomorrow (*Ms Garrett*) — put and agreed to.

4 **PETITION — BRIDGEWATER MALDON ROAD** — Motion made and question — That the petition presented by the Member for Bendigo West be taken into consideration tomorrow (*Ms Edwards*) — put and agreed to.

5 **PETITION — EPPING ROAD PROJECT** — Motion made and question — That the petition presented by the Member for Yan Yean be taken into consideration tomorrow (*Ms Green*) — put and agreed to.

6 **PETITION — SECONDARY COLLEGE IN DOREEN** — Motion made and question — That the petition presented by the Member for Yan Yean be taken into consideration tomorrow (*Ms Green*) — put and agreed to.

7 **PETITION — NEW PUBLIC DENTAL FACILITY IN FOOTSCRAY** — Motion made and question — That the petition presented by the Member for Footscray be taken into consideration tomorrow (*Ms Thomson, Footscray*) — put and agreed to.

8 **PETITION — VICTORIAN CERTIFICATE OF APPLIED LEARNING (VCAL)** — Motion made and question — That the petition presented by the Member for Richmond be taken into consideration tomorrow (*Mr Wynne*) — put and agreed to.

9 **DOCUMENTS**

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — Mr Morris presented a report from the Public Accounts and Estimates Committee on the Termination of the Independent Financial Auditor of the Victorian Auditor-General's Office Appointed by Parliament under Section 17 of the *Audit Act 1994*, together with appendices.

Ordered to be tabled and printed.

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

Auditor-General:

Annual Financial Report of the State of Victoria 2010–11 — Ordered to be printed

Public Hospitals: Results of the 2010–11 Audits — Ordered to be printed

Water Entities: Results of the 2010–11 Audits — Ordered to be printed

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

10 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Transport Legislation Amendment (Public Transport Development Authority) Bill 2011 without amendment.

11 **MESSAGE FROM THE GOVERNOR** — Recommending an appropriation for the purposes of the Domestic Animals Amendment (Puppy Farm Enforcement and Other Matters) Bill 2011.

12 **CONCURRENT DEBATE — INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION BILL 2011 AND VICTORIAN INSPECTORATE BILL 2011** — Motion made, by leave, and question — That this House authorises and requires the Speaker to permit the second reading and subsequent stages of the Independent Broad-based Anti-corruption Commission Bill 2011 and the Victorian Inspectorate Bill 2011 to be moved and debated concurrently (*Mr McIntosh*) — put and agreed to.

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

14 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.

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

Public Accounts and Estimates Committee's Report on the Termination of the Independent Financial Auditor of the Victorian Auditor-General's Office Appointed by Parliament under Section 17 of the *Audit Act 1994*

Public Accounts and Estimates Committee's Report on the 2011–12 Budget Estimates — Part One.

Business having been interrupted at 2.00 pm under standing orders.

16 **QUESTIONS** — (Under SO 55).

17 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements continued on the following Committee Reports:

Scrutiny of Acts and Regulations Committee's Report on the Review of the *Charter of Human Rights and Responsibilities Act 2006*

Public Accounts and Estimates Committee's Report on the 2011–12 Budget Estimates — Part Two.

18 **JUSTICE LEGISLATION FURTHER AMENDMENT BILL 2011** — 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 Wakeling*) — put and agreed to.

Motion made and question — That the debate be adjourned until later this day (*Mrs Powell*) — after debate, put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrantyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 43

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

- 19 **LIQUOR CONTROL REFORM FURTHER AMENDMENT BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrantyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 42

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

Motion made and question — That the debate be adjourned until later this day (*Mr O'Brien*) — after debate, put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrantyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 43

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

- 20 **POSTPONEMENT OF ORDERS OF THE DAY** — Motion made and question — That the consideration of Government Business, Orders of the Day, Nos 3 and 4 be postponed until later this day (*Mr McIntosh*) — after debate, put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrantyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 43

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

- 21 **WILLS AMENDMENT (INTERNATIONAL WILLS) BILL 2011** — *Mr Clark tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

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

Amendment proposed — That the word 'two' be omitted with the view of inserting in its place the word 'three' (*Mr Wynne*) — and, after debate —

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

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrantyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 43

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

Original question — put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrandyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 43

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

Ordered — That the debate be adjourned until Wednesday 23 November 2011.

- 22 **CRIMINAL PROCEDURE AMENDMENT (DOUBLE JEOPARDY AND OTHER MATTERS) BILL 2011** — *Mr Clark tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 23 November 2011.

- 23 **CITY OF MELBOURNE AMENDMENT BILL 2011** — *Mrs Powell tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

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

Amendment proposed — That the word 'two' be omitted with the view of inserting in its place the word 'three' (*Mr Wynne*) — and, after debate —

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

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrandyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 43

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

Original question — put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrandyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 43

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

Ordered — That the debate be adjourned until Wednesday 23 November 2011.

- 24 **EDUCATION AND TRAINING REFORM AMENDMENT (SKILLS) BILL 2011** — *Mr Dixon tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Business having been interrupted at 10.00 pm under sessional orders.

- 25 **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 10.48 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

No 48 — Thursday 10 November 2011

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

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

Coverage of Lawn Bowls on ABC Television — Requesting that the Legislative Assembly urges the federal Minister for Broadband, Communications and the Digital Economy to restore the coverage

of lawn bowls on ABC Television, bearing 22, 48, 1090, 20, 52, 11, 32, 58, 76, 137, 21 and 109 signatures (*Dr Sykes, Mr Watt, Mr Southwick, Mr Bull, Mr O'Brien, Mr Crisp, Ms Wreford, Mr Morris, Mr Northe, Mr Gidley, Mr McCurdy and Mr Weller respectively*)

Footscray City Primary School — Requesting that the Legislative Assembly takes all necessary steps to ensure that the Footscray City Primary School continues as a dual stream school, delivering a choice of mainstream and Steiner curricula, in 2012, bearing 482 signatures (*Ms Thomson, Footscray*)

Victorian Certificate of Applied Learning (VCAL) — Requesting that the Baillieu Government immediately reverses its decision and restores funding to the vital Victorian Certificate of Applied Learning program as a matter of urgency, bearing 561 signatures (*Ms D'Ambrosio*)

Take a Break Funding — Requesting that the Legislative Assembly urgently calls on the Baillieu government to reinstate funding for the Take a Break occasional child care program, bearing 93 signatures (*Ms Campbell*)

Whittlesea-Yea Road — Requesting that the Legislative Assembly urges the Government to improve safety conditions including reducing the speed limit and building road barriers on the Whittlesea-Yea Road between Whittlesea and Kinglake, bearing 17 signatures (*Ms Green*).

Petitions ordered to be tabled.

- 3 **PETITION — FOOTSCRAY CITY PRIMARY SCHOOL** — Motion made and question — That the petition presented by the Member for Footscray be taken into consideration tomorrow (*Ms Thomson, Footscray*) — put and agreed to.
- 4 **PETITION — COVERAGE OF LAWN BOWLS ON ABC TELEVISION** — Motion made and question — That the petition presented by the Member for Caulfield be taken into consideration tomorrow (*Mr Southwick*) — put and agreed to.
- 5 **PETITION — COVERAGE OF LAWN BOWLS ON ABC TELEVISION** — Motion made and question — That the petition presented by the Member for Malvern be taken into consideration tomorrow (*Mr Southwick*) — put and agreed to.
- 6 **PETITION — COVERAGE OF LAWN BOWLS ON ABC TELEVISION** — Motion made and question — That the petition presented by the Member for Mordialloc be taken into consideration tomorrow (*Ms Wreford*) — put and agreed to.
- 7 **PETITION — COVERAGE OF LAWN BOWLS ON ABC TELEVISION** — Motion made and question — That the petition presented by the Member for Burwood be taken into consideration tomorrow (*Mr Watt*) — put and agreed to.
- 8 **PETITION — COVERAGE OF LAWN BOWLS ON ABC TELEVISION** — Motion made and question — That the petition presented by the Member for Mornington be taken into consideration tomorrow (*Mr Morris*) — put and agreed to.
- 9 **PETITION — VICTORIAN CERTIFICATE OF APPLIED LEARNING (VCAL)** — Motion made and question — That the petition presented by the Member for Mill Park be taken into consideration tomorrow (*Ms D'Ambrosio*) — put and agreed to.
- 10 **PETITION — COVERAGE OF LAWN BOWLS ON ABC TELEVISION** — Motion made and question — That the petition presented by the Member for Murray Valley be taken into consideration tomorrow (*Mr McCurdy*) — put and agreed to.

- 11 **PETITION — WHITTLESEA-YEA ROAD** — Motion made and question — That the petition presented by the Member for Yan Yean be taken into consideration tomorrow (*Ms Green*) — put and agreed to.
- 12 **PETITION — TAKE A BREAK FUNDING** — Motion made and question — That the petition presented by the Member for Pascoe Vale be taken into consideration tomorrow (*Ms Campbell*) — put and agreed to.
- 13 **PETITION — COVERAGE OF LAWN BOWLS ON ABC TELEVISION** — Motion made and question — That the petition presented by the Member for Gippsland East be taken into consideration tomorrow (*Mr Bull*) — put and agreed to.
- 14 **PETITION — COVERAGE OF LAWN BOWLS ON ABC TELEVISION** — Motion made and question — That the petition presented by the Member for Mount Waverley be taken into consideration tomorrow (*Mr Gidley*) — put and agreed to.
- 15 **PETITION — COVERAGE OF LAWN BOWLS ON ABC TELEVISION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 16 **PETITION — COVERAGE OF LAWN BOWLS ON ABC TELEVISION** — Motion made and question — That the petition presented by the Member for Rodney be taken into consideration tomorrow (*Mr Weller*) — put and agreed to.
- 17 **PETITION — COVERAGE OF LAWN BOWLS ON ABC TELEVISION** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Northe*) — put and agreed to.
- 18 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:
- Crimes (Assumed Identities) Act 2004* — Report 2010–11 under s 31
- Financial Management Act 1994* — 2011–12 Quarterly Financial Report for the State of Victoria for the period ended 30 September 2011
- Statutory Rules under the following Acts:
- Drugs, Poisons and Controlled Substances Act 1981* — SR 122
- Gambling Regulation Act 2003* — SR 121
- Magistrates' Court Act 1989* — SRs 123, 124
- Subordinate Legislation Act 1994* — Documents under s 15 in relation to Statutory Rules 123, 124
- Surveillance Devices Act 1999* — Report 2010–11 under s 30L.
- 19 **FINANCIAL AUDIT OF AUDITOR-GENERAL — TERMINATION OF AUDITOR** — Motion made, by leave, and question — That under s 17 of the *Audit Act 1994* and in accordance with the Agreement between the Parliament and Mr Peter Sexton:
- (1) The Legislative Council and the Legislative Assembly agree to terminate the services of Mr Peter Sexton;
 - (2) The termination be effected by notice in writing being given to Mr Sexton by the Presiding Officers of the Legislative Council and the Legislative Assembly —

(*Mr McIntosh*) — put and agreed to.

Ordered — That a message be sent to the Legislative Council informing them of the resolution and requesting their agreement.

20 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 22 November 2011 (*Mr McIntosh*) — put and agreed to.

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

22 **EDUCATION AND TRAINING REFORM AMENDMENT (SKILLS) BILL 2011** — Motion made and question proposed — That this Bill be now read a second time (*Mr Dixon*).

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

Ordered — That the debate be adjourned until Thursday 24 November 2011.

23 **MINES (ALUMINIUM AGREEMENT) AMENDMENT BILL 2011** — 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.

24 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing, under s 17 of the *Audit Act 1994*, to terminate the services of Mr Peter Sexton in relation to financial audits of the Auditor-General.

25 **BUSINESS NAMES (COMMONWEALTH POWERS) BILL 2011** — The Speaker announced the receipt of a message from the Legislative Council presenting, for the agreement of the Legislative Assembly, a Bill '*for an Act to adopt the Business Names Registration Act 2011 of the Commonwealth and the Business Names Registration (Transitional and Consequential Provisions) Act 2011 of the Commonwealth and to refer certain matters relating to the registration and use of business names to the Parliament of the Commonwealth for the purposes of section 51(xxxvii) of the Constitution of the Commonwealth, to repeal the **Business Names Act 1962** and to provide for related transitional and consequential matters*'.
On the motion of Mr O'Brien, the Bill was read a first time and ordered to be read a second time tomorrow.

26 **STATE TAXATION ACTS FURTHER AMENDMENT BILL 2011** — 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 Angus*) — put and agreed to.

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

27 **INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION BILL 2011 — VICTORIAN INSPECTORATE BILL 2011** — Order read for resuming debate on question — That these Bills be now read a second time.

Under standing orders, Ms Hennessy announced amendments to be proposed when the House considers the **Independent Broad-based Anti-corruption Commission Bill 2011** in detail and requested that they be circulated. Amendments circulated.

Under standing orders, Ms Hennessy announced amendments to be proposed when the House considers the **Victorian Inspectorate Bill 2011** in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That these Bills be now read a second time.

Business having been interrupted at 2.00 pm under standing orders.

28 **QUESTIONS** — (Under SO 55).

29 **INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION BILL 2011 — VICTORIAN INSPECTORATE BILL 2011** — Debate continued on question — That these Bills be now read a second time.

Allocation of time — The Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 8 November 2011 had expired.

Question — That these Bills be now read a second time — put and agreed to.

Question — That these Bills be now read a third time — put and agreed to.

Bills sent to the Legislative Council and their agreement requested.

30 **JUSTICE LEGISLATION FURTHER AMENDMENT BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

31 **LIQUOR CONTROL REFORM FURTHER AMENDMENT BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

32 **SEX WORK AND OTHER ACTS AMENDMENT BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

33 **PUBLIC INTEREST MONITOR BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

34 **MINES (ALUMINIUM AGREEMENT) AMENDMENT BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

- 35 **STATE TAXATION ACTS FURTHER AMENDMENT BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

Business having been interrupted at 4.03 pm under sessional orders.

- 36 **ADJOURNMENT** — The Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 4.56 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS

Nos 49, 50 and 51

No 49 — Tuesday 22 November 2011

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
 - 2 **QUESTIONS** — (Under SO 55).
 - 3 **CITY OF GREATER GEELONG AMENDMENT BILL 2011** — Mrs Powell obtained leave to bring in a Bill *'for an Act to amend the City of Greater Geelong Act 1993 and for other purposes'*; and the Bill was read a first time and ordered to be read a second time tomorrow.
 - 4 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
 - FReeZACentral program** — Requesting that the Legislative Assembly calls on the Baillieu Government to — (a) restore funding to the FReeZACentral training and mentoring program; and (b) commit ongoing funding for FReeZA, bearing 7 signatures (*Ms Edwards*)
 - Take a Break Funding** — Requesting that the Legislative Assembly urgently calls on the Baillieu Government to reinstate funding for the Take a Break occasional child care program, bearing 69 signatures (*Mr Herbert*)
 - Victorian Certificate of Applied Learning (VCAL)** — Requesting that the Baillieu Government immediately reverses its decision and restores funding to the vital Victorian Certificate of Applied Learning program as a matter of urgency, bearing 225 signatures (*Mr Wynne*)
 - Epping Road Project** — Requesting that the Legislative Assembly urges the Baillieu Government to fund and commence work on the Epping Road project as a matter of urgency, bearing 11 signatures (*Ms Green*)
 - Green Wedges in Melbourne** — Requesting that the Baillieu Government immediately stops the current planning review and agrees to work with the community to enhance and improve Melbourne's green wedges, bearing 106 signatures (*Ms Green*).
- Petitions ordered to be tabled.
- 5 **PETITION — VICTORIAN CERTIFICATE OF APPLIED LEARNING (VCAL)** — Motion made and question — That the petition presented by the Member for Richmond be taken into consideration tomorrow (*Mr Wynne*) — put and agreed to.
 - 6 **PETITION — TAKE A BREAK FUNDING** — Motion made and question — That the petition presented by the Member for Eltham be taken into consideration tomorrow (*Mr Herbert*) — put and agreed to.
 - 7 **PETITION — EPPING ROAD PROJECT** — Motion made and question — That the petition presented by the Member for Yan Yean be taken into consideration tomorrow (*Ms Green*) — put and agreed to.
 - 8 **PETITION — GREEN WEDGES IN MELBOURNE** — Motion made and question — That the petition presented by the Member for Yan Yean be taken into consideration tomorrow (*Ms Green*) — put and agreed to.

9 DOCUMENTS

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms Campbell, Deputy Chair, presented the Alert Digest No 14 of 2011 from the Scrutiny of Acts and Regulations Committee on the:

City of Melbourne Amendment Bill 2011
 Criminal Procedure (Double Jeopardy and Other Matters) Bill 2011
 Domestic Animals Amendment (Puppy Farm Enforcement and Other Matters) Bill 2011
 Education and Training Reform Amendment (Skills) Bill 2011
 Emergency Management Legislation Amendment Bill 2011
 Transport Legislation Amendment (Marine Safety and Other Matters) Bill 2011
 Transport Legislation Amendment (Public Transport Development Authority) Bill 2011
 Wills Amendment (International Wills) Bill 2011

together with appendices.

Ordered to be tabled and printed.

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

Crown Land (Reserves) Act 1978:

Order under s 17B granting a licence over Lynch's Bridge Historic Precinct Reserve
 Order under ss 17B and 17D granting a licence and a lease over Torquay and Jan Juc Foreshore Reserve

Gambling Regulation Act 2003 — Monitoring Licence and Related Agreement under s 3.4.53

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

Ararat — C23
 Brimbank — C144
 Cardinia — C86
 Casey — C114, C153
 Latrobe — C68
 Maroondah — C42
 Moorabool — C57
 Whitehorse — C129

Statutory Rules under the following Acts:

Climate Change Act 2010 — SR 128
Marine Act 1988 — SR 125
Road Safety Act 1986 — SRs 126, 127

Subordinate Legislation Act 1994:

Documents under s 15 in relation to Statutory Rules 121, 122, 125
 Documents under s 16B in relation to the Approval of the International Rules Series as a Sports Betting event under the *Gambling Regulation Act 2003*.

The following proclamation fixing an operative date was tabled by the Clerk in accordance with an order of the House dated 8 February 2011:

Commercial Arbitration Act 2011 — Whole Act — 17 November 2011 (*Gazette S369, 15 November 2011*).

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

Electricity Industry Amendment (Transitional Feed-in Tariff Scheme) Bill 2011
Sentencing Amendment (Community Correction Reform) Bill 2011.

- 11 **LEO CUSSEN INSTITUTE (REGISTRATION AS A COMPANY) BILL 2011** — The Speaker announced the receipt of a message from the Legislative Council presenting, for the agreement of the Legislative Assembly, a Bill '*for an Act to provide for the registration of the Leo Cussen Institute as a company limited by guarantee under the Corporations Act and to repeal the **Leo Cussen Institute Act 1972** and for other purposes*'.

On the motion of Mr Clark, the Bill was read a first time and ordered to be read a second time tomorrow.

- 12 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 15 November 2011, given the royal assent to the following bills, presented to him by the Deputy Clerk of the Legislative Assembly for and in the absence of the Clerk of the Parliaments:

Transport Legislation Amendment (Public Transport Development Authority) Bill 2011
Victorian Responsible Gambling Foundation Bill 2011
Water Legislation Amendment (Water Infrastructure Charges) Bill 2011.

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

Electricity Industry Amendment (Transitional Feed-in Tariff Scheme) Bill 2011
Sentencing Amendment (Community Correction Reform) Bill 2011.

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

Criminal Procedure Amendment (Double Jeopardy and Other Matters) Bill 2011
Education and Training Reform Amendment (Skills) Bill 2011
Transport Legislation Amendment (Marine Safety and Other Amendments) Bill 2011.

- 15 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 24 November 2011:

City of Melbourne Amendment Bill 2011
Criminal Procedure Amendment (Double Jeopardy and Other Matters) Bill 2011
Domestic Animals Amendment (Puppy Farm Enforcement and Other Matters) Bill 2011
Education and Training Reform Amendment (Skills) Bill 2011
Serious Sex Offenders (Detention and Supervision) Amendment Bill 2011
Transport Legislation Amendment (Marine Safety and Other Amendments) Bill 2011

(*Mr McIntosh*) — after debate, put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrandyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 43

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

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

17 **SERIOUS SEX OFFENDERS (DETENTION AND SUPERVISION) AMENDMENT BILL 2011** — 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 Southwick*) — put and agreed to.

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

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

19 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the State Taxation Acts Further Amendment Bill 2011 without amendment.

20 **DOMESTIC ANIMALS AMENDMENT (PUPPY FARM ENFORCEMENT AND OTHER MATTERS) BILL 2011** — 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 Victoria*) — put and agreed to.

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

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

22 **TRANSPORT LEGISLATION AMENDMENT (MARINE SAFETY AND OTHER AMENDMENTS) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under sessional orders.

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

No 50 — Wednesday 23 November 2011

- 1 The Speaker took the Chair and read the Prayer.
- 2 **DEATH OF ROBERT MAX GILLETT** — The Speaker, by leave, announced the death of Robert Max Gillett, Member of the Legislative Assembly for the Electoral District of Geelong West from 1958 to 1964; and members rose in their places as a mark of respect to the memory of the deceased.
- 3 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Coverage of Lawn Bowls on ABC Television — Requesting that the Legislative Assembly urges the federal Minister for Broadband, Communications and the Digital Economy to restore the coverage of lawn bowls on ABC Television, bearing 55 signatures (*Mr Dixon*)

Essendon Keilor College — Requesting that the Legislative Assembly urges the Baillieu Government to urgently fund the much needed \$10 million upgrade to Essendon Keilor College, bearing 28 signatures (*Mr Hulls*)

Puffing Billy — Requesting that the Baillieu Government immediately commits the \$15 million needed to ensure the survival of the Puffing Billy historic rail line, bearing 432 signatures (*Mr Merlino*)

Secondary College in Doreen — Requesting that the Legislative Assembly urges the Baillieu Government to urgently fund the building of a secondary college in Doreen, bearing 7 signatures (*Ms Green*)

Upgrade of Greensborough College — Requesting that the Legislative Assembly urges the Baillieu Government to urgently fund the much needed upgrade of Greensborough College, bearing 90 signatures (*Ms Green*).

Petitions ordered to be tabled.

- 4 **PETITION — SECONDARY COLLEGE IN DOREEN** — Motion made and question — That the petition presented by the Member for Yan Yean be taken into consideration tomorrow (*Ms Green*) — put and agreed to.
- 5 **PETITION — UPGRADE OF GREENSBOROUGH COLLEGE** — Motion made and question — That the petition presented by the Member for Yan Yean be taken into consideration tomorrow (*Ms Green*) — put and agreed to.
- 6 **PETITION — ESSENDON KEILOR COLLEGE** — Motion made and question — That the petition presented by the Member for Niddrie be taken into consideration tomorrow (*Mr Hulls*) — put and agreed to.
- 7 **PETITION — PUFFING BILLY** — Motion made and question — That the petition presented by the Member for Monbulk be taken into consideration tomorrow (*Mr Merlino*) — put and agreed to.
- 8 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Auditor-General:

Local Government: Results of the 2010–11 Audits — Ordered to be printed

Portfolio Departments and Associated Entities: Results of the 2010–11 Audits — Ordered to be printed

Ombudsman — Own motion investigation into ICT-enabled projects — Ordered to be printed

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

Bass Coast — C103

East Gippsland — C96

Glen Eira — C92

Mansfield — C22

Monash — C90, C97

Victoria Planning Provisions — VC83, VC86.

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

Independent Broad-based Anti-corruption Commission Bill 2011

Mines (Aluminium Agreement) Amendment Bill 2011.

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

- 11 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — FIRST ANNIVERSARY OF BAILLIEU–RYAN GOVERNMENT** — The House was informed that Mr Andrews had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House:

- (1) Notes that Sunday 27 November 2011 is the first anniversary of the Baillieu–Ryan Government;
- (2) Notes that in the 365 days since the Premier promised that there would be "no hidden agenda, no spin, no secrecy ... accountability and transparency will be the principles that underpin our government ... what you will see is what you will get," Victorians have seen no sign of the accountability and transparency promised but instead have seen hidden agendas, spin and secrecy;
- (3) Calls on the Premier to explain to the people of Victoria why he believes doing an "awful lot" includes:
 - (a) doubling state debt with nothing to show for it;
 - (b) cutting funding for crucial services such as education and health;
 - (c) interfering in and undermining police command;
 - (d) failing to deliver a jobs plan;
 - (e) neglecting regional and rural Victoria, including in the lead up to the fire season; and
 - (f) refusing to negotiate in good faith with Victoria's public sector unions;
- (4) Condemns the Premier for failing to take any responsibility for the actions of his Government.'

Mr Andrews addressed the House — Discussion followed.

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

Public Accounts and Estimates Committee's Report on the 2011–12 Budget Estimates — Part One

Public Accounts and Estimates Committee's Report on the 2011–12 Budget Estimates — Part Three

Public Accounts and Estimates Committee's Report on the 2011–12 Budget Estimates — Part Two.

- 13 **TRANSPORT LEGISLATION AMENDMENT (MARINE SAFETY AND OTHER AMENDMENTS) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

- 14 **QUESTIONS** — (Under SO 55).

- 15 **TRANSPORT LEGISLATION AMENDMENT (MARINE SAFETY AND OTHER AMENDMENTS) BILL 2011** — Debate continued on question — That this Bill be now read a second time.

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

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

- 16 **CRIMINAL PROCEDURE AMENDMENT (DOUBLE JEOPARDY AND OTHER MATTERS) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.

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

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

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

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

- 17 **CITY OF MELBOURNE AMENDMENT BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrantdyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 43

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

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

- 18 **CITY OF GREATER GEELONG AMENDMENT BILL 2011** — *Mrs Powell tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 7 December 2011.

- 19 **LEO CUSSEN INSTITUTE (REGISTRATION AS A COMPANY) BILL 2011** — *Mr Clark tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 7 December 2011.

- 20 **BUSINESS NAMES (COMMONWEALTH POWERS) BILL 2011** — *Mr McIntosh tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 7 December 2011.

- 21 **CITY OF MELBOURNE AMENDMENT BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under sessional orders.

- 22 **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 10.41 pm.

No 51 — Thursday 24 November 2011

1 The Speaker took the Chair and read the Prayer.

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

Canterbury Road Urban Forest — Requesting that the Government transfers the land currently owned by VicTrack to the permanent management of the City of Port Phillip as 'Public Reserve', bearing 475 signatures (*Mr Foley*)

Planning in the DD08 areas of Manningham — Requesting that the Legislative Assembly changes the zoning of DD08 courts and side streets in Manningham to limit new developments to 2 storeys high and mandates DD08 planning controls as absolute maximum limits which will still easily meet the planned 2030 growth, bearing 1471 signatures (*Ms Wooldridge*)

New School for Bannockburn — Requesting that the Legislative Assembly makes an immediate start on the provision of a new school for Bannockburn incorporating facilities for early childhood, primary and secondary education, bearing 2904 signatures (*Mr Katos*)

New CFA Stations — Requesting that the Legislative Assembly urges the Baillieu–Ryan Government to build new CFA stations for Eden Park, Eltham, Kangaroo Ground, Plenty and Wattle Glen, bearing 6 signatures (*Ms Green*).

Petitions ordered to be tabled.

3 **PETITION — CANTERBURY ROAD URBAN FOREST** — Motion made and question — That the petition presented by the Member for Albert Park be taken into consideration tomorrow (*Mr Foley*) — put and agreed to.

4 **PETITION — NEW SCHOOL FOR BANNOCKBURN** — Motion made and question — That the petition presented by the Member for South Barwon be taken into consideration tomorrow (*Mr Katos*) — put and agreed to.

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

Ombudsman — Investigation into the Foodbowl Modernisation Project and related matters — Ordered to be printed

Parliamentary Committees Act 2003 — Government response to the Public Accounts and Estimates Committee's Report on the 2011–12 Budget Estimates — Part One

Victorian Environmental Assessment Council Act 2001 — Government response to the Victorian Environmental Assessment Council's Report on the Remnant Native Vegetation Investigation

Victorian Industry Participation Policy — Report 2010–11.

6 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 6 December 2011 (*Mr McIntosh*) — put and agreed to.

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

8 **EDUCATION AND TRAINING REFORM AMENDMENT (SKILLS) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

9 **QUESTIONS** — (Under SO 55).

10 **EDUCATION AND TRAINING REFORM AMENDMENT (SKILLS) BILL 2011** — Debate resumed on question — That this Bill be now read a second time.

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

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

11 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Justice Legislation Further Amendment Bill 2011 without amendment.

12 **TRANSPORT LEGISLATION AMENDMENT (MARINE SAFETY AND OTHER AMENDMENTS) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Allocation of time — The Acting Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 22 November 2011 had expired.

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

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

Bill sent to the Legislative Council and their agreement requested.

13 **CRIMINAL PROCEDURE AMENDMENT (DOUBLE JEOPARDY AND OTHER MATTERS) BILL 2011** — 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 and the Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

14 **DOMESTIC ANIMALS AMENDMENT (PUPPY FARM ENFORCEMENT AND OTHER MATTERS) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

15 **SERIOUS SEX OFFENDERS (DETENTION AND SUPERVISION) AMENDMENT BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

16 **CITY OF MELBOURNE AMENDMENT BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

- 17 **EDUCATION AND TRAINING REFORM AMENDMENT (SKILLS) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

Business having been interrupted at 4.13 pm under 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 4.58 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS
Nos 52, 53 and 54

No 52 — Tuesday 6 December 2011

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

2 **QUESTIONS** — (Under SO 55).

3 **EMERGENCY SERVICES LEGISLATION AMENDMENT BILL 2011** — Mr Ryan obtained leave to bring in a Bill '*for an Act to amend the Country Fire Authority Act 1958, the Metropolitan Fire Brigades Act 1958, the Victoria State Emergency Service Act 2005, the Emergency Management Act 1986, the Emergency Services Telecommunications Authority Act 2004, the Forests Act 1958 and the Summary Offences Act 1966 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

4 **CONTROL OF WEAPONS AND FIREARMS ACTS AMENDMENT BILL 2011** — Mr Ryan obtained leave to bring in a Bill '*for an Act to amend the Control of Weapons Act 1990 and the Firearms Act 1996 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

5 **ASSOCIATIONS INCORPORATION REFORM BILL 2011** — Mr O'Brien obtained leave to bring in a Bill '*for an Act to re-enact the law providing for the incorporation of voluntary associations and the registration of other bodies as incorporated associations and to make provision for the corporate governance, financial accountability and other matters relating to the rules and membership of those associations, to repeal the Associations Incorporation Act 1981 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

6 **AUSTRALIAN CONSUMER LAW AND FAIR TRADING BILL 2011** — Mr O'Brien obtained leave to bring in a Bill '*for an Act to re-enact with amendments laws relating to fair trading and consumer protection, to regulate certain businesses, to repeal the Fair Trading Act 1999, the Disposal of Uncollected Goods Act 1961, the Carriers and Innkeepers Act 1958 and the Landlord and Tenant Act 1958, to make related and consequential amendments to other Acts and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

7 **PORT MANAGEMENT AMENDMENT (PORT OF MELBOURNE CORPORATION LICENCE FEE) BILL 2011** — Dr Napthine obtained leave to bring in a Bill '*for an Act to amend the Port Management Act 1995 to provide for the imposition of a licence fee on the Port of Melbourne Corporation and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

8 **ROAD SAFETY AMENDMENT (DRINKING WHILE DRIVING) BILL 2011** — Mr Clark obtained leave to bring in a Bill '*for an Act to amend the Road Safety Act 1986 to prohibit the consumption of intoxicating liquor while driving and to provide for related matters and for other purposes*'; and the Bill was read a first time and, by leave, ordered to be read a second time later this day.

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

Victorian Certificate of Applied Learning (VCAL) — Requesting that the Baillieu Government immediately reverses its decision and restores funding to the vital Victorian Certificate of Applied Learning program as a matter of urgency, bearing 252, 1012, 990 and 157 signatures (*Mr Foley, Ms Graley, Mr Hulls and Mr Wynne respectively*)

Moonee Valley Racecourse Redevelopment — Requesting that the Legislative Assembly urges the Baillieu Government to urgently prevent the Moonee Valley Racecourse redevelopment in its current form, bearing 2334 signatures (*Mr Madden*)

Epping Road Project — Requesting that the Legislative Assembly urges the Baillieu Government to fund and commence work on the Epping Road project as a matter of urgency, bearing 52 signatures (*Ms Green*)

Green Wedges in Melbourne — Requesting that the Baillieu Government immediately stops the current planning review and agrees to work with the community to enhance and improve Melbourne's green wedges, bearing 26 signatures (*Ms Green*)

Melbourne's Green Wedge — Requesting that the Baillieu Government — (a) stops the current review which only recognises green wedges as a development opportunity; (b) agrees to strengthen and grow rather than reduce green wedge space; and (c) works with the community to enhance Melbourne's green wedges, bearing 22 signatures (*Ms Green*).

Petitions ordered to be tabled.

10 **PETITION — VICTORIAN CERTIFICATE OF APPLIED LEARNING (VCAL)** — Motion made and question — That the petition presented by the Member for Niddrie be taken into consideration tomorrow (*Mr Hulls*) — put and agreed to.

11 **PETITION — MOONEE VALLEY RACECOURSE REDEVELOPMENT** — Motion made and question — That the petition presented by the Member for Essendon be taken into consideration tomorrow (*Mr Madden*) — put and agreed to.

12 **PETITION — VICTORIAN CERTIFICATE OF APPLIED LEARNING (VCAL)** — Motion made and question — That the petition presented by the Member for Richmond be taken into consideration tomorrow (*Mr Wynne*) — put and agreed to.

13 **PETITION — EPPING ROAD PROJECT** — Motion made and question — That the petition presented by the Member for Yan Yean be taken into consideration tomorrow (*Ms Green*) — put and agreed to.

14 **PETITION — GREEN WEDGES IN MELBOURNE** — Motion made and question — That the petition presented by the Member for Yan Yean be taken into consideration tomorrow (*Ms Green*) — put and agreed to.

15 **PETITION — MELBOURNE'S GREEN WEDGE** — Motion made and question — That the petition presented by the Member for Yan Yean be taken into consideration tomorrow (*Ms Green*) — put and agreed to.

16 **PETITION — PLANNING IN THE DD08 AREAS OF MANNINGHAM** — Motion made and question — That the petition presented by the Member for Doncaster on Thursday 24 November 2011 be taken into consideration tomorrow (*Mrs Victoria*) — put and agreed to.

- 17 **PETITION — VICTORIAN CERTIFICATE OF APPLIED LEARNING (VCAL)** — Motion made and question — That the petition presented by the Member for Albert Park be taken into consideration tomorrow (*Mr Foley*) — put and agreed to.

18 **DOCUMENTS**

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms Campbell, Deputy Chair, presented the Alert Digest No 15 of 2011 from the Scrutiny of Acts and Regulations Committee on the:

City of Greater Geelong Amendment Bill 2011
 Criminal Procedure Amendment (Double Jeopardy and Other Matters) Bill 2011
 Members of Parliament (Serious Misconduct) Amendment Bill 2011

together with appendices.

Ordered to be tabled and printed.

DOCUMENTS TABLED BY COMMAND OF THE GOVERNOR

Mr Clark presented by Command of the Governor:

County Court of Victoria — Report 2010–11

Ordered to be tabled

Supreme Court of Victoria — Report 2010–11

Ordered to be tabled.

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

Coroners Court of Victoria — Report 2010–11

Financial Management Act 1994 — Report from the Minister for Planning that he had received the Report 2010–11 of the Architects Registration Board of Victoria

Fisheries Act 1995 — Report 2010–11 of the Special Investigations Monitor under s 131T

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

Greater Bendigo — C151
 Greater Geelong — C127 Part 2
 Hobsons Bay — C86
 Melton — C84 Part 2
 Moyne — C35 Part 2
 Murrindindi — C29 Part 1
 Port Phillip — C73
 Whitehorse — C94
 Yarra Ranges — C107

Statutory Rules under the following Acts:

Police Regulation Act 1958 — SR 130

Residential Tenancies Act 1997 — SR 129
Supreme Court Act 1986 — SRs 132, 133
Transport (Compliance and Miscellaneous) Act 1983 — SR 131

Subordinate Legislation Act 1994:

Documents under s 15 in relation to Statutory Rules 126, 127, 128, 129, 130, 131, 132, 133
 Documents under s 16B in relation to the:

Amendment to the Keno Technical Standard under the *Gambling Regulation Act 2003*
 Exemption from s 65A(1) of the *Road Safety Act 1986* for persons participating in the Valvoline Shepparton Springnats 2011 at Shepparton Showgrounds

Wildlife Act 1975 — Report 2010–11 of the Special Investigations Monitor under s 74P.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 8 February 2011:

Education and Training Reform Amendment (School Safety) Act 2011 — Part 1 and s 5 — 24 November 2011 (*Gazette S379, 22 November 2011*)

Farm Debt Mediation Act 2011 — Whole Act — 1 December 2011 (*Gazette S379, 22 November 2011*)

Justice Legislation Amendment (Protective Services Officers) Act 2011 — Whole Act — 28 November 2011 (*Gazette S379, 22 November 2011*).

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

Liquor Control Reform Further Amendment Bill 2011
 Public Interest Monitor Bill 2011
 Sex Work and Other Acts Amendment Bill 2011
 Victorian Inspectorate Bill 2011.

- 20 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 29 November 2011, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Independent Broad-based Anti-corruption Commission Bill 2011
 Justice Legislation Further Amendment Bill 2011
 Mines (Aluminium Agreement) Amendment Bill 2011
 State Taxation Acts Further Amendment Bill 2011
 Victorian Inspectorate Bill 2011.

- 21 **MESSAGE FROM THE LIEUTENANT-GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that she had today given the royal assent to the following bills, presented to her by the Clerk of the Parliaments:

Liquor Control Reform Further Amendment Bill 2011
 Public Interest Monitor Bill 2011
 Sex Work and Other Acts Amendment Bill 2011.

- 22 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 8 December 2011:

Business Names (Commonwealth Powers) Bill 2011

Children's Services Amendment Bill 2011
 City of Greater Geelong Amendment Bill 2011
 Leo Cussen Institute (Registration as a Company) Bill 2011
 Planning and Environment Amendment (Schools) Bill 2011
 Public Prosecutions Amendment Bill 2011

(*Mr McIntosh*) — after debate, put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrantdyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 43

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

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

24 **ROAD SAFETY AMENDMENT (DRINKING WHILE DRIVING) BILL 2011** — *Mr Clark tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

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

25 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the City of Melbourne Amendment Bill 2011 without amendment.

26 **MESSAGE FROM THE LIEUTENANT-GOVERNOR** — Recommending an appropriation for the purposes of the Road Safety Amendment (Drinking while Driving) Bill 2011.

27 **ROAD SAFETY AMENDMENT (DRINKING WHILE DRIVING) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

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

Domestic Animals Amendment (Puppy Farm Enforcement and Other Matters) Bill 2011
 Education and Training Reform Amendment (Skills) Bill 2011.

29 **PLANNING AND ENVIRONMENT AMENDMENT (SCHOOLS) BILL 2011** — 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 Katos*) — put and agreed to.

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

30 **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.

31 **PUBLIC PROSECUTIONS AMENDMENT BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under sessional orders.

32 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.56 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

No 53 — Wednesday 7 December 2011

1 The Speaker took the Chair and read the Prayer.

2 **FREEDOM OF INFORMATION AMENDMENT (FREEDOM OF INFORMATION COMMISSIONER) BILL 2011** — Mr McIntosh obtained leave to bring in a Bill *'for an Act to amend the Freedom of Information Act 1982 to establish a Freedom of Information Commissioner and to improve the operation of that Act, to make related and consequential amendments to other Acts and for other purposes'*; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

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

Canterbury Road Urban Forest — Requesting that the Government transfers the land currently owned by VicTrack to the permanent management of the City of Port Phillip as 'Public Reserve', bearing 15 signatures (*Mr Foley*)

Rail Services between Traralgon and Sale — Requesting that the Legislative Assembly supports the Wellington Shire's business case of June 2010, seeking improvements to the Sale–Traralgon rail passenger service, bearing 20 signatures (*Mr Ryan*)

Victorian Certificate of Applied Learning (VCAL) — Requesting that the Baillieu Government immediately reverses its decision and restores funding to the vital Victorian Certificate of Applied Learning program as a matter of urgency, bearing 27, 264, 584, 90, 683, 656 and 369 signatures (*Mr Herbert, Ms Thomson (Footscray), Mr Trezise, Ms Hutchins, Mr Eren, Ms Pike, and Mr Andrews respectively*)

FReeZACentral Program — Requesting that the Legislative Assembly calls on the Baillieu Government to — (a) restore funding to the FReeZACentral training and mentoring program; and

(b) commit ongoing funding for FReeZA, bearing 152 and 13 signatures (*Ms Duncan and Ms Green respectively*)

Mantle Mining Brown Coal — Requesting that the Legislative Assembly calls for the Government to — (a) halt the Mantle Mining brown coal exploration in the Shire of Moorabool; (b) mandate a review process that requires community consultation, including but not limited to, satisfactory communication of information requirements; and (c) make the public aware of scientific evidence on the social and environmental impacts of existing and new technologies involved in the exploration and development of an open cut coal mine, bearing 299 signatures (*Mr Nardella*)

Unborn Child Death in Road Accident — Requesting that the Legislative Assembly — (a) recognises that an unborn child of any gestation be counted as a road death reflecting the reality of that child's life; (b) provides that pregnant women who present at a trauma department be treated as two patients equally deserving of medical help; and (c) insists that the same justice extended to the born is extended to the unborn equally, even to a full coronial inquiry because a life has been lost, bearing 1152 signatures (*Ms McLeish*).

Petitions ordered to be tabled.

- 4 **PETITION — CANTERBURY ROAD URBAN FOREST** — Motion made and question — That the petition presented by the Member for Albert Park be taken into consideration tomorrow (*Mr Foley*) — put and agreed to.
- 5 **PETITION — VICTORIAN CERTIFICATE OF APPLIED LEARNING (VCAL)** — Motion made and question — That the petition presented by the Member for Mulgrave be taken into consideration tomorrow (*Mr Andrews*) — put and agreed to.
- 6 **PETITION — FREEZACENTRAL PROGRAM** — Motion made and question — That the petition presented by the Member for Macedon be taken into consideration tomorrow (*Ms Duncan*) — put and agreed to.
- 7 **PETITION — MANTLE MINING BROWN COAL** — Motion made and question — That the petition presented by the Member for Melton be taken into consideration tomorrow (*Mr Nardella*) — put and agreed to.
- 8 **PETITION — VICTORIAN CERTIFICATE OF APPLIED LEARNING (VCAL)** — Motion made and question — That the petition presented by the Member for Lara be taken into consideration tomorrow (*Mr Eren*) — put and agreed to.
- 9 **PETITION — VICTORIAN CERTIFICATE OF APPLIED LEARNING (VCAL)** — Motion made and question — That the petition presented by the Member for Geelong be taken into consideration tomorrow (*Mr Trezise*) — put and agreed to.
- 10 **PETITION — VICTORIAN CERTIFICATE OF APPLIED LEARNING (VCAL)** — Motion made and question — That the petition presented by the Member for Melbourne be taken into consideration tomorrow (*Ms Pike*) — put and agreed to.
- 11 **PETITION — FREEZACENTRAL PROGRAM** — Motion made and question — That the petition presented by the Member for Yan Yean be taken into consideration tomorrow (*Ms Green*) — put and agreed to.
- 12 **PETITION — VICTORIAN CERTIFICATE OF APPLIED LEARNING (VCAL)** — Motion made and question — That the petition presented by the Member for Keilor be taken into consideration tomorrow (*Ms Hutchins*) — put and agreed to.

- 13 **PETITION — UNBORN CHILD DEATH IN ROAD ACCIDENT** — Motion made and question — That the petition presented by the Member for Seymour be taken into consideration tomorrow (*Ms McLeish*) — put and agreed to.
- 14 **PETITION — VICTORIAN CERTIFICATE OF APPLIED LEARNING (VCAL)** — Motion made and question — That the petition presented by the Member for Eltham be taken into consideration tomorrow (*Mr Herbert*) — put and agreed to.
- 15 **PETITION — VICTORIAN CERTIFICATE OF APPLIED LEARNING (VCAL)** — Motion made and question — That the petition presented by the Member for Footscray be taken into consideration tomorrow (*Ms Thomson, Footscray*) — put and agreed to.

16 **DOCUMENTS**

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — Mr Angus presented a report from the Public Accounts and Estimates Committee on the Review of the Auditor-General's Report on Preparedness to Respond to Terrorism Incidents: Essential Services and Critical Infrastructure, together with an appendix and transcripts of evidence.

Ordered to be tabled and the report and appendix printed.

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

Auditor-General:

Compliance with Building Permits — Ordered to be printed
 Management of Road Bridges — Ordered to be printed
 Managing Contaminated Sites — Ordered to be printed
 Victorian Institute of Teaching — Ordered to be printed

Australian Health Practitioner Regulation Agency — Report 2010–11

Wrongs Act 1958 — Notice under s 28LXA (*Gazette G47, 24 November 2011*).

The following proclamation fixing an operative date was tabled by the Clerk in accordance with an order of the House dated 8 February 2011:

Electronic Transactions (Victoria) Amendment Act 2011 — Whole Act — 1 December 2011 (*Gazette S389, 29 November 2011*).

- 17 **EDUCATION AND TRAINING COMMITTEE — FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE — EXTENSION TO REPORTING DATES** — Motion made, by leave, and question — That the resolution of the House of 10 February 2011 providing that the:

- (1) Education and Training Committee be required to present its report on:
 - (a) the education of gifted and talented students, to the Parliament no later than 31 January 2012 be amended so far as to require the report to be presented to Parliament no later than 30 June 2012;
 - (b) agricultural education in Victoria, to the Parliament no later than 31 January 2012 be amended so far as to require the report to be presented to Parliament no later than 16 November 2012;

- (2) Family and Community Development Committee be required to present its report, on workforce participation by people with a mental illness, to the Parliament no later than 26 November 2011 be amended so far as to require the report to be presented to Parliament no later than 30 September 2012 —

(Mr McIntosh) — put 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 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Public Accounts and Estimates Committee's Report on the Review of the Auditor-General's Report on Preparedness to Respond to Terrorism Incidents: Essential Services and Critical Infrastructure

Scrutiny of Acts and Regulations Committee's Report on the Review of the *Charter of Human Rights and Responsibilities Act 2006*

Public Accounts and Estimates Committee's Report on the 2011–12 Budget Estimates — Part One

Public Accounts and Estimates Committee's Report on the 2011–12 Budget Estimates — Part Three

Public Accounts and Estimates Committee's Report on the 2011–12 Budget Estimates — Part Two.

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

22 **PUBLIC PROSECUTIONS AMENDMENT BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

23 **QUESTIONS** — (Under SO 55).

24 **PUBLIC PROSECUTIONS AMENDMENT BILL 2011** — Debate resumed on question — That this Bill be now read a second time.

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

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

25 **CHILDREN'S SERVICES AMENDMENT BILL 2011** — 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 Miller)* — put and agreed to.

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

26 **CITY OF GREATER GEELONG AMENDMENT BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

- 27 **LEO CUSSEN INSTITUTE (REGISTRATION AS A COMPANY) BILL 2011** — 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 Hodgett*) — put.

The House divided (the Deputy Speaker, Mrs Fyffe, in the Chair) —

AYES 43

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrantdyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 43

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

The Deputy Speaker announced that, to enable debate to continue, she casts her vote with the noes.

Question defeated.

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

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

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrantdyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 43

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

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

- 28 **POSTPONEMENT OF ORDERS OF THE DAY** — Motion made and question — That the consideration of Government Business, Orders of the Day, Nos 6 to 8 inclusive, be postponed until later this day (*Mr Walsh*) — put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrandyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 43

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

- 29 **EMERGENCY SERVICES LEGISLATION AMENDMENT BILL 2011** — *Mr Ryan tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 21 December 2011.

- 30 **CONTROL OF WEAPONS AND FIREARMS ACTS AMENDMENT BILL 2011** — *Mr Ryan tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 21 December 2011.

- 31 **ASSOCIATIONS INCORPORATION REFORM BILL 2011** — *Mr O'Brien tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 21 December 2011.

- 32 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 12 be postponed until later this day.

- 33 **PORT MANAGEMENT AMENDMENT (PORT OF MELBOURNE CORPORATION LICENCE FEE) BILL 2011** — *Dr Napthine tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until 21 December 2011.

- 34 **BUSINESS NAMES (COMMONWEALTH POWERS) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under sessional orders.

- 35 **ADJOURNMENT** — The Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.47 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

No 54 — Thursday 8 December 2011

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

- 2 **INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION AMENDMENT (INVESTIGATIVE FUNCTIONS) BILL 2011** — Mr McIntosh obtained leave to bring in a Bill '*for an Act to amend the Independent Broad-based Anti-corruption Commission Act 2011, to consequentially amend the Parliamentary Committees Act 2003, the Police Regulation Act 1958, the Surveillance Devices Act 1999 and the Telecommunications (Interception) (State Provisions) Act 1988, to repeal the Police Integrity Act 2008 and for other purposes*'; and, after debate, the Bill was read a first time.

Motion made, by leave, and question proposed — That this Bill be read a second time later this day (*Mr McIntosh*).

Amendment proposed — That the words 'later this day' be omitted with the view of inserting in their place the word 'immediately' (*Mr Andrews*) — and, after debate —

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

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrantdyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 43

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

Original question — put and agreed to.

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

Donation of Organs and Tissue — Requesting that the Legislative Assembly urges the Government to request the voluntary recording of organ and tissue donation to be included on death certificates as a gesture of respect and appreciation by the state and the community to organ and tissue donors and their families, bearing 3570 signatures (*Mr Foley*)

Coverage of Lawn Bowls on ABC Television — Requesting that the Legislative Assembly urges the federal Minister for Broadband, Communications and the Digital Economy to restore the coverage of lawn bowls on ABC Television, bearing 2412 signatures (*Mr Southwick*)

Charter of Human Rights — Requesting that the Legislative Assembly does not wind back the Charter of Human Rights and ensures the rights and remedies of people who experience mental health issues are maintained under the Charter, bearing 90 signatures (*Mr Wakeling*)

Kindergarten Funding — Requesting that the House urgently calls on the Baillieu Government to address the funding shortfall and significantly increase the level of funding available to expand Victoria's kindergartens, bearing 37 signatures (*Ms Hutchins*)

Victorian Certificate of Applied Learning (VCAL) — Requesting that the Baillieu Government immediately reverses its decision and restores funding to the vital Victorian Certificate of Applied Learning program as a matter of urgency, bearing 20 signatures (*Ms D'Ambrosio*)

Galvin Park Secondary College — Requesting that the Government immediately commits to funding a complete rebuild and modernisation of Galvin Park Secondary College at its existing location and, further, that in the interim the Government provides sufficient portable classrooms to offset any space lost from the school structures both as a consequence of the recent damage and during the complete rebuild and modernisation process, bearing 146 signatures (*Mr Pallas*)

TAFE Funding Cuts and the Boatbuilding Industry — Requesting that the Legislative Assembly urges the Baillieu Government to reverse its TAFE funding cuts and support the Victorian boatbuilding industry by preventing the closure of the only boatbuilding course in Victoria, bearing 234 signatures (*Mr Noonan*)

Green Wedges in Melbourne — Requesting that the Baillieu Government immediately stops the current planning review and agrees to work with the community to enhance and improve Melbourne's green wedges, bearing 9 signatures (*Ms Green*)

Upgrade of Greensborough College — Requesting that the Legislative Assembly urges the Baillieu Government to urgently fund the much needed upgrade of Greensborough College, bearing 36 signatures (*Ms Green*).

Petitions ordered to be tabled.

4 **PETITION — DONATION OF ORGANS AND TISSUE** — Motion made and question — That the petition presented by the Member for Albert Park be taken into consideration tomorrow (*Mr Foley*) — put and agreed to.

5 **PETITION — CHARTER OF HUMAN RIGHTS** — Motion made and question — That the petition presented by the Member for Ferntree Gully be taken into consideration tomorrow (*Mr Wakeling*) — put and agreed to.

- 6 **PETITION — VICTORIAN CERTIFICATE OF APPLIED LEARNING (VCAL)** — Motion made and question — That the petition presented by the Member for Narre Warren South on Tuesday 6 December 2011 be taken into consideration tomorrow (*Ms Graley*) — put and agreed to.
- 7 **PETITION — GREEN WEDGES IN MELBOURNE** — Motion made and question — That the petition presented by the Member for Yan Yean be taken into consideration tomorrow (*Ms Green*) — put and agreed to.
- 8 **PETITION — UPGRADE OF GREENSBOROUGH COLLEGE** — Motion made and question — That the petition presented by the Member for Yan Yean be taken into consideration tomorrow (*Ms Green*) — put and agreed to.
- 9 **PETITION — COVERAGE OF LAWN BOWLS ON ABC TELEVISION** — Motion made and question — That the petition presented by the Member for Caulfield be taken into consideration tomorrow (*Mr Southwick*) — put and agreed to.
- 10 **PETITION — GALVIN PARK SECONDARY COLLEGE** — Motion made and question — That the petition presented by the Member for Tarneit be taken into consideration tomorrow (*Mr Pallas*) — put and agreed to.
- 11 **PETITION — TAFE FUNDING CUTS AND THE BOATBUILDING INDUSTRY** — Motion made and question — That the petition presented by the Member for Williamstown be taken into consideration tomorrow (*Mr Noonan*) — put and agreed to.
- 12 **PETITION — VICTORIAN CERTIFICATE OF APPLIED LEARNING (VCAL)** — Motion made and question — That the petition presented by the Member for Mill Park be taken into consideration tomorrow (*Ms D'Ambrosio*) — put and agreed to.
- 13 **PETITION — KINDERGARTEN FUNDING** — Motion made and question — That the petition presented by the Member for Keilor be taken into consideration tomorrow (*Ms Hutchins*) — put and agreed to.
- 14 **DOCUMENTS**

DRUGS AND CRIME PREVENTION COMMITTEE — Mr Battin presented a report from the Drugs and Crime Prevention Committee on the Inquiry into violence and security arrangements in Victorian hospitals, and in particular Emergency Departments, together with appendices, extracts from the proceedings and transcripts of evidence.

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

PRIVILEGES COMMITTEE — Dr Napthine, Chair, presented a report from the Privileges Committee on the Complaint by the Member for Northcote, together with appendices, extracts from the proceedings and a minority report.

Ordered to be tabled and printed.

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

Freedom of Information Act 1982 — Report 2010–11 of the Minister responsible for the establishment of an anti-corruption commission on the operation of the Act

Gambling Regulation Act 2003 — Report of the Gambling and Lotteries Licence Review Panel to the Minister for Gaming in relation to Gaming Machine Entitlements under s 10.2A.11 — Ordered to be printed

Members of Parliament (Register of Interests) Act 1978 — Summary of variations notified between 8 October 2011 and 7 December 2011 — Ordered to be printed

Parliamentary Committees Act 2003:

Government response to the Drugs and Crime Prevention Committee's Report on the Inquiry into People Trafficking for Sex Work

Government response to the Rural and Regional Committee's Report on the Inquiry into the Extent and Nature of Disadvantage and Inequity in Rural and Regional Victoria

State Services Authority — Report 2009–10 on the State of the Public Sector in Victoria

Statutory Rules under the following Acts:

Control of Weapons Act 1990 — SR 140

Dangerous Goods Act 1985 — SR 134

Gambling Regulation Act 2003 — SR 138

Infringements Act 2006 — SR 135

Regional Growth Fund Act 2011 — SR 141

Subordinate Legislation Act 1994 — SRs 137, 139

Victorian Civil and Administrative Tribunal Act 1998 — SR 136

Subordinate Legislation Act 1994 — Documents under s 15 in relation to Statutory Rules 134, 135, 137, 141

Surveillance Devices Act 1999 — Report 2010–11 under s 30L.

15 **OUTER SUBURBAN/INTERFACE SERVICES AND DEVELOPMENT COMMITTEE — ECONOMIC DEVELOPMENT AND INFRASTRUCTURE COMMITTEE — EXTENSION TO REPORTING DATES** — Motion made, by leave, and question — That the resolution of the House of 10 February 2011 providing that the:

- (1) Outer Suburban/Interface Services and Development Committee be required to present its report on:
 - (a) the liveability options in outer suburban Melbourne, to the Parliament no later than 10 February 2012 be amended so far as to require the report to be presented to Parliament no later than 13 September 2012;
 - (b) growing the suburbs: infrastructure and business development in outer suburban Melbourne, to the Parliament no later than 10 February 2012 be amended so far as to require the report to be presented to Parliament no later than 13 December 2012;
- (2) Economic Development and Infrastructure Committee be required to present its report, on the benefits and drivers of Greenfields Mineral Exploration and Project Development in Victoria, to the Parliament no later than 8 February 2012 be amended so far as to require the report to be presented to Parliament no later than 30 April 2012 —

(*Mr McIntosh*) — put and agreed to.

16 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 7 February 2012 (*Mr McIntosh*) — put and agreed to.

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

- 18 **BUSINESS NAMES (COMMONWEALTH POWERS) BILL 2011** — 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 Miller*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 19 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 2 to 6 inclusive, be postponed until later this day.
- 20 **AUSTRALIAN CONSUMER LAW AND FAIR TRADING BILL 2011** — *Mr O'Brien tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr O'Brien*).
- Mr O'Brien 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 Herbert*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 22 December 2011.
- 21 **BUSINESS NAMES (COMMONWEALTH POWERS) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Motion made and question — That the debate be now adjourned (*Mr Crisp*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 22 **CITY OF GREATER GEELONG AMENDMENT BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Business having been interrupted at 2.00 pm under standing orders.*
- 23 **QUESTIONS** — (Under SO 55).
- 24 **CITY OF GREATER GEELONG AMENDMENT BILL 2011** — Debate resumed on question — That this Bill be now read a second time.
- Motion made and question — That the debate be now adjourned (*Dr Naphine*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 25 **FREEDOM OF INFORMATION AMENDMENT (FREEDOM OF INFORMATION COMMISSIONER) BILL 2011** — *Mr McIntosh tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr McIntosh*).
- Motion made and question — That the debate be now adjourned (*Mr Scott*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 22 December 2011.
- 26 **INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION AMENDMENT (INVESTIGATIVE FUNCTIONS) BILL 2011** — *Mr McIntosh tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 22 December 2011.

- 27 **CHILDREN'S SERVICES AMENDMENT BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Allocation of time — The Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 6 December 2011 had expired.

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

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

Message sent to the Legislative Council informing them that the Bill has been agreed to without amendment.

- 28 **PLANNING AND ENVIRONMENT AMENDMENT (SCHOOLS) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

- 29 **PUBLIC PROSECUTIONS AMENDMENT BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

- 30 **CITY OF GREATER GEELONG AMENDMENT BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

- 31 **LEO CUSSEN INSTITUTE (REGISTRATION AS A COMPANY) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Message sent to the Legislative Council informing them that the Bill has been agreed to without amendment.

- 32 **BUSINESS NAMES (COMMONWEALTH POWERS) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Message sent to the Legislative Council informing them that the Bill has been agreed to without amendment.

- 33 **PUBLIC PROSECUTIONS AMENDMENT BILL 2011** — The Speaker announced that he had received a report from the Clerk that he has made the following correction in the Bill:

In Clause 31, line 31, he has deleted 'Prosecution' and inserted 'Prosecutor'.

Business having been interrupted at 4.03 pm under sessional orders.

- 34 **ADJOURNMENT** — The Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 4.48 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 55, 56, 57 and 58

No 55 — Tuesday 7 February 2012

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **RESIGNATION OF SEAT** — The Speaker announced that, on 27 January 2012, he had received the resignation of the Member for Niddrie.
- 3 **ANNIVERSARY OF 2009 VICTORIAN BUSHFIRES** — The Speaker reflected on the third anniversary of the 2009 Victorian bushfires, noting the communities who are holding observances and encouraging all Victorians to offer their continued support. Members stood in silence to show their support.
- 4 **DEATH OF SAMUEL JOHN EVERETT LOXTON, OBE** — Motion made and question — That this House expresses its sincere sorrow at the death of Samuel John Everett Loxton, OBE, and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as Member of the Legislative Assembly for the Electoral District of Prahran from 1955 to 1979 and as Government Whip from 1961 to 1979 (*Mr Baillieu*) — put, after members had addressed the House in support of the motion and, members rising in their places to signify their assent, agreed to unanimously.
- 5 **ADJOURNMENT** — Motion made, by leave, and question — That, as a further mark of respect to the memory of the late Samuel John Everett Loxton, OBE, the House now adjourns until 4.00 pm today (*Mr Baillieu*) — put and agreed to.

And the House, at 3.01 pm, adjourned until 4.00 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

No 56 — Tuesday 7 February 2012 (4.00 PM)

- 1 The House met according to the adjournment — The Speaker took the Chair.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **ACTING DIRECTOR, POLICE INTEGRITY** — The Speaker advised that, on 16 January 2012, he administered to Ronald Bruce Bonighton, the Acting Director, Police Integrity, the oath required by s 16 of the *Police Integrity Act 2008*.
- 4 **BUILDING AMENDMENT BILL 2012** — Mr Clark obtained leave to bring in a Bill 'for an Act to amend the *Building Act 1993* to provide that a disciplinary inquiry may be commenced against a person, whose registration as a building practitioner is suspended, for a period of up to 3 years after

the suspension takes effect and for other purposes'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

- 5 **CARERS RECOGNITION BILL 2012** — Ms Wooldridge obtained leave to bring in a Bill '*for an Act to provide for the recognition of people in care relationships and for other purposes'*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **CITY OF MELBOURNE AMENDMENT (ENVIRONMENTAL UPGRADE AGREEMENTS) BILL 2012** — Mrs Powell obtained leave to bring in a Bill '*for an Act to amend the City of Melbourne Act 2001 to further provide for environmental upgrade agreements and to make other miscellaneous amendments and for other purposes'*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:

School Bus Services — Requesting that the Legislative Assembly undertakes a review of the provision of school bus services in the growth areas of Sale to cover the requirements of residents living in those areas, bearing 99 signatures (*Mr Ryan*).

Ordered to be tabled.

8 **DOCUMENTS**

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms Campbell, Deputy Chair, presented the Alert Digest No 1 of 2012 from the Scrutiny of Acts and Regulations Committee on the:

Associations Incorporation Reform Bill 2011
 Australian Consumer Law and Fair Trading Bill 2011
 Control of Weapons and Firearms Acts Amendment Bill 2011
 Emergency Services Legislation Amendment Bill 2011
 Freedom of Information Amendment (Freedom of Information Commissioner) Bill 2011
 Independent Broad-based Anti-corruption Commission Amendment (Investigative Functions) Bill 2011
 Port Management Amendment (Port of Melbourne Corporation Licence Fee) Bill 2011
 Road Safety Amendment (Drinking While Driving) Act 2011

together with appendices.

Ordered to be tabled and printed.

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

Crimes (Controlled Operations) Act 2004 — Reports 2010–11 of the Special Investigations Monitor under s 39 (two documents)

Environment Protection Act 1970 — Sustainability Fund Guidelines under s 70C

Financial Management Act 1994 — Budget Update 2011–12

Interpretation of Legislation Act 1984 — Notices under s 32(3)(a)(iii) in relation to Statutory Rules 128, 134/2011 (*Gazette G51, 22 December 2011*)

Legal Profession Act 2004 — Practitioner Remuneration Order under s 3.4.24

Parliamentary Committees Act 2003 — Government response to the Public Accounts and Estimates Committee's Report on the 2011–12 Budget Estimates — Part Two

Parliamentary Contributory Superannuation Fund — Actuarial Investigation as at 30 June 2011

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

Banyule — C79
Bass Coast — C93, C100, C123
Baw Baw — C44 Part 2A, C65
Boroondara — C112, C130, C141
Brimbank — C124
Campaspe — C82 Part 1
Cardinia — C149, C166
Casey — C156
Darebin — C115
East Gippsland — C94, C97, C102
Frankston — C81
Glen Eira — C94, C97
Glenelg — C64
Golden Plains — C40 Part 2, C51
Greater Dandenong — C125, C129, C146
Greater Geelong — C222, C244
Greater Shepparton — C122, C137, C153
Horsham — C51
Kingston — C120
Latrobe — C12, C58
Macedon Ranges — C73, C77
Manningham — C86
Maribyrnong — C43, C97
Mitchell — C64
Moirā — C61, C65
Monash — C109
Moonee Valley — C99 Part 1, C107
Moreland — C112 Part 2, C121, C127
Mornington Peninsula — C91, C100, C109, C126 Part 1, C126 Part 2, C164
Nillumbik — C64
Port Phillip — C72
South Gippsland — C56, C60
Southern Grampians — C18
Stonnington — C117, C118, C127, C142, C159
Strathbogie — C44
Surf Coast — C67, C69
Towong — C19
Wangaratta — C4, C35
Wellington — C64
Whitehorse — C144
Whittlesea — C138, C145
Wodonga — C80, C81, C90
Wyndham — C153
Yarra Ranges — C116
Victoria Planning Provisions — VC88

Racing Act 1958 — Notification of modification to the Constitution of Racing Victoria Ltd under s 3B

Statutory Rules under the following Acts:

Chattel Securities Act 1987 — SR 166/2011
Children's Services Act 1996 — SR 162/2011
Children, Youth and Families Act 2005 — SR 152/2011
County Court Act 1958 — SR 156/2011
Crown Proceedings Act 1958 — SR 151/2011
Education and Care Services National Law Act 2010 — SR 161/2011
Education and Training Reform Act 2006 — SR 165/2011
Essential Services Commission Act 2001 — SR 155/2011
Estate Agents Act 1980 — SR 163/2011
Flora and Fauna Guarantee Act 1988 — SR 147/2011
Infringements Act 2006 — SR 160/2011
Livestock Management Act 2010 — SR 158/2011
Magistrates' Court Act 1989 — SRs 149, 150/2011, 2
Mineral Resources (Sustainable Development) Act 1990 — SR 154/2011
National Parks Act 1975 — SR 148/2011
Offshore Petroleum and Greenhouse Gas Storage Act 2010 — SR 153/2011
Prevention of Cruelty to Animals Act 1986 — SR 157/2011
Residential Tenancies Act 1997 — SR 164/2011
Sentencing Act 1991 — SR 159/2011
Subordinate Legislation Act 1994 — SRs 142, 143, 144/2011
Victims of Crime Assistance Act 1996 — SR 145/2011
Victorian Civil and Administrative Tribunal Act 1998 — SR 1
Victorian Energy Efficiency Target Act 2007 — SR 146/2011

Subordinate Legislation Act 1994:

Documents under s 15 in relation to Statutory Rules 136, 138, 140, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 153, 154, 156, 157, 158, 159, 160, 163, 164, 165/2011, 1, 2

Documents under s 16B in relation to:

2012 Fares Amending Conditions — General under the *Transport (Compliance and Miscellaneous) Act 1983*
 2012 Fares Amending Conditions — Myki under the *Transport (Compliance and Miscellaneous) Act 1983*
 Declaration of Declared Scheme Capacity Day under the *Electricity Industry Act 2000*
 Declaration of Discount Factor under the *Victorian Energy Efficiency Act 2007*
 Declaration of Variation to the Road Safety (Vehicles) Regulations 2009 under the *Road Safety Act 1986*
 Instrument of Revocation of 2009 Ministerial Directions to Councils of TAFE Institutes and Universities with TAFE Divisions entitled 'Directions About Fees' under the *Education and Training Reform Act 2006*
 Instrument of Revocation of Schedule 4 of the Ministerial Directions concerning higher education courses and awards, issued on 16 August 2003 under the *Education and Training Reform Act 2006*
 Ministerial Order 514 under the *Education and Training Reform Act 2006*
 Notice of Ministerial Determination — Premises not constituting retail premises under the *Retail Leases Act 2003*
 Varied Permanent Water Saving Plans under the *Water Act 1989* (13 documents)
 Varied Permanent Water Saving Plans under the *Water Industry Act 1994* (3 documents).

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 8 February 2011:

Children's Services Amendment Act 2011 — Remaining provisions — 1 January 2012 (*Gazette S423, 21 December 2011*)

Consumer Affairs Legislation Amendment (Reform) Act 2010 — Section 64 — 1 January 2012; remaining provisions of Part 7 (except s 57(2)) — 1 March 2012 (*Gazette S423, 21 December 2011*)

Domestic Animals Amendment (Puppy Farm Enforcement and Other Matters) Act 2011 — Whole Act — 1 January 2012 (*Gazette S423, 21 December 2011*)

Education and Care Services National Law Act 2010 — Remaining provisions of Part 2 and ss 17 and 19; and the remaining provisions of the National Law set out in the Schedule except ss 70(d), 152, 153(2) to (4), 154 to 159, Division 6 of Part 5, ss 172(d), 266 to 268, and 270(1)(d), (2), (3) and (4) — 1 January 2012 (*Gazette S423, 21 December 2011*)

Electricity Industry Amendment (Transitional Feed-in Tariff Scheme) Act 2011 — Whole Act — 1 January 2012 (*Gazette S407, 13 December 2011*)

Energy Legislation Amendment (Bushfire Mitigation and Other Matters) Act 2011 — Whole Act — 1 January 2012 (*Gazette S407, 13 December 2011*)

Gambling Regulation Amendment (Licensing) Act 2011 — Sections 4 to 7, 9 to 12, 19, 21, 22, 25 to 29, 33 to 37, 39, 40, Part 2 Division 2, and Part 5 — 22 December 2011 (*Gazette S423, 21 December 2011*)

Liquor Control Reform Further Amendment Act 2011 — Part 1 and ss 8, 9(1), 9(2) and 31 — 13 December 2011 (*Gazette S407, 13 December 2011*)

Personal Property Securities (Statute Law Revision and Implementation) Act 2010 — Sections 8, 12, 13 and 14 — 1 January 2012; remaining provisions — 30 January 2012 (*Gazette S423, 21 December 2011*)

Road Safety Amendment (Hoon Driving and Other Matters) Act 2011 — Sections 11, 13, 14, 15, 16, 17 and 22 — 30 January 2012 (*Gazette S423, 21 December 2011*)

Sentencing Amendment (Community Correction Reform) Act 2011 — Part 2 (other than s 49), s 68, Part 5 (other than ss 96 and 101 to 106), Part 6 and Part 7 and the Schedule — 16 January 2012 (*Gazette S423, 21 December 2011*)

Sentencing Legislation Amendment (Abolition of Home Detention) Act 2011 — Whole Act — 16 January 2012 (*Gazette S423, 21 December 2011*)

Transport Legislation Amendment (Marine Safety and Other Amendments) Act 2011 — Whole Act — 1 January 2012 (*Gazette S423, 21 December 2011*)

Transport Legislation Amendment (Public Transport Development Authority) Act 2011 — Part 2, Part 3 and ss 5(1) to (3), 6 to 8, 10 to 20, 22, 23(5), 24(2) and (3), 25 and 31 — 15 December 2011 (*Gazette S407, 13 December 2011*)

Victorian Commission for Gambling and Liquor Regulation Act 2011 — Whole Act — 6 February 2012 (*Gazette S423, 21 December 2011*).

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

Criminal Procedure Amendment (Double Jeopardy and Other Matters) Bill 2011
 Road Safety Amendment (Drinking while Driving) Bill 2011
 Serious Sex Offenders (Detention and Supervision) Amendment Bill 2011
 Transport Legislation Amendment (Marine Safety and Other Amendments) Bill 2011.

10 **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 13 December 2011
 City of Melbourne Amendment Bill 2011
 Domestic Animals Amendment (Puppy Farm Enforcement and Other Matters) Bill 2011
 Education and Training Reform Amendment (Skills) Bill 2011
 Road Safety Amendment (Drinking while Driving) Bill 2011
 Transport Legislation Amendment (Marine Safety and Other Amendments) Bill 2011

On 21 December 2012
 Business Names (Commonwealth Powers) Bill 2011

Children's Services Amendment Bill 2011
 Criminal Procedure Amendment (Double Jeopardy and Other Matters) Bill 2011
 Leo Cussen Institute (Registration as a Company) Bill 2011
 Serious Sex Offenders (Detention and Supervision) Amendment Bill 2011.

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

Associations Incorporation Reform Bill 2011
 Australian Consumer Law and Fair Trading Bill 2011
 Emergency Services Legislation Amendment Bill 2011
 Freedom of Information Amendment (Freedom of Information Commissioner) Bill 2011
 Independent Broad-based Anti-corruption Commission Amendment (Investigative Functions) Bill 2011.

- 12 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 9 February 2012:

Emergency Services Legislation Amendment Bill 2011
 Freedom of Information Amendment (Freedom of Information Commissioner) Bill 2011
 Independent Broad-based Anti-corruption Commission Amendment (Investigative Functions) Bill 2011
 Parks and Crown Land Legislation Amendment Bill 2011
 Port Management Amendment (Port of Melbourne Corporation Licence Fee) Bill 2011

(*Mr McIntosh*) — after debate, put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrantdyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 41

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

- 13 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 14 **PARKS AND CROWN LAND LEGISLATION AMENDMENT BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

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

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

15 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Public Prosecutions Amendment Bill 2011 without amendment.

16 **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.

17 **FREEDOM OF INFORMATION AMENDMENT (FREEDOM OF INFORMATION COMMISSIONER) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under 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 10.48 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

No 57 — Wednesday 8 February 2012

1 The Speaker took the Chair and read the Prayer.

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

Victorian Certificate of Applied Learning (VCAL) — Requesting that the Baillieu Government immediately reverses its decision and restores funding to the vital Victorian Certificate of Applied Learning program as a matter of urgency, bearing 147 and 328 signatures (*Mr Foley and Mr Wynne respectively*)

Anti-Israel Boycott — Requesting that the Legislative Assembly continues to support all efforts and actions to stop the anti-Israel boycott and the recent campaign of misinformation against the state of Israel and the Jewish community, bearing 742 signatures (*Mr Southwick*).

Petitions ordered to be tabled.

3 **PETITION — ANTI-ISRAEL BOYCOTT** — Motion made and question — That the petition presented by the Member for Caulfield be taken into consideration tomorrow (*Mr Southwick*) — put and agreed to.

4 **PETITION — VICTORIAN CERTIFICATE OF APPLIED LEARNING (VCAL)** — Motion made and question — That the petition presented by the Member for Richmond be taken into consideration tomorrow (*Mr Wynne*) — put and agreed to.

5 **DOCUMENTS**

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — Mr Morris presented a report from the Public Accounts and Estimates Committee on the Review of the Auditor-General's Report on Access to Public Hospitals: Measuring Performance, together with transcripts of evidence.

Ordered to be tabled and the report printed.

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

Auditor-General — State Trustees Limited: Management of represented persons — Ordered to be printed

Subordinate Legislation Act 1994 — Documents under s 15 in relation to Statutory Rule 139/2011.

6 **ROAD SAFETY COMMITTEE — EXTENSION TO REPORTING DATE** — Motion made, by leave, and question — That the resolution of the House of 10 February 2011 be amended to extend the reporting date for the Road Safety Committee's inquiry into motorcycle safety to no later than 13 December 2012 (*Mr McIntosh*) — put and agreed to.

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

8 **SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — The Speaker announced that he had received the resignation of Mr Eren from the Scrutiny of Acts and Regulations Committee, effective from today.

9 **SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Motion made, by leave, and question — That Mr Brooks be appointed a member of the Scrutiny of Acts and Regulations Committee (*Mr McIntosh*) — put and agreed to.

10 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.

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

Public Accounts and Estimates Committee's Report on the 2011–12 Budget Estimates — Part One

Public Accounts and Estimates Committee's Report on the Review of the Auditor-General's Report on Access to Public Hospitals: Measuring Performance

Drugs and Crime Prevention Committee's Report on the Inquiry into Violence and Security Arrangements in Victorian Hospitals and, in particular, Emergency Departments.

12 **PORT MANAGEMENT AMENDMENT (PORT OF MELBOURNE CORPORATION LICENCE FEE) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

13 **QUESTIONS** — (Under SO 55).

14 **PORT MANAGEMENT AMENDMENT (PORT OF MELBOURNE CORPORATION LICENCE FEE) BILL 2011** — Debate continued on question — That this Bill be now read a second time.

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

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

- 15 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 2 to 9 inclusive, be postponed until later this day.

- 16 **BUILDING AMENDMENT BILL 2012** — *Mr Clark tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 22 February 2012.

- 17 **CARERS RECOGNITION BILL 2012** — *Ms Wooldridge tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 22 February 2012.

- 18 **CITY OF MELBOURNE AMENDMENT (ENVIRONMENTAL UPGRADE AGREEMENTS) BILL 2012** — *Mrs Powell tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 22 February 2012.

- 19 **PARKS AND CROWN LAND LEGISLATION AMENDMENT BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

- 20 **INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION AMENDMENT (INVESTIGATIVE FUNCTIONS) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under sessional orders.

- 21 **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 10.56 pm.

No 58 — Thursday 9 February 2012

- 1 The Speaker took the Chair and read the Prayer.
- 2 **DIAMOND JUBILEE** — 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 Speaker and Members of the Legislative Assembly, in Parliament assembled, express to Your Majesty our warm congratulations at this time of celebration of the Diamond Jubilee of your accession to the Throne.

We express our respect and high regard for the dedication you have shown in the service of the Commonwealth of Australia and in particular the State of Victoria, and for the consistently high sense of duty you have displayed throughout Your Majesty's reign.

(Mr Baillieu) — put, and after Mr Andrews had addressed the House in support of the motion and, members rising in their places to signify their assent, agreed to unanimously.

- 3 **ADDRESS TO THE GOVERNOR** — Motion made, by leave, and question — That the following Address to the Governor be agreed to by this House —

We, the Members of the Parliament of Victoria, in Parliament assembled, respectfully request that you will be pleased to communicate the accompanying resolution to Her Majesty The Queen.

(Mr Baillieu) — put and agreed to.

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

Recreational Harvesting of Yabbies — Requesting that the Legislative Assembly introduces regulations that would make the recreational harvesting of yabbies consistent with New South Wales and South Australia, bearing 86 signatures *(Mr Katos)*

Fisheries Regulations — Requesting that the Legislative Assembly urges the Baillieu Government to immediately seek independent scientific data to verify if — (a) 30 litres of whole yabbies corresponds to five litres of yabby tails (not yabby tail meat); (b) the increase from 100 swimmer shrimp to over 2000 per person per day is sustainable and would not impact on the available food source for our native fauna; (c) the regulation that does not require the immediate return of female yabbies carrying eggs would impact on yabby numbers; and (d) the regulation that is based on a daily volumetric take with no size restriction that allows for the taking of 25 times more bait sized yabbies per person per day (when compared to our neighbouring states) would impact on this resource for the future, bearing 11 signatures *(Mr Katos)*

Harvesting of Yabbies — Requesting that the Legislative Assembly urges the Baillieu Government to look at the regulations in relation to the harvesting of yabbies to determine if it should be consistent with our neighbouring states of New South Wales and South Australia and with haste release a Fisheries Notice requiring the immediate return of female yabbies carrying eggs, bearing 10 signatures *(Mr Katos)*

National Food Standards Code for Yabbies — Requesting that the Legislative Assembly urges the Baillieu Government to look at PrimeSafe's implementation of the National Food Standards Code for

yabbies to determine if it should be consistent with our neighbouring states of New South Wales and South Australia, bearing 4 signatures (*Mr Katos*)

Recreational Fishing of Murray Crayfish — Requesting that the Legislative Assembly urges the Baillieu Government to introduce an annual monitoring program which includes a check box on every Recreational Fishing Licence with an additional fee for the taking of Murray crayfish, bearing 4 signatures (*Mr Katos*)

Bureaucrats responding to questions — Requesting that the Legislative Assembly urges the Baillieu Government to answer questions and consider side stepping bureaucratic CEOs and their senior management if responses received to questions asked by the public or politicians can be shown to be erroneous, misleading, deceptive or deliberately evasive, bearing 4 signatures (*Mr Katos*).

Petitions ordered to be tabled.

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

Financial Management Act 1994 — Reports 2010–11 of the State Electricity Commission and its subsidiaries under s 53A (15 documents)

Land Acquisition and Compensation Act 1986 — Certificate under s 7

Water Act 1989 — Upper Ovens River Water Supply Protection Area Water Management Plan under s 32A.

- 6 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 28 February 2012 (*Mr McIntosh*) — put and agreed to.

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

- 8 **PARKS AND CROWN LAND LEGISLATION AMENDMENT BILL 2011** — 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 O'Brien*) — put and agreed to.

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

- 9 **EMERGENCY SERVICES LEGISLATION AMENDMENT BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

- 10 **QUESTIONS** — (Under SO 55).

- 11 **EMERGENCY SERVICES LEGISLATION AMENDMENT BILL 2011** — 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 under the resolution of the House on Tuesday 7 February 2012 had expired.

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

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

Bill sent to the Legislative Council and their agreement requested.

- 12 **PORT MANAGEMENT AMENDMENT (PORT OF MELBOURNE CORPORATION LICENCE FEE) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.

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

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 43

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrantyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wreford.

NOES 38

Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Perera; Ms Pike; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 13 **FREEDOM OF INFORMATION AMENDMENT (FREEDOM OF INFORMATION COMMISSIONER) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

- 14 **INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION AMENDMENT (INVESTIGATIVE FUNCTIONS) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

- 15 **PARKS AND CROWN LAND LEGISLATION AMENDMENT BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

Business having been interrupted at 4.07 pm under sessional orders.

- 16 **ADJOURNMENT** — The Speaker announced that the time for the adjournment of the House had arrived and, after debate, the Deputy Speaker left the Chair at 4.53 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 59, 60 and 61

No 59 — Tuesday 28 February 2012

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **ISSUE OF WRIT** — The Speaker announced that, on 23 February 2012, he issued a writ for a by-election for the Electoral District of Niddrie to be held on 24 March 2012.
- 3 **QUESTIONS** — (Under SO 55).
- 4 **DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (SUPPLY BY MIDWIVES) BILL 2012** — Dr Naphthine obtained leave to bring in a Bill *'for an Act to amend the **Drugs, Poisons and Controlled Substances Act 1981** to provide for certain midwives to possess, use, sell and supply certain drugs in the course of midwifery practice and for other purposes'*; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **STATUTE LAW REPEALS BILL 2012** — Mr McIntosh obtained leave to bring in a Bill *'for an Act to repeal certain spent Acts'*; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **WATER AMENDMENT (GOVERNANCE AND OTHER REFORMS) BILL 2012** — Mr Walsh obtained leave to bring in a Bill *'for an Act to repeal provisions relating to the licensing system in the **Water Industry Act 1994** and to make consequential and other amendments to that Act, to provide for metropolitan water corporations under the **Water Act 1989** and to make consequential and other amendments to that Act and other Acts and for other purposes'*; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **JUSTICE LEGISLATION AMENDMENT BILL 2012** — Mr Clark obtained leave to bring in a Bill *'for an Act to make miscellaneous amendments to the **Children, Youth and Families Act 2005**, the **County Court Act 1958**, the **Liquor Control Reform Act 1998**, the **Magistrates' Court Act 1989** and the **Victorian Law Reform Commission Act 2000** to improve the operation of those Acts and for other purposes'*; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **LEGAL PROFESSION AND PUBLIC NOTARIES AMENDMENT BILL 2012** — Mr Clark obtained leave to bring in a Bill *'for an Act to amend the **Legal Profession Act 2004** in relation to pro bono legal services, disciplinary complaints and investigations, professional indemnity insurance, the reporting requirements and payment powers of the Legal Services Board and to amend the **Public Notaries Act 2001** in relation to eligibility for appointment as a public notary and for other purposes'*; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 9 **EVIDENCE (MISCELLANEOUS PROVISIONS) AMENDMENT (AFFIDAVITS) BILL 2012** — Mr Clark obtained leave to bring in a Bill *'for an Act to amend the **Evidence (Miscellaneous Provisions) Act 1958** and for other purposes'*; and the Bill was read a first time and, by leave, ordered to be read a second time later this day.
- 10 **DISABILITY AMENDMENT BILL 2012** — Ms Wooldridge obtained leave to bring in a Bill *'for an Act to amend the **Disability Act 2006** to clarify procedures, address administrative issues and strengthen the rights of persons with disabilities under that Act, to amend the **Human Services (Complex Needs) Act 2009** to confer powers and functions on the Secretary to the Department of*

Human Services, to make consequential amendments to certain other Acts and for other purposes'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

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

Eastwood Primary School — Requesting that the Legislative Assembly urges the Government to commit to the rebuilding of Eastwood Primary School in 2012 in accordance with the Master Plan approved by the Department of Education, bearing 1210 signatures (*Mr Hodgett*).

Ordered to be tabled.

- 12 **PETITION — EASTWOOD PRIMARY SCHOOL** — Motion made and question — That the petition presented by the Member for Kilsyth be taken into consideration tomorrow (*Mr Hodgett*) — put and agreed to.

- 13 **DOCUMENTS**

REPORT OF THE PROTECTING VICTORIA'S VULNERABLE CHILDREN INQUIRY — Volumes One, Two and Three tabled by leave (*Ms Wooldridge*).

Ordered to be printed.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms Campbell, Deputy Chair, presented the Alert Digest No 2 of 2012 from the Scrutiny of Acts and Regulations Committee on the:

Building Amendment Bill 2012
 Carers Recognition Bill 2012
 City of Melbourne Amendment (Environmental Upgrade Agreement) Bill 2012
 Road Safety Amendment (Car Doors) Bill 2012

together with appendices.

Ordered to be tabled and printed.

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

Border Groundwaters Agreement Review Committee — Report 2010–11

Education and Care Services National Law Act 2010 — Education and Care Services National Regulations 2011 under s 303

Falls Creek Alpine Resort Management Board — Report year ended 31 October 2011

Financial Management Act 1994 — Report from the Minister for Environment and Climate Change that he had received the Report 2010–11 of the Lake Mountain Alpine Resort Management Board

Mount Buller and Mount Stirling Alpine Resort Management Board — Report year ended 31 October 2011

Mount Hotham Alpine Resort Management Board — Report year ended 31 October 2011

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

Ballarat — C147

Banyule — C76
 Bass Coast — C78 Part 1
 Baw Baw — C87
 Boroondara — C132, C136, C144
 Campaspe — C89
 Cardinia — C153
 Casey — C117
 Colac Otway — C54, C58
 Frankston — C55, C75
 Greater Dandenong — C116, C142
 Greater Geelong — C216, C230, C252
 Kingston — C114
 Knox — C62
 Latrobe — C39 Part 2
 Maribyrnong — C110
 Mildura — C72
 Mitchell — C84
 Moira — C64
 Moonee Valley — C113
 Moorabool — C6 Part 1, C39
 Moreland — C140
 Nillumbik — C72, C74
 Port Phillip — C92
 Pyrenees — C26
 Stonnington — C143, C147
 Surf Coast — C71 Part 1, C77
 Wodonga — C91, C92
 Yarra Ranges — C99
 Yarriambiak — C17

Statutory Rules under the following Acts:

Infringements Act 2006 — SR 3
Liquor Control Reform Act 1998 — SR 5
Local Government Act 1989 — SR 4
Pollution of Waters by Oil and Noxious Substances Act 1986 — SR 7
Subdivision Act 1988 — SR 111/2011
Victorian Energy Efficiency Target Act 2007 — SR 6

Subordinate Legislation Act 1994:

Documents under s 15 in relation to Statutory Rules 152, 161, 162/2011, 3, 4, 6, 7
 Documents under s 16B in relation to:

Monitoring Technical Standard under the *Gambling Regulation Act 2003*
 Partial Revocation of Crown Reserve in Docklands under the *Docklands Act 1991*.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 8 February 2011:

Liquor Control Reform Further Amendment Act 2011 — Remaining provisions — 20 February 2012
 (*Gazette S26, 7 February 2012*)
Serious Sex Offenders (Detention and Supervision) Amendment Act 2011 — Whole Act — 1 March 2012
 (*Gazette S45, 21 February 2012*).

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

City of Greater Geelong Amendment Bill 2011
 Planning and Environment Amendment (Schools) Bill 2011.

- 15 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 14 February 2012, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

City of Greater Geelong Amendment Bill 2011
 Planning and Environment Amendment (Schools) Bill 2011
 Public Prosecutions Amendment Bill 2011.

- 16 **STANDING ORDERS COMMITTEE** — Motion made, by leave, and question — That Ms Allan be discharged from attendance on the Standing Orders Committee and that Ms Green be appointed in her place (*Mr McIntosh*) — put and agreed to.

- 17 **DRUGS AND CRIME PREVENTION COMMITTEE** — Motion made, by leave, and question — That the resolution of the House of 10 February 2011 be amended to extend the reporting date for the Drugs and Crime Prevention Committee's inquiry into locally based approaches to community safety and crime prevention to no later than 30 May 2012 (*Mr McIntosh*) — put and agreed to.

- 18 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 1 March 2012:

Building Amendment Bill 2012
 Carers Recognition Bill 2012
 City of Melbourne Amendment (Environmental Upgrade Agreements) Bill 2012
 Control of Weapons and Firearms Acts Amendment Bill 2011

(*Mr McIntosh*) — after debate, put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrantye*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 40

Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

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

- 20 **EVIDENCE (MISCELLANEOUS PROVISIONS) AMENDMENT (AFFIDAVITS) BILL 2012** — *Mr Clark tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question — That this Bill be now read a second time (*Mr Clark*) — and, after debate —

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

Bill sent to the Legislative Council and their agreement requested.

- 21 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 1 and 2, be postponed until later this day.

- 22 **CONTROL OF WEAPONS AND FIREARMS ACTS AMENDMENT BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.

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

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

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

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

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

- 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 **BUILDING AMENDMENT BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under sessional orders.

- 25 **ADJOURNMENT** — The 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

KEN SMITH
Speaker

No 60 — Wednesday 29 February 2012

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

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

Somerton Road — Requesting that the Legislative Assembly, through the Minister for Roads, immediately funds the duplication of Somerton Road and provides signalisation at the Magnolia

Boulevard, Kirkham Drive and the proposed Aitken Boulevard intersections, bearing 772 and 283 signatures (*Mr McGuire and Ms Beattie respectively*)

Brunswick Terminal Station — Requesting that the Legislative Assembly urges the Baillieu Government to reverse the approval of Amendment C140 to the Moreland Planning Scheme, acknowledge the significant concerns of the local community and work with the energy companies involved to fully explore another appropriate site, bearing 100 signatures (*Ms Garrett*)

Anti-Israel Boycott — Requesting that the Legislative Assembly continues to support all efforts and actions to stop the anti-Israel boycott and the recent campaign of misinformation against the state of Israel and the Jewish community, bearing 120 signatures (*Mr Southwick*).

Petitions ordered to be tabled.

- 3 **PETITION — SOMERTON ROAD** — Motion made and question — That the petition presented by the Member for Yuroke be taken into consideration tomorrow (*Ms Beattie*) — put and agreed to.
- 4 **PETITION — SOMERTON ROAD** — Motion made and question — That the petition presented by the Member for Broadmeadows be taken into consideration tomorrow (*Mr McGuire*) — put and agreed to.
- 5 **PETITION — BRUNSWICK TERMINAL STATION** — Motion made and question — That the petition presented by the Member for Brunswick be taken into consideration tomorrow (*Ms Garrett*) — put and agreed to.
- 6 **PETITION — ANTI-ISRAEL BOYCOTT** — Motion made and question — That the petition presented by the Member for Caulfield be taken into consideration tomorrow (*Mr Southwick*) — put and agreed to.

7 DOCUMENTS

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — Mr Angus presented a report from the Public Accounts and Estimates Committee on the Review of the 2009–10 and 2010–11 Annual Reports, together with an appendix.

Ordered to be tabled and printed.

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

Auditor-General:

Government Advertising and Communications — Ordered to be printed
Public Transport Performance — Ordered to be printed

Statutory Rules under the following Acts:

Bus Safety Act 2009 — SR 9
Cancer Act 1958 — SR 8
Road Safety Act 1986 — SR 10

Subordinate Legislation Act 1994 — Documents under s 15 in relation to Statutory Rule 9.

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

Freedom of Information Amendment (Freedom of Information Commissioner) Bill 2011
Port Management Amendment (Port of Melbourne Corporation Licence Fee) Bill 2011.

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

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

'That this House congratulates the Liberal Nationals Coalition Government for providing stable and responsible budgetary management to the people of Victoria particularly during a period of global economic upheaval and condemns the former Labor Government for squandering billions of dollars of taxpayers money during its 11 years in office.'

Mr Wells addressed the House — Discussion followed.

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

Public Accounts and Estimates Committee's Report on the 2011–12 Budget Estimates — Part One

Public Accounts and Estimates Committee's Report on the 2011–12 Budget Estimates — Part Three

Scrutiny of Acts and Regulations Committee's Report on the Review of the *Charter of Human Rights and Responsibilities Act 2006*

Public Accounts and Estimates Committee's Report on the Review of the 2009–10 and 2010–11 Annual Reports.

- 12 **BUILDING AMENDMENT BILL 2012** — 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 Hodgett*) — put and agreed to.

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

Business having been interrupted at 2.00 pm under standing orders.

- 13 **QUESTIONS** — (Under SO 55).

- 14 **CARERS RECOGNITION BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

- 15 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 3 to 7 inclusive, be postponed until later this day.

- 16 **DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (SUPPLY BY MIDWIVES) BILL 2012** — *Dr Napthine tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 14 March 2012.

- 17 **STATUTE LAW REPEALS BILL 2012** — *Mr McIntosh tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 14 March 2012.

- 18 **STATUTE LAW REPEALS BILL 2012** — Motion made, by leave, and question — That the proposals contained in the Statute Law Repeals Bill 2012 be referred to the Scrutiny of Acts and Regulations Committee for inquiry, consideration and report (*Mr McIntosh*) — put and agreed to.

- 19 **WATER AMENDMENT (GOVERNANCE AND OTHER REFORMS) BILL 2012** — *Mr Walsh tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 14 March 2012.

- 20 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 11 be postponed until later this day.

- 21 **LEGAL PROFESSION AND PUBLIC NOTARIES AMENDMENT BILL 2012** — *Mr Clark tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 14 March 2012.

- 22 **DISABILITY AMENDMENT BILL 2012** — *Ms Wooldridge tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 14 March 2012.

- 23 **CARERS RECOGNITION BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under sessional orders.

- 24 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.59 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

No 61 — Thursday 1 March 2012

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

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

Euroa Health Incorporated — Requesting that the Legislative Assembly provides equity in the delivery of health services through the provision of funds to Euroa Health Incorporated, a community based not-for-profit hospital, to facilitate secure access to public acute beds within the Shire of Strathbogie, bearing 2412 signatures (*Dr Sykes*)

Victorian Certificate of Applied Learning (VCAL) — Requesting that the Baillieu Government immediately reverses its decision and restores funding to the vital Victorian Certificate of Applied Learning program as a matter of urgency, bearing 548 signatures (*Mr McGuire*)

Brunswick Terminal Station — Requesting that the Legislative Assembly urges the Baillieu Government to reverse the approval of Amendment C140 to the Moreland Planning Scheme, acknowledge the significant concerns of the local community and work with the energy companies involved to fully explore another appropriate site, bearing 256 signatures (*Ms Garrett*)

Coverage of Lawn Bowls on ABC Television — Requesting that the Legislative Assembly urges the federal Minister for Broadband, Communications and the Digital Economy to restore the coverage of lawn bowls on ABC Television, bearing 39 signatures (*Mr Southwick*)

Mornington Planning Scheme — Requesting that the Legislative Assembly seeks to have the responsible minister ensure that Amendment No C158, Request No 0909 to the Mornington Planning Scheme is not approved by either the Mornington Peninsula Shire Council or any review panel, bearing 50 signatures (*Mr Morris*)

Lake Batyo Catyo — Requesting that the Legislative Assembly requires GWMWater to immediately supply up to 500 megalitres of water to Lake Batyo Catyo, from the Grampians Wimmera Mallee Pipeline water savings, to increase the water levels to a safe and usable level for 2012, bearing 1348 signatures (*Mr Walsh*).

Petitions ordered to be tabled.

- 3 **PETITION — VICTORIAN CERTIFICATE OF APPLIED LEARNING (VCAL)** — Motion made and question — That the petition presented by the Member for Broadmeadows be taken into consideration tomorrow (*Mr McGuire*) — put and agreed to.
- 4 **PETITION — BRUNSWICK TERMINAL STATION** — Motion made and question — That the petition presented by the Member for Brunswick be taken into consideration tomorrow (*Ms Garrett*) — put and agreed to.

5 **PETITION — COVERAGE OF LAWN BOWLS ON ABC TELEVISION** — Motion made and question — That the petition presented by the Member for Caulfield be taken into consideration tomorrow (*Mr Southwick*) — put and agreed to.

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

7 **DOCUMENTS**

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms Campbell, Deputy Chair, presented the Alert Digest No 3 of 2012 from the Scrutiny of Acts and Regulations Committee on the Evidence (Miscellaneous Provisions) Amendment (Affidavits) Bill 2012, together with appendices.

Ordered to be tabled and printed.

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

Crimes (Assumed Identities) Act 2004 — Report 2010–11 under s 31

Gambling Regulation Act 2003 — Wagering and Betting Licence under s 4.3A.14

Ombudsman — Investigation into the storage and management of ward records by the Department of Human Services — Ordered to be printed

Parliamentary Committees Act 2003 — Government response to the Environment and Natural Resources Committee's Report on the Inquiry into the Environment Effects Statement process in Victoria

Public Administration Act 2004 — Report on the Inquiry into the command, management and functions of the senior structure of Victoria Police, and Government response (two documents)

Surveillance Devices Act 1999 — Report 2010–11 under s 30L.

8 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 13 March 2012 (*Mr McIntosh*) — put and agreed to.

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

10 **JUSTICE LEGISLATION AMENDMENT BILL 2012** — *Mr Clark tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 15 March 2012.

11 **CITY OF MELBOURNE AMENDMENT (ENVIRONMENTAL UPGRADE AGREEMENTS) BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

12 **QUESTIONS** — (Under SO 55).

- 13 **CITY OF MELBOURNE AMENDMENT (ENVIRONMENTAL UPGRADE AGREEMENTS) BILL 2012** — Debate continued on question — That this Bill be now read a second time.

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

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

- 14 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Emergency Services Legislation Amendment Bill 2011 without amendment.

- 15 **CONTROL OF WEAPONS AND FIREARMS ACTS AMENDMENT BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed

Allocation of time — The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 28 February 2012 had expired.

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

Question — That Government amendment Nos 1 to 3 inclusive be agreed to and the Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 16 **BUILDING AMENDMENT BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

- 17 **CARERS RECOGNITION BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

- 18 **CITY OF MELBOURNE AMENDMENT (ENVIRONMENTAL UPGRADE AGREEMENTS) BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

- 19 **CARERS RECOGNITION BILL 2012** — The Deputy Speaker announced that the Speaker has received a report from the Clerk that he has made the following correction in the Bill:

In Clause 1, line 3, he has deleted 'Bill' and inserted 'Act'.

Business having been interrupted at 4.01 pm under 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 4.47 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS

Nos 62, 63 and 64

No 62 — Tuesday 13 March 2012

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

2 **QUESTIONS** — (Under SO 55).

3 **ACCIDENT COMPENSATION AMENDMENT (REPAYMENTS AND DIVIDENDS) BILL 2012** — Mr Wells obtained leave to bring in a Bill '*for an Act to amend the Accident Compensation Act 1985 to enable the Victorian WorkCover Authority to repay capital and pay dividends to the State and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

4 **PORT BELLARINE TOURIST RESORT (REPEAL) BILL 2012** — Mr Clark obtained leave to bring in a Bill '*for an Act to repeal the Port Bellarine Tourist Resort Act 1981, to terminate the Agreement ratified by that Act and to terminate a Crown lease granted under that Act, and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.

5 **VICTORIAN INSPECTORATE AMENDMENT BILL 2012** — Mr McIntosh obtained leave to bring in a Bill '*for an Act to amend the Victorian Inspectorate Act 2011 to provide the Victorian Inspectorate with duties, functions and powers in relation to the oversight of the Independent Broad-based Anti-corruption Commission and the monitoring of compliance by a Public Interest Monitor with the prescribed obligations, to consequentially amend the Evidence (Miscellaneous Provisions) Act 1958 and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.

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

Banning of Sow Stalls — Requesting that the House introduces a ban on sow stalls in Victoria as a matter of urgency, bearing 904 signatures (*Ms Duncan*).

Ordered to be tabled.

7 **DOCUMENTS**

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms Campbell, Deputy Chair, presented the Alert Digest No 4 of 2012 from the Scrutiny of Acts and Regulations Committee on the:

Associations Incorporation Reform Bill 2011
Australian Consumer Law and Fair Trading Bill 2011
Control of Weapons and Firearms Acts Amendment Bill 2011
Disability Amendment Bill 2012
Drugs, Poisons and Controlled Substances Amendment (Supply by Midwives) Bill 2012
Justice Legislation Amendment Bill 2012
Legal Profession and Public Notaries Amendment Bill 2012
Statute Law Repeals Bill 2012
Statute Law Revision Bill 2012
Water Amendment (Governance and Other Reforms) Bill 2012

together with appendices.

Ordered to be tabled and printed.

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

Education and Training Reform Act 2006 — Declarations under ss 5.7A.6 and 5.7A.7 (two documents)

Interpretation of Legislation Act 1984 — Notice under s 32(3)(a)(iii) in relation to Statutory Rule 158/2011 (*Gazette G9, 1 March 2012*)

Planning and Environment Act 1987:

Amendment C146 to the Cardinia Planning Scheme
Notices of approval of amendments to the following Planning Schemes:

Bass Coast — C120
Corangamite — C21
East Gippsland — C99
Frankston — C46 Part 1
Golden Plains — C55
Hume — C130
Knox — C108
Mansfield — C23
Maroondah — C83
Monash — C104
South Gippsland — C63
Strathbogie — C28 Part 1
Surf Coast — C59
Whitehorse — C133
Wodonga — C73
Yarra Ranges — C113, C120

Statutory Rules under the following Acts:

Accident Compensation Act 1985 — SR 11
Accident Compensation (WorkCover Insurance) Act 1993 — SR 11
Guardianship and Administration Act 1986 — SR 12
Residential Tenancies Act 1997 — SR 17
Subdivision Act 1988 — SRs 15, 16
Subordinate Legislation Act 1994 — SR 13
Transfer of Land Act 1958 — SR 16
Victorian Energy Efficiency Target Act 2007 — SR 14

Subordinate Legislation Act 1994 — Documents under s 15 in relation to Statutory Rules 166/2011, 8, 10, 11, 12, 13, 15, 16, 17

Victorian Environmental Assessment Council Act 2001 — Government response to the Victorian Environmental Assessment Council's Report on the Metropolitan Melbourne Investigation.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 8 February 2011:

Criminal Procedure Amendment (Double Jeopardy and Other Matters) Act 2011 — Remaining provisions — 18 March 2012 (*Gazette S66, 6 March 2012*)

Public Prosecutions Amendment Act 2012 — Whole Act — 6 March 2012 (*Gazette S54, 28 February 2012*)

Sex Work and Other Acts Amendment Act 2011 — Remaining provisions — 1 March 2012 (*Gazette S54, 28 February 2012*).

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

Evidence (Miscellaneous Provisions) Amendment (Affidavits) Bill 2012
Parks and Crown Land Legislation Amendment Bill 2011.

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

On 1 March 2012

Evidence (Miscellaneous Provisions) Amendment (Affidavits) Bill 2012

On 6 March 2012

Emergency Services Legislation Amendment Bill 2011

Freedom of Information Amendment (Freedom of Information Commissioner) Bill 2011

Parks and Crown Land Legislation Amendment Bill 2011

Port Management Amendment (Port of Melbourne Corporation Licence Fee) Bill 2011.

- 10 **MESSAGE FROM THE GOVERNOR** — Recommending an appropriation for the purposes of the Water Amendment (Governance and Other Reforms) Bill 2012.

- 11 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 15 March 2012:

Australian Consumer Law and Fair Trading Bill 2011

Drugs, Poisons and Controlled Substances Amendment (Supply by Midwives) Bill 2012

Legal Profession and Public Notaries Amendment Bill 2012

Water Amendment (Governance and Other Reforms) Bill 2012

Wills Amendment (International Wills) Bill 2011

(*Mr McIntosh*) — after debate, put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrandyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 40

Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

- 12 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 13 **WILLS AMENDMENT (INTERNATIONAL WILLS) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Motion made and question — That the debate be now adjourned (*Mr Crisp*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 14 **AUSTRALIAN CONSUMER LAW AND FAIR TRADING BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.
- Under standing orders, Mr O'Brien announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.
- Debate resumed on question — That this Bill be now read a second time.
- Business having been interrupted at 10.00 pm under 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 10.46 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

No 63 — Wednesday 14 March 2012

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
- Southbank Planning Proposal** — Requesting that the Legislative Assembly urges the Minister for Planning to outright reject the planning proposal for 1–15 Queensbridge Street, Southbank or alternatively refer the planning proposal to an independent planning panel for consideration, bearing 295 signatures (*Mr Foley*)
- Car Parking within Ballarat's Medical Precinct** — Requesting that the Legislative Assembly calls on the Baillieu Government to immediately provide funding for the construction of a multi-storey car park with a helipad located on top of the car park within Ballarat's medical precinct, bearing 289 signatures (*Ms Knight*)
- Mandatory Height Controls** — Requesting that the Legislative Assembly urges the Baillieu Government and Moreland City Council to acknowledge residents' deep concerns regarding the proposed heights for new and current development sites and amend the Moreland Planning Scheme to incorporate the Brunswick Structure Plan height limits as mandatory, bearing 217 signatures (*Ms Garrett*)
- Westbreen Primary School** — Requesting that the Legislative Assembly — (a) acknowledges the findings of a number of audits stating that Westbreen Primary School is in need of major infrastructure and/or capital works; (b) calls on the Government to honour the previous Minister for Education's involvement in the 'Building Future' program of which Westbreen Primary School was a

part; and (c) calls on the Government to immediately announce a commitment to the community members of Westbreen Primary School that they will receive funds to rebuild the school in the 2012 state budget, bearing 171 signatures (*Ms Campbell*).

Petitions ordered to be tabled.

3 **PETITION — SOUTHBANK PLANNING PROPOSAL** — Motion made and question — That the petition presented by the Member for Albert Park be taken into consideration tomorrow (*Mr Foley*) — put and agreed to.

4 **PETITION — CAR PARKING WITHIN BALLARAT'S MEDICAL PRECINCT** — Motion made and question — That the petition presented by the Member for Ballarat West be taken into consideration tomorrow (*Ms Knight*) — put and agreed to.

5 **PETITION — MANDATORY HEIGHT CONTROLS** — Motion made and question — That the petition presented by the Member for Brunswick be taken into consideration tomorrow (*Ms Garrett*) — put and agreed to.

6 **DOCUMENTS**

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — Mr Morris presented a report from the Public Accounts and Estimates Committee on the Review of the Auditor-General's Reports January–June 2009 and follow-up of PAEC Reports 82, 86 and 91, together with an appendix.

Ordered to be tabled and printed.

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

Auditor-General:

Agricultural Food Safety — Ordered to be printed
Melbourne Markets Redevelopment — Ordered to be printed

Confiscation Act 1997 — Report 2010–11 under s 139A

Evidence (Miscellaneous Provisions) Act 1958 — Report 2010–11 under s 42BI

Parliamentary Committees Act 2003:

Government response to the Public Accounts and Estimates Committee's Report on the 2011–12 Budget Estimates — Part Three

Government response to the Scrutiny of Acts and Regulations Committee's Report on the Review of the *Charter of Human Rights and Responsibilities Act 2006*.

7 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Independent Broad-based Anti-corruption Commission Amendment (Investigative Functions) Bill 2011 without amendment.

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

9 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — LACK OF JOBS AND SUPPORT FOR VICTORIAN FAMILIES** — The House was informed that Mr Andrews had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House:

- (1) Notes the Baillieu Government's failure to deliver their promised 2012 Victorian Families Statement;
- (2) Notes the failure of the Baillieu Government to deliver any plan for protecting and growing jobs in Victoria;
- (3) Notes that despite the Treasurer's promise to deliver between 50,000 and 55,000 jobs every year, the Baillieu Government has presided over a loss of 16,600 jobs since coming to power; and
- (4) Condemns the Premier for his failure to deliver any vision to create and support jobs for Victorian families, and his betrayal of the trust placed in him and his Government by the Victorian people.'

Mr Andrews addressed the House — Discussion followed.

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

Public Accounts and Estimates Committee's Report on the 2011–12 Budget Estimates — Part Two

Public Accounts and Estimates Committee's Report on the Review of the 2009–10 and 2010–11 Annual Reports

Business having been interrupted at 2.00 pm under standing orders.

11 **QUESTIONS** — (Under SO 55).

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

Public Accounts and Estimates Committee's Report on the 2011–12 Budget Estimates — Part Three

Public Accounts and Estimates Committee's Report on the Review of the Auditor-General's Reports January–June 2009 and follow-up of PAEC Reports 82, 86 and 91

Environment and Natural Resources Committee's Report on the Inquiry into the Environment Effects Statement Process in Victoria.

13 **DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (SUPPLY BY MIDWIVES) BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

14 **WATER AMENDMENT (GOVERNANCE AND OTHER REFORMS) BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

- 15 **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.
- 16 **ACCIDENT COMPENSATION AMENDMENT (REPAYMENTS AND DIVIDENDS) BILL 2012** — *Mr Wells tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Wells*).
- Motion made and question — That the debate be now adjourned (*Mr Madden*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 28 March 2012.
- 17 **PORT BELLARINE TOURIST RESORT (REPEAL) BILL 2012** — *Mr Clark tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Clark*).
- Motion made and question — That the debate be now adjourned (*Mr Madden*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 28 March 2012.
- 18 **VICTORIAN INSPECTORATE AMENDMENT BILL 2012** — *Mr McIntosh tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr McIntosh*).
- Motion made and question — That the debate be now adjourned (*Mr Wynne*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 28 March 2012.
- 19 **WATER AMENDMENT (GOVERNANCE AND OTHER REFORMS) BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Motion made and question — That the debate be now adjourned (*Mr Crisp*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 20 **LEGAL PROFESSION AND PUBLIC NOTARIES AMENDMENT BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Business having been interrupted at 10.00 pm under sessional orders.*
- 21 **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 10.46 pm.

No 64 — Thursday 15 March 2012

1 The Speaker took the Chair and read the Prayer.

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

Brunswick Terminal Station — Requesting that the Legislative Assembly urges the Baillieu Government to reverse the approval of Amendment C140 to the Moreland Planning Scheme, acknowledge the significant concerns of the local community and work with the energy companies involved to fully explore another appropriate site, bearing 1167 signatures (*Ms Garrett*)

Moonee Valley Racecourse Redevelopment — Requesting that the Legislative Assembly urges the Baillieu Government to urgently prevent the Moonee Valley Racecourse redevelopment in its current form, bearing 52 signatures (*Mr Madden*)

Nurses Dispute — Requesting that the Legislative Assembly urges the Baillieu Government to reach a rapid conclusion to the nurses dispute that is to the benefit of all parties, bearing 22 signatures (*Mr Morris*)

Duncans Road, Werribee — Requesting that the State Government immediately commits to funding for the planning and construction of a full diamond interchange at Duncans Road, Werribee, bearing 203 signatures (*Mr Pallas*).

Petitions ordered to be tabled.

3 **PETITION — BRUNSWICK TERMINAL STATION** — Motion made and question — That the petition presented by the Member for Brunswick be taken into consideration tomorrow (*Ms Garrett*) — put and agreed to.

4 **PETITION — MOONEE VALLEY RACECOURSE REDEVELOPMENT** — Motion made and question — That the petition presented by the Member for Essendon be taken into consideration tomorrow (*Mr Madden*) — put and agreed to.

5 **PETITION — DUNCANS ROAD, WERRIBEE** — Motion made and question — That the petition presented by the Member for Tarneit be taken into consideration tomorrow (*Mr Pallas*) — put and agreed to.

6 **PETITION — NURSES DISPUTE** — Motion made and question — That the petition presented by the Member for Mornington be taken into consideration tomorrow (*Ms Campbell*) — put and agreed to.

7 **PETITION — WESTBREEN PRIMARY SCHOOL** — Motion made and question — That the petition presented by the Member for Pascoe Vale on Wednesday 14 March 2012 be taken into consideration tomorrow (*Ms Campbell*) — put and agreed to.

8 **DOCUMENT TABLED BY COMMAND OF THE GOVERNOR**

Mr Clark presented by Command of the Governor:

Children's Court of Victoria — Report 2010–11

Ordered to be tabled.

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

Financial Management Act 1994 — 2011–12 Mid-Year Financial Report incorporating the Quarterly Financial Report No 2 for the period ended 31 December 2011

Gambling Regulation Act 2003 — Amendment of Category 2 Public Lottery Licence under s 5.3.19

Statutory Rule under the *Gambling Regulation Act 2003* — SR 18

Victorian Privacy Commissioner — Foodbowl Modernisation Project: Report of an investigation into Goulburn-Murray Rural Water Corporation and the Northern Victorian Irrigation Renewal Project under Part 6 of the *Information Privacy Act 2000* — Ordered to be printed.

9 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 27 March 2012 (*Mr McIntosh*) — put and agreed to.

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

11 **DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (SUPPLY BY MIDWIVES) BILL 2012** — 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 Katos*) — put and agreed to.

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

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

Building Amendment Bill 2012

City of Melbourne Amendment (Environmental Upgrade Agreements) Bill 2012.

13 **WATER AMENDMENT (GOVERNANCE AND OTHER REFORMS) BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

14 **QUESTIONS** — (Under SO 55).

15 **WATER AMENDMENT (GOVERNANCE AND OTHER REFORMS) BILL 2012** — 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 under the resolution of the House on Tuesday 13 March 2012 had expired.

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

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

Bill sent to the Legislative Council and their agreement requested.

16 **AUSTRALIAN CONSUMER LAW AND FAIR TRADING BILL 2011** — 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 Government amendment Nos 1 to 11 inclusive be agreed to — put and agreed to.

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

Bill sent to the Legislative Council and their agreement requested.

- 17 **WILLS AMENDMENT (INTERNATIONAL WILLS) BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

- 18 **LEGAL PROFESSION AND PUBLIC NOTARIES AMENDMENT BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

- 19 **DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (SUPPLY BY MIDWIVES) BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

Business having been interrupted at 4.03 pm under 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 4.52 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 65, 66 and 67

No 65 — Tuesday 27 March 2012

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **DEATH OF JIM STYNES** — By leave, members made statements in relation to the late Jim Stynes. Members stood in silence to express their sympathy and respect.
- 3 **QUESTIONS** — (Under SO 55).
- 4 **HEALTH PROFESSIONS REGISTRATION (REPEAL) BILL 2012** — Dr Napthine obtained leave to bring in a Bill '*for an Act to repeal the **Health Professions Registration Act 2005**, to make related and consequential amendments to other Acts and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **NATIONAL ENERGY RETAIL LAW (VICTORIA) BILL 2012** — Mr O'Brien obtained leave to bring in a Bill '*for an Act to provide for the establishment of a national energy customer framework for the regulation of the retail supply of energy to customers, to make provision for the relationship between the distributors of energy and the consumers of energy, to make consequential amendments to certain Acts, to repeal the electricity and gas industry cross-ownership restrictions, and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **ROYAL WOMEN'S HOSPITAL LAND BILL 2012** — Mr Smith (*Warrandyte*) obtained leave to bring in a Bill '*for an Act to revoke a reservation over land previously occupied by the Royal Women's Hospital and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **LAND (REVOCATION OF RESERVATIONS) BILL 2012** — Mr Smith (*Warrandyte*) obtained leave to bring in a Bill '*for an Act to revoke certain reservations of land and related Crown grants in relation to two of those parcels of land and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
 - Urban Design Framework for Port Melbourne Waterfront** — Requesting that the Legislative Assembly urges the Ministers for Local Government and Planning to request the City of Port Phillip to remove towers from the draft Urban Design Framework, bearing 1313 signatures (*Mr Foley*)
 - Philip Island Tourist Road** — Requesting that the Legislative Assembly urges the Minister for Roads to request that VicRoads implements immediate road safety improvements on the Phillip Island Tourist Road, bearing 4910 signatures (*Mr Mulder*)
 - Victorian Certificate of Applied Learning (VCAL)** — Requesting that the Baillieu Government immediately reverses its decision and restores funding to the vital Victorian Certificate of Applied Learning program as a matter of urgency, bearing 34 signatures (*Ms Graley*)
 - Casey Hospital** — Requesting that the Legislative Assembly urges the Baillieu Government to properly fund Victoria's hospitals including Casey Hospital, bearing 14 signatures (*Ms Graley*).

Petitions ordered to be tabled.

- 9 **PETITION — URBAN DESIGN FRAMEWORK FOR PORT MELBOURNE WATERFRONT** — Motion made and question — That the petition presented by the Member for Albert Park be taken into consideration tomorrow (*Mr Foley*) — put and agreed to.

10 **DOCUMENTS**

REVIEW OF THE CLIMATE CHANGE ACT 2010 — Government response tabled by leave (*Mr Smith, Warrandyte*).

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms Campbell, Deputy Chair, presented a report from the Scrutiny of Acts and Regulations Committee on the Statute Law Repeals Bill 2012, together with appendices.

Ordered to be tabled and printed.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms Campbell, Deputy Chair, presented a report from the Scrutiny of Acts and Regulations Committee on the Statute Law Revision Bill 2012, together with appendices.

Ordered to be tabled and printed.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms Campbell, Deputy Chair, presented the Alert Digest No 5 of 2012 from the Scrutiny of Acts and Regulations Committee on the:

Accident Compensation Amendment (Repayments and Dividends) Bill 2012
 Disability Amendment Bill 2012
 Port Bellarine Tourist Resort (Repeal) Bill 2012
 Victorian Inspectorate Amendment Bill 2012
 Water Amendment (Governance and Other Reforms) Bill 2012
 Water Legislation Amendment (Water Infrastructure Charges) Bill 2011

together with appendices.

Ordered to be tabled and printed.

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

Australian Crime Commission — Report 2010–11

Climate Change Act 2010:

Report on Climate Change and Greenhouse Gas Emissions in Victoria
 Review of the *Climate Change Act 2010*

Commissioner for Environmental Sustainability Act 2003 — Strategic Audit of Victorian Government Agencies' Environmental Management Systems

Crown Land (Reserves) Act 1978 — Order under s 17B granting a licence over Maldon Historic Area

Gambling Regulation Act 2003 — Fixed term ban order on Moneyless Gaming Machines under s 2.5A.9 (*Gazette S82, 14 March 2012*)

Interpretation of Legislation Act 1984 — Notice under s 32(3)(a)(iii) in relation to Statutory Rule 6 (*Gazette G12, 22 March 2012*)

Mount Baw Baw Alpine Resort Management Board — Report year ended 31 October 2011

Municipal Association of Victoria — Report 2010–11

National Environment Protection Council — Report 2010–11

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

Glenelg — C65

Greater Bendigo — C120, C150

Loddon — C27

Melton — C118

Mount Alexander — C45

Swan Hill — C33

Wyndham — C158

Prevention of Cruelty to Animals Act 1986 — Revocation of the Code for the Accepted Farming Practice for the Welfare of Pigs (Revision 2)

Safe Drinking Water Act 2003 — Drinking Water Quality in Victoria Report 2010–11

Statutory Rule under the *Legal Profession Act 2004* — SR 19

Subordinate Legislation Act 1994:

Documents under s 15 in relation to Statutory Rules 14, 18, 19

Documents under s 16B in relation to a Contaminated Stock Order under the *Agricultural and Veterinary Chemicals (Control of Use) Act 1992*.

The following proclamation fixing an operative date was tabled by the Clerk in accordance with an order of the House dated 8 February 2011:

Resources Legislation Amendment Act 2011 — Whole Act (except Part 3 and Part 6) — 20 March 2012 (*Gazette S91, 20 March 2012*).

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

Carers Recognition Bill 2012

Control of Weapons and Firearms Acts Amendment Bill 2011.

- 12 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 20 March 2012, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Building Amendment Bill 2012

Carers Recognition Bill 2012

City of Melbourne Amendment (Environmental Upgrade Agreements) Bill 2012

Control of Weapons and Firearms Acts Amendment Bill 2011

Independent Broad-based Anti-corruption Commission Amendment (Investigative Functions) Bill 2011.

13 **MESSAGE FROM THE GOVERNOR** — Recommending an appropriation for the purposes of the Victorian Inspectorate Amendment Bill 2012.

14 **VICTORIAN RESPONSIBLE GAMBLING FOUNDATION** — The Speaker announced that he had received the following letter:

The Hon. Ken Smith MP
 Speaker of the Legislative Assembly
 Parliament of Victoria
 Parliament House
 MELBOURNE VIC 3000

Dear Speaker,

As you would be aware, the *Victorian Responsible Gambling Foundation Act 2011* contains, at section 9, a provision for three members of the Board of the Foundation to be elected jointly by the Legislative Council and the Legislative Assembly from members of those Houses.

His Excellency the Governor-in-Council is scheduled to commence the relevant provisions of the Act on 27 March 2012 to allow members of the Board to be elected. In order to elect the parliamentary members of the Board, it is proposed to hold a Joint Sitting on Wednesday 28 March 2012. I understand that it may suit the convenience of your Chamber if that takes place at approximately 6.15 p.m.

I would be grateful if arrangements could be made for this Joint Sitting to occur. I am writing similarly to the President and will send a copy of this letter to the Clerks of each House.

Yours faithfully,

HON. MICHAEL O'BRIEN MP
 Minister for Gaming
 21/3/2012

Motion made, by leave, and question — That this House meets the Legislative Council for the purpose of sitting and voting together to elect three members of the Parliament to the Board of the Victorian Responsible Gambling Foundation and proposes that the time and place of such meeting be the Legislative Assembly Chamber on Wednesday 28 March 2012, at 6.15 pm (*Mr McIntosh*) — put and agreed to.

Ordered — That a message be sent to the Legislative Council informing them of the resolution and requesting their agreement.

15 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2)

(1) the Order of the Day, Government Business, relating to the Port Bellarine Tourist Resort (Repeal) Bill 2012 be considered and completed by 6.10 pm on Wednesday 28 March 2012; and

(2) the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 29 March 2012:

Accident Compensation Amendment (Repayments and Dividends) Bill 2012
 Associations Incorporation Reform Bill 2011
 Disability Amendment Bill 2012
 Victorian Inspectorate Amendment Bill 2012 —

(*Mr McIntosh*) — after debate, put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 43

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Dr Naphthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrandyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 41

Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

- 16 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 17 **DISABILITY AMENDMENT BILL 2012** — 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.
- 18 **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 Port Bellarine Tourist Resort (Repeal) Bill 2012 an Order of the Day for Wednesday 28 March 2012 be read and rescinded and that the Bill be made an Order of the Day for today (*Mr McIntosh*) — put and agreed to.
- 19 **PORT BELLARINE TOURIST RESORT (REPEAL) BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Bill read a second time and, by leave, immediately read a third time.
- Bill sent to the Legislative Council and their agreement requested.
- 20 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Legal Profession and Public Notaries Amendment Bill 2012 without amendment.
- 21 **DISABILITY AMENDMENT BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Business having been interrupted at 10.00 pm under sessional orders.*
- 22 **ADJOURNMENT** — The Speaker announced that the time for the adjournment of the House had arrived and, after debate, the Deputy Speaker left the Chair, at 10.50 pm.

No 66 — Wednesday 28 March 2012

1 The Speaker took the Chair and read the Prayer.

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

Brunswick Terminal Station — Requesting that the Legislative Assembly urges the Baillieu Government to reverse the approval of Amendment C140 to the Moreland Planning Scheme, acknowledge the significant concerns of the local community and work with the energy companies involved to fully explore another appropriate site, bearing 764 signatures (*Ms Garrett*)

Proposed Kilmore-Wallan Bypass — Requesting that the Legislative Assembly requests the Minister for Public Transport to immediately withdraw the current VicRoads Options A, B and C that are being studied, noting that all three options pass through the township of Kilmore and have enormous impact on residents, sporting, recreation areas, heritage and conservation precincts, bearing 1650 signatures (*Mr Donnellan*).

Petitions ordered to be tabled.

3 **PETITION — BRUNSWICK TERMINAL STATION** — Motion made and question — That the petition presented by the Member for Brunswick be taken into consideration tomorrow (*Ms Garrett*) — put and agreed to.

4 **PETITION — PROPOSED KILMORE-WALLAN BYPASS** — Motion made and question — That the petition presented by the Member for Narre Warren North be taken into consideration tomorrow (*Mr Donnellan*) — put and agreed to.

5 **DOCUMENTS**

COMMUNITY VISITORS REPORT 2010–11 — Government response tabled by leave (*Ms Wooldridge*).

LAW REFORM COMMITTEE — Mr Newton-Brown, Chair, presented a report from the Law Reform Committee on the Inquiry into access by donor-conceived people to information about donors, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

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

Auditor-General — Access to Public Housing — Ordered to be printed

Crimes (Assumed Identities) Act 2004 — Report 2010–11 under s 31

Ombudsman — *Whistleblowers Protection Act 2001*: Conflict of interest, poor governance and bullying at the City of Glen Eira Council — Ordered to be printed

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

Brimbank — C93, C138

Greater Bendigo — C109, C137

Greater Shepparton — C136 (Part 1)

Moyne — C42

Surf Coast — C72

Statutory Rule under the *Confiscation Act 1997* — SR 20

Surveillance Devices Act 1999:

Report 2010–11 under s 30L

Report of the Special Investigations Monitor under s 30Q.

6 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to meet the Legislative Assembly for the purpose of sitting and voting together to elect three members of Parliament to the Victorian Responsible Gambling Foundation Board as proposed by the Assembly.

7 **LAW REFORM COMMITTEE — EXTENSION TO REPORTING DATES** — Motion made, by leave, and question — That the resolutions of the House of 10 February and 1 September 2011 relating to the Law Reform Committee be amended to extend the reporting dates for:

- (1) the inquiry into access to and interaction with the justice system by people with an intellectual disability and their families and carers, to no later than 30 November 2012; and
- (2) the inquiry into the creating, sharing, sending or posting of sexually explicit messages or images via the internet, mobile phones or other electronic devices by people, especially young people, (known as 'sexting'), to no later than 30 December 2012 —

(*Mr McIntosh*) — put and agreed to.

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

9 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.

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

Law Reform Committee's Report on the Inquiry into access by donor-conceived people to information about donors

Scrutiny of Acts and Regulations Committee's Report on the Review of the *Charter of Human Rights and Responsibilities Act 2006*

Public Accounts and Estimates Committee's Report on the 2011–12 Budget Estimates — Part One.

11 **CARDINIA PLANNING SCHEME** — Motion made and question proposed — That under s 46AH of the *Planning and Environment Act 1987*, Cardinia Planning Scheme Amendment C146 be ratified (*Mr Clark*) — and, after debate —

Business having been interrupted at 2.00 pm under standing orders.

12 **QUESTIONS** — (Under SO 55).

13 **CARDINIA PLANNING SCHEME** — Debate continued on question — That under s 46AH of the *Planning and Environment Act 1987*, Cardinia Planning Scheme Amendment C146 be ratified — put and agreed to.

14 **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.

- 15 **HEALTH PROFESSIONS REGISTRATION (REPEAL) BILL 2012** — *Dr Naphthine tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Dr Naphthine*).
- Motion made and question — That the debate be now adjourned (*Mr Pallas*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 11 April 2012.
- 16 **NATIONAL ENERGY RETAIL LAW (VICTORIA) BILL 2012** — *Mr O'Brien tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr O'Brien*).
- Motion made and question — That the debate be now adjourned (*Mr Pallas*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 11 April 2012.
- 17 **ROYAL WOMEN'S HOSPITAL LAND BILL 2012** — *Mr Smith (Warrandyte) tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Smith, Warrandyte*).
- Motion made and question — That the debate be now adjourned (*Mr Madden*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 11 April 2012.
- 18 **LAND (REVOCATION OF RESERVATIONS) BILL 2012** — *Mr Smith (Warrandyte) tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Smith, Warrandyte*).
- Motion made and question — That the debate be now adjourned (*Mr Madden*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 11 April 2012.
- 19 **ASSOCIATIONS INCORPORATION REFORM BILL 2011** — Order read for resuming debate on question — That this Bill be now read a second time.
- Under standing orders, Mr Smith, Warrandyte announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.
- Debate resumed on question — That this Bill be now read a second time.
- Motion made and question — That the debate be now adjourned (*Ms Ryall*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 20 **JOINT SITTING — VICTORIAN RESPONSIBLE GAMBLING FOUNDATION** — The Acting Speaker reported that the House met today with the Legislative Council for the purpose of sitting and voting together to elect three members of the Parliament to the Board of the Victorian Responsible

Gambling Foundation and that Mr Tim McCurdy, Mr David Southwick and Mr Ian Trezise were elected.

- 21 **VICTORIAN INSPECTORATE AMENDMENT BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under 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 10.50 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

No 67 — Thursday 29 March 2012

- 1 The Speaker took the Chair and read the Prayer.
- 2 **RETURN TO WRIT** — The Speaker announced that he had received a return to the writ issued on 23 February 2012 which states that Benjamin Alan Carroll has been elected for the Electoral District of Niddrie.
- 3 **MEMBER SWORN** — Benjamin Alan Carroll was then introduced and took and subscribed the oath required by law.
- 4 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Westbreen Primary School — Requesting that the Legislative Assembly — (a) acknowledges the findings of a number of audits stating that Westbreen Primary School is in need of major infrastructure and/or capital works; (b) calls on the Government to honour the previous Minister for Education's involvement in the 'Building Future' program of which Westbreen Primary School was a part; and (c) calls on the Government to immediately announce a commitment to the community members of Westbreen Primary School that they will receive funds to rebuild the school in the 2012 state budget, bearing 50 signatures (*Ms Campbell*)

Epping Road Project — Requesting that the Legislative Assembly urges the Baillieu Government to fund and commence work on the Epping Road project as a matter of urgency, bearing 143 signatures (*Ms Green*)

Upgrade of Greensborough College — Requesting that the Legislative Assembly urges the Baillieu Government to urgently fund the much needed upgrade of Greensborough College, bearing 16 signatures (*Ms Green*)

Secondary College in Doreen — Requesting that the Legislative Assembly urges the Baillieu Government to urgently fund the building of a secondary college in Doreen, bearing 58 signatures (*Ms Green*).

Petitions ordered to be tabled.

5 **PETITION — WESTBREEN PRIMARY SCHOOL** — Motion made and question — That the petition presented by the Member for Pascoe Vale be taken into consideration tomorrow (*Ms Campbell*) — put and agreed to.

6 **PETITION — EPPING ROAD PROJECT** — Motion made and question — That the petition presented by the Member for Yan Yean be taken into consideration tomorrow (*Ms Green*) — put and agreed to.

7 **PETITION — UPGRADE OF GREENSBOROUGH COLLEGE** — Motion made and question — That the petition presented by the Member for Yan Yean be taken into consideration tomorrow (*Ms Green*) — put and agreed to.

8 **PETITION — SECONDARY COLLEGE IN DOREEN** — Motion made and question — That the petition presented by the Member for Yan Yean be taken into consideration tomorrow (*Ms Green*) — put and agreed to.

9 **DOCUMENTS**

VICTORIAN GOVERNMENT INDIGENOUS AFFAIRS — Report 2010–11 tabled by leave (*Mrs Powell*).

DOCUMENT TABLED UNDER AN ACT OF PARLIAMENT — The Clerk tabled the following document in accordance with an Act of Parliament:

Interpretation of Legislation Act 1984 — Notice under s 32(3)(a)(iii) in relation to Statutory Rule 14 (*Gazette G12, 22 March 2012*).

10 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 17 April 2012 (*Mr McIntosh*) — put and agreed to.

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

12 **ACCIDENT COMPENSATION AMENDMENT (REPAYMENTS AND DIVIDENDS) BILL 2012** — 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 Hodggett*) — put and agreed to.

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

13 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Port Bellarine Tourist Resort (Repeal) Bill 2012 with amendments.

Ordered — That the amendments be taken into consideration immediately.

14 **PORT BELLARINE TOURIST RESORT (REPEAL) BILL 2012** — Order read for the consideration of the amendments made by the Legislative Council.

After debate, the amendments were agreed to.

Message sent to the Legislative Council informing them accordingly.

15 **ACCIDENT COMPENSATION AMENDMENT (REPAYMENTS AND DIVIDENDS) BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

16 **QUESTIONS** — (Under SO 55).

17 **ACCIDENT COMPENSATION AMENDMENT (REPAYMENTS AND DIVIDENDS) BILL 2012** — 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 under the resolution of the House on Tuesday 27 March 2012 had expired.

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

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrandyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 41

Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Mr Carroll; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

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

Bill sent to the Legislative Council and their agreement requested.

18 **DISABILITY AMENDMENT BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

19 **ASSOCIATIONS INCORPORATION REFORM BILL 2011** — 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 28 inclusive be agreed to and the Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

20 **VICTORIAN INSPECTORATE AMENDMENT BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

Business having been interrupted at 4.06 pm under 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 4.47 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 68, 69 and 70

No 68 — Tuesday 17 April 2012

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **PORT MANAGEMENT FURTHER AMENDMENT BILL 2012** — Dr Napthine obtained leave to bring in a Bill *'for an Act to amend the Port Management Act 1995 and for other purposes'*; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **GAMBLING LEGISLATION AMENDMENT (TRANSITION) BILL 2012** — Mr O'Brien obtained leave to bring in a Bill *'for an Act to amend the Gambling Regulation Act 2003, the Gambling Regulation Amendment (Licensing) Act 2009, the Casino Control Act 1991 and the Gambling Regulation Further Amendment Act 2009 and for other purposes'*; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 2012** — Mr Walsh obtained leave to bring in a Bill *'for an Act to amend the Agricultural and Veterinary Chemicals (Control of Use) Act 1992, the Domestic Animals Act 1994 and the Livestock Management Act 2010 and for other purposes'*; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **FORESTS AMENDMENT BILL 2012** — Mr Smith (*Warrandyte*) obtained leave to bring in a Bill *'for an Act to amend the Forests Act 1958 and the Crown Land (Reserves) Act 1978, to make consequential amendments to the Land Act 1958, the National Parks Act 1975 and the Wildlife Act 1975, and for other purposes'*; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **COURTS AND SENTENCING LEGISLATION AMENDMENT BILL 2012** — Mr Clark obtained leave to bring in a Bill *'for an Act to amend the Children, Youth and Families Act 2005, the County Court Act 1958, the Criminal Procedure Act 2009, the Infringements Act 2006, the Judicial College of Victoria Act 2001, the Juries Act 2000, the Justice Legislation Amendment (Infringement Offences) Act 2011, the Magistrates' Court Act 1989, the Sentencing Act 1991, the Sentencing Amendment (Community Correction Reform) Act 2011, the Sex Offenders Registration Act 2004, the Summary Offences Act 1966 and the Supreme Court Act 1986 and for other purposes'*; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
 - Point Cook Roads and Public Transport** — Requesting that the Legislative Assembly implores the Baillieu Government to provide adequate funding in the 2012–13 state budget to ease road congestion and provide sufficient public transport access and services for residents in and around Point Cook, bearing 172 signatures (*Ms Hennessy*)
 - Hendy Street Campus** — Requesting that the Legislative Assembly urgently calls on the Baillieu Government to directly intervene and address the need for ongoing use of the Hendy Street Campus at Nelson Park School, bearing 1118 signatures (*Mr Eren*).

Petitions ordered to be tabled.

9 **PETITION — POINT COOK ROADS AND PUBLIC TRANSPORT** — Motion made and question — That the petition presented by the Member for Altona be taken into consideration tomorrow (*Ms Hennessy*) — put and agreed to.

10 **PETITION — HENDY STREET CAMPUS** — Motion made and question — That the petition presented by the Member for Lara be taken into consideration tomorrow (*Mr Eren*) — put and agreed to.

11 **DOCUMENTS**

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Annual Review 2011, together with appendices tabled by leave (*Ms Campbell*).

Ordered to be printed.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms Campbell, Deputy Chair, presented the Alert Digest No 6 of 2012 from the Scrutiny of Acts and Regulations Committee on the:

Health Professions Registration (Repeal) Bill 2012
 Land (Revocation of Reservations) Bill 2012
 National Energy Retail Law (Victoria) Bill 2012
 Royal Women's Hospital Land Bill 2012
 Transport (Compliance and Miscellaneous) Amendment (Fares) Bill 2012
 Victorian Inspectorate Amendment Bill 2012

together with appendices.

Ordered to be tabled and printed.

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

Adult Multicultural Education Services — Report 2011 (two documents)

Centre for Adult Education — Report 2011

Conservation, Forests and Lands Act 1987 — Code of Practice for Bushfire Management on Public Land

Crown Land (Reserves) Act 1978 — Order under s 17D granting a lease over Old Heidelberg Police Residence Reserve

Interpretation of Legislation Act 1984 — Notice under s 32(3)(a)(iii) in relation to Statutory Rule 17 (*Gazette S107, 28 March 2012*)

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

Alpine — C33
 Ballarat — C153
 Bayside — C80
 Benalla — C22
 Brimbank — C151
 Buloke — C22
 Campaspe — C91
 Cardinia — C154

Central Goldfields — C24
 Colac Otway — C66
 Darebin — C123
 East Gippsland — C104
 Ganawarra — C31
 Glenelg — C34, C56
 Greater Bendigo — C176
 Greater Dandenong — C131
 Greater Geelong — C204, C225
 Greater Shepparton — C119, C156, C161
 Hepburn — C58
 Hume — C122
 Indigo — C57
 Latrobe — C9, C69, C70
 Loddon — C35
 Macedon Ranges — C33, C85
 Mansfield — C24, C25
 Maribyrnong — C104
 Maroondah — C84
 Melbourne — C191, C192
 Melton — C123
 Mildura — C76
 Mitchell — C83
 Moira — C70
 Monash — C98
 Moorabool — C63
 Mount Alexander — C64
 Murrindindi — C29 Part 2, C37, C40
 Pyrenees — C33
 South Gippsland — C57
 Strathbogie — C61
 Surf Coast — C75
 Swan Hill — C43
 Towong — C26
 Wangaratta — C40
 Warrnambool — C69
 Whitehorse — C113
 Whittlesea — C160
 Wodonga — C95
 Yarra — C104
 Yarra Ranges — C102

Statutory Rules under the following Acts:

Infringements Act 2006 — SR 23
Road Safety Act 1986 — SRs 24, 25
Transport (Compliance and Miscellaneous) Act 1983 — SR 22
Transport Integration Act 2010 — SR 21

Subordinate Legislation Act 1994:

Documents under s 15 in relation to Statutory Rules 21, 22, 23, 24, 25

Documents under s 16B in relation to:

Ministerial Direction to Boards of TAFE Institutes — Non-acquisition of Private Providers under the *Education and Training Reform Act 2006*

Ministerial Order No 560 under the *Education and Training Reform Act 2006*.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 8 February 2011:

Transport Legislation Amendment (Public Transport Development Authority) Act 2011 — Section 5(4) to (6) and the remaining provisions of Division 2 of Part 4 and Schedule 1 (except paragraph (b) of item 13.1 and item 13.6) and Schedule 2 — 2 April 2012 (*Gazette S101, 27 March 2012*)

Victorian Responsible Gambling Foundation Act 2011 — Whole Act except s 6, Divisions 4 and 5 of Part 2, and Part 3 — 27 March 2012 (*Gazette S101, 27 March 2012*).

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

Drugs, Poisons and Controlled Substances Amendment (Supply by Midwives) Bill 2012
Water Amendment (Governance and Other Reforms) Bill 2012.

- 13 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 3 April 2012, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Drugs, Poisons and Controlled Substances Amendment (Supply by Midwives) Bill 2012
Legal Profession and Public Notaries Amendment Bill 2012
Port Bellarine Tourist Resort (Repeal) Bill 2012
Water Amendment (Governance and Other Reforms) Bill 2012.

- 14 **SUSPENSION OF STANDING ORDERS** — Motion made, by leave, and question — That so much of standing orders be suspended on Wednesday 18 April 2012 to allow the Member for Niddrie to make his inaugural speech for a maximum of 15 minutes immediately after the discussion on a matter of public importance under Standing Order 39 (*Dr Naphthine*) — put, after debate, and agreed to.

- 15 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 19 April 2012:

Health Professions Registration (Repeal) Bill 2012
Justice Legislation Amendment Bill 2012
Land (Revocation of Reservations) Bill 2012
National Energy Retail Law (Victoria) Bill 2012
Royal Women's Hospital Land Bill 2012

(*Dr Naphthine*) — after debate, put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 42

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Ms McLeish; Mr Morris; Mr Mulder; Dr Naphthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrantyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 41

Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Mr Carroll; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

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

17 **JUSTICE LEGISLATION AMENDMENT BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

18 **HEALTH PROFESSIONS REGISTRATION (REPEAL) BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under sessional orders.

19 **ADJOURNMENT** — The Speaker announced that the time for the adjournment of the House had arrived and, after debate, the Deputy Speaker left the Chair at 10.48 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

No 69 — Wednesday 18 April 2012

1 The Speaker took the Chair and read the Prayer.

2 **INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION AMENDMENT (EXAMINATIONS) BILL 2012** — Mr McIntosh obtained leave to bring in a Bill *'for an Act to make further amendments to the Independent Broad-based Anti-corruption Commission Act 2011 and the Victorian Inspectorate Act 2011, to make consequential amendments to other Acts and for other purposes'*; and the Bill was read a first time and ordered to be read a second time tomorrow.

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

Brunswick Terminal Station — Requesting that the Legislative Assembly urges the Baillieu Government to reverse the approval of Amendment C140 to the Moreland Planning Scheme, acknowledge the significant concerns of the local community and work with the energy companies involved to fully explore another appropriate site, bearing 802 signatures (*Ms Garrett*)

Sound Attenuation Devices along Greensborough Highway — Requesting that the Legislative Assembly calls on VicRoads to urgently fund the installation of appropriate sound attenuation devices along the Greensborough Highway north of Grimshaw Street, bearing 77 signatures (*Mr Brooks*)

Mantle Mining Brown Coal — Requesting that the Legislative Assembly calls for the Government to — (a) halt the Mantle Mining brown coal exploration in the Shire of Moorabool; (b) mandate a review process that requires community consultation, including but not limited to, satisfactory communication of information requirements; and (c) make the public aware of scientific evidence on the social and environmental impacts of existing and new technologies involved in the exploration and development of an open cut coal mine, bearing 454 signatures (*Mr Nardella*)

Bus Routes in the City of Whittlesea — Requesting that the Legislative Assembly calls on the Government to — (a) retain all bus routes which serve the City of Whittlesea prior to the opening of South Morang Station; (b) introduce entirely new bus routes to serve South Morang and new housing estates without re-routing existing buses; and (c) increase the frequency of buses and trains as a means of reducing car dependence in the City of Whittlesea, bearing 335 signatures (*Ms D'Ambrosio*).

Petitions ordered to be tabled.

4 **PETITION — BRUNSWICK TERMINAL STATION** — Motion made and question — That the petition presented by the Member for Brunswick be taken into consideration tomorrow (*Ms Garrett*) — put and agreed to.

5 **PETITION — MANTLE MINING BROWN COAL** — Motion made and question — That the petition presented by the Member for Melton be taken into consideration tomorrow (*Mr Nardella*) — put and agreed to.

6 **PETITION — BUS ROUTES IN THE CITY OF WHITTLESEA** — Motion made and question — That the petition presented by the Member for Mill Park be taken into consideration tomorrow (*Ms D'Ambrosio*) — put and agreed to.

7 **DOCUMENTS**

MELBOURNE COLLEGE OF DIVINITY — Report 2011 tabled by leave (*Mr Dixon*).

AUSTRALIAN CATHOLIC UNIVERSITY LIMITED — Report 2011 tabled by leave (*Mr Dixon*).

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

Auditor-General:

Casual Relief Teacher Arrangements — Ordered to be printed

Freedom of Information — Ordered to be printed

Performance Reporting by Local Government — Ordered to be printed

Ballarat University — Report 2011

Deakin University — Report 2011

La Trobe University — Report 2011

Melbourne University — Report 2011 (two documents)

Monash University — Report 2011

Ombudsman — The death of Mr Carl Williams at HM Barwon Prison: investigation into Corrections Victoria — Ordered to be printed

RMIT University — Report 2011

Swinburne University of Technology — Report 2011

Victoria University — Report 2011

Victorian Law Reform Commission:

Guardianship — Ordered to be printed

Sex offenders registration — Ordered to be printed.

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

Accident Compensation Amendment (Repayments and Dividends) Bill 2012

Victorian Inspectorate Amendment Bill 2012.

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

- 10 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — MURRAY DARLING BASIN PLAN** — The House was informed that Mr Walsh had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House commends the Liberal National Government for its continued support of communities in regional Victoria in the fight to achieve a balance between the environmental, social and economic outcomes in a future Murray Darling Basin Plan.'

Mr Walsh addressed the House — Discussion followed.

- 11 **INAUGURAL SPEECH** — In accordance with the resolution of the House on Tuesday 17 April 2012, the Member for Niddrie made an inaugural speech.

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

Law Reform Committee's Report on the Inquiry into access by donor-conceived people to information about donors

Scrutiny of Acts and Regulations Committee's Report on the Review of the *Charter of Human Rights and Responsibilities Act 2006*

Public Accounts and Estimates Committee's Report on the 2011–12 Budget Estimates — Part Two

Public Accounts and Estimates Committee's Report on the Review of the Auditor-General's Reports January–June 2009 and follow-up of PAEC reports 82, 86 and 91.

Business having been interrupted at 2.00 pm under standing orders.

- 13 **QUESTIONS** — (Under SO 55).

- 14 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements resumed on the following Committee Report:

Public Accounts and Estimates Committee's Report on the 2011–12 Budget Estimates — Part One.

- 15 **ROYAL WOMEN'S HOSPITAL LAND BILL 2012** — 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 Watt*) — put and agreed to.

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

- 16 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 2 to 5 inclusive, be postponed until later this day.

- 17 **PORT MANAGEMENT FURTHER AMENDMENT BILL 2012** — *Dr Naphine tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 2 May 2012.

- 18 **GAMBLING LEGISLATION AMENDMENT (TRANSITION) BILL 2012** — *Mr O'Brien tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 2 May 2012.

- 19 **PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 2012** — *Mr Walsh tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 2 May 2012.

- 20 **FORESTS AMENDMENT BILL 2012** — *Mr Smith (Warrandyte) tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Smith, Warrandyte*).

Motion made and question — That the debate be now adjourned (*Ms Green*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 2 May 2012.

- 21 **COURTS AND SENTENCING LEGISLATION AMENDMENT BILL 2012** — *Mr Clark tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Clark*).

Motion made and question — That the debate be now adjourned (*Ms Green*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 2 May 2012.

- 22 **ROYAL WOMEN'S HOSPITAL LAND BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Donnellan*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 23 **LAND (REVOCAION OF RESERVATIONS) BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under sessional orders.

- 24 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.47 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

No 70 — Thursday 19 April 2012

- 1 The Speaker took the Chair and read the Prayer.

- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Victorian Certificate of Applied Learning (VCAL) — Requesting that the Baillieu Government immediately reverses its decision and restores funding to the vital Victorian Certificate of Applied Learning program as a matter of urgency, bearing 505 signatures (*Mr Carbines*)

Price Control for LPG in Victoria — Requesting that the Legislative Assembly either reintroduces price control for LPG in Victoria or de-links the import parity price from the retail price of LPG in Victoria, bearing 1 signature (*Mr Wells*).

Petitions ordered to be tabled.

- 3 **PETITION — VICTORIAN CERTIFICATE OF APPLIED LEARNING (VCAL)** — Motion made and question — That the petition presented by the Member for Ivanhoe be taken into consideration tomorrow (*Mr Carbines*) — put and agreed to.

- 4 **DOCUMENTS**

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — Mr Angus presented a report from the Public Accounts and Estimates Committee on the 2009–10 and 2010–11 Financial and Performance Outcomes, together with appendices, a minority report and extracts from the proceedings.

Ordered to be tabled and printed.

DOCUMENTS TABLED UNDER AN ACT OF PARLIAMENT — The Clerk tabled the following documents in accordance with an Act of Parliament:

Bendigo Regional Institute of TAFE — Report 2011

Box Hill Institute of TAFE — Report 2011 (two documents)

Central Gippsland Institute of TAFE — Report 2011

Chisholm Institute of TAFE — Report 2011

Driver Education Centre of Australia Ltd — Report 2011

East Gippsland Institute of TAFE — Report 2011

Gordon Institute of TAFE — Report 2011

Goulburn Ovens Institute of TAFE — Report 2011 (two documents)

Holmesglen Institute of TAFE — Report 2011

Kangan Institute of TAFE — Report 2011

Northern Melbourne Institute of TAFE — Report 2011

South West Institute of TAFE — Report 2011

Sunraysia Institute of TAFE — Report 2011

William Angliss Institute of TAFE — Report 2011

Wodonga Institute of TAFE — Report 2011.

5 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 1 May 2012 (*Mr McIntosh*) — put and agreed to.

6 **STATEMENTS BY MEMBERS** — Statements by members were made.

7 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That the government business program agreed to by this House on 17 April 2012 be amended by omitting the Order of the Day, Government Business, relating to the National Energy Retail Law (Victoria) Bill 2012 (*Mr McIntosh*) — put and agreed to.

8 **LAND (REVOCAION OF RESERVATIONS) BILL 2012** — 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.

9 **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.

10 **INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION AMENDMENT (EXAMINATIONS) BILL 2012** — *Mr McIntosh* tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.

Motion made and question proposed — That this Bill be now read a second time (*Mr McIntosh*).

Motion made and question — That the debate be now adjourned (*Ms Hennessy*) — put and agreed to.

Motion made and question proposed — That the debate be adjourned until Wednesday 2 May 2012 (*Mr McIntosh*) — and, after debate —

Amendment proposed — That the words 'until Wednesday 2 May 2012' be omitted with the view of inserting in their place the words 'for two weeks' (*Ms Hennessy*) — put, after debate, and agreed to.

Ordered — That the debate be adjourned until Thursday 3 May 2012.

11 **SUSPENSION OF STANDING AND SESSIONAL ORDERS** — Motion made, by leave, and question — That so much of standing and sessional orders be suspended to allow:

(1) That the sitting of the House be suspended immediately after completion of the government business program today; and

(2) The Speaker to take the Chair at 4.15 pm, interrupt business, and the House proceed in accordance with Sessional Order 8(4) —

(*Mr McIntosh*) — put and agreed to.

Business having been interrupted at 2.00 pm under standing orders.

12 **QUESTIONS** — (Under SO 55).

13 **HEALTH PROFESSIONS REGISTRATION (REPEAL) BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Allocation of time — The Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 17 April 2012 and as amended on Thursday 9 April 2012 had expired.

Question — That this Bill be now read a second time — put and agreed to.

Question — That this Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

14 **ROYAL WOMEN'S HOSPITAL LAND BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

15 **LAND (REVOCATION OF RESERVATIONS) BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

In accordance with the resolution of the House today, the Speaker suspended the sitting at 4.01 pm, resumed the Chair at 4.17 pm and interrupted business.

- 16 **ADJOURNMENT** — The Speaker announced that the time for the adjournment of the House had arrived and, after debate, the Deputy Speaker left the Chair at 5.10 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 71, 72 and 73

No 71 — Tuesday 1 May 2012

1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.

2 **QUESTIONS** — (Under SO 55).

3 **POLICE AND EMERGENCY MANAGEMENT LEGISLATION AMENDMENT BILL 2012** — Mr Ryan obtained leave to bring in a Bill *for an Act to amend the **Bushfires Royal Commission Implementation Monitor Act 2011** to extend the operation of that Act, to amend the **Country Fire Authority Act 1958** as to persons who are able to exercise the powers of the Chief Officer of the Country Fire Authority where an officer of the Country Fire Authority is not present, to amend the **Police Regulation Act 1958** as to appointments of Deputy and Assistant Commissioners and as to standards as to grooming and clothing accessories, and to amend the **Sale of Land Act 1962** to require a vendor's statement to disclose when land is in a bushfire-prone area and for other purposes'*; and the Bill was read a first time and ordered to be read a second time tomorrow.

4 **PARLIAMENTARY SALARIES AND SUPERANNUATION AMENDMENT (SALARY RESTRAINT) BILL 2012** — Ms Asher obtained leave to bring in a Bill *for an Act to amend the **Parliamentary Salaries and Superannuation Act 1968** and for other purposes'*; and the Bill was read a first time and ordered to be read a second time tomorrow.

5 **ROAD SAFETY AMENDMENT BILL 2012** — Mr Mulder obtained leave to bring in a Bill *for an Act to amend the **Road Safety Act 1986** and for other purposes'*; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

6 **DUTIES AMENDMENT (LANDHOLDER) BILL 2012** — Mr Clark obtained leave to bring in a Bill *for an Act to amend the **Duties Act 2000** to make further provision for the imposition of duty on the acquisition of interests in certain land holding entities, to amend the **Planning and Environment Act 1987** as a result of the changes to the **Duties Act 2000**, to amend the **Financial Sector Reform (Victoria) Act 1999** as a result of the change of name of the Financial Sector (**Transfers of Business**) Act 1999 of the Commonwealth and for other purposes'*; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

7 **STATE TAXATION ACTS AMENDMENT BILL 2012** — Mr Clark obtained leave to bring in a Bill *for an Act to amend the **Duties Act 2000** and the **National Taxation Reform (Consequential Provisions) Act 2000** and for other purposes'*; and the Bill was read a first time and ordered to be read a second time tomorrow.

8 **MONETARY UNITS AMENDMENT BILL 2012** — Mr Clark obtained leave to bring in a Bill *for an Act to amend the **Monetary Units Act 2004** to provide for the value of a fee unit, the value of a penalty unit and the annual rate for the financial year commencing on 1 July 2012 and for other purposes'*; and the Bill was read a first time and ordered to be read a second time tomorrow.

9 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Price Control for LPG in Victoria — Requesting that the Legislative Assembly either reintroduces price control for LPG in Victoria or de-links the import parity price from the retail price of LPG in Victoria, bearing 3 signatures (*Mr Hodgett*)

Horsham College — Requesting that the Legislative Assembly considers the high importance of the rebuilding of Horsham College as a matter of priority, bearing 1141 signatures (*Mr Delahunty*).

Petitions ordered to be tabled.

- 10 **PETITION — PRICE CONTROL FOR LPG IN VICTORIA** — Motion made and question — That the petition presented by the Member for Kilsyth be taken into consideration tomorrow (*Mr Hodgett*) — put and agreed to.

11 **DOCUMENTS**

BUDGET PAPERS 2012–13 —

Budget Overview
 Budget Paper No 4: State Capital Program
 Budget Information Paper No 1: Regional and Rural Victoria
 Budget Information Paper No 2: Victorian Families; and
 Budget Information Paper No 3: Federal Financial Relations

tabled by leave (*Mr Wells*).

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms Campbell, Deputy Chair, presented the Alert Digest No 7 of 2012 from the Scrutiny of Acts and Regulations Committee on the:

Courts and Sentencing Legislation Amendment Bill 2012
 Forests Amendment Bill 2012
 Gambling Legislation Amendment (Transition) Bill 2012
 Independent Broad-based Anti-corruption Commission Amendment (Examinations) Bill 2012
 Port Management Further Amendment Bill 2012
 Primary Industries Legislation Amendment Bill 2012

together with appendices.

Ordered to be tabled and printed.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Crown Land (Reserves) Act 1978:

Orders under s 17B granting licences over:
 Phillip Island Nature Park
 Sandringham Beach Park Reserve
 Orders under s 17D granting leases over:
 Albert Park Reserve
 Mount Martha Public Park Reserve

Financial Management Act 1994:

Budget Paper No 2: Strategy and Outlook 2012–13
 Budget Paper No 3: Service Delivery 2012–13
 Budget Paper No 5: Statement of Finances 2012–13 incorporating Quarterly Financial Report No 3

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Ballarat — C104
 Banyule — C78
 Benalla — C5
 Boroondara — C170
 Cardinia — C163
 Darebin — C87
 Knox — C116
 Melbourne — C168
 Monash — C66, C88
 Moyne — C47

Statutory Rule under the *Road Safety Act 1986* — SR 26

Subordinate Legislation Act 1994 — Documents under s 15 in relation to Statutory Rules 20, 26.

12 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Associations Incorporation Reform Bill 2011 without amendment.

13 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 24 April 2012, given the royal assent to the following bills, presented to him by the Clerk of the Legislative Council for and in the absence of the Clerk of the Parliaments:

Accident Compensation Amendment (Repayments and Dividends) Bill 2012
 Victorian Inspectorate Amendment Bill 2012.

14 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILL** — Informing the Legislative Assembly that he had today given the royal assent to the Associations Incorporation Reform Bill 2011, presented to him by the Clerk of the Parliaments.

15 **MESSAGE FROM THE GOVERNOR** — Recommending an appropriation for the purposes of the Appropriation (2012/2013) Bill 2012, and accompanying Estimates of Expenditure requiring annual appropriation in the financial year 2012/2013.

Estimates ordered to be tabled.

16 **APPROPRIATION (2012/2013) BILL 2012** — Mr Wells obtained leave to bring in a Bill '*for an Act for the appropriation of certain sums out of the Consolidated Fund for the ordinary annual services of the Government for the financial year 2012/2013 and for other purposes*'; and the Bill was read a first time and under SO 87 ordered to be read a second time immediately.

Mr Wells tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.

Motion made and question proposed — That this Bill be now read a second time (*Mr Wells*).

Motion made and question — That the debate be now adjourned (*Mr Holding*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 3 May 2012.

17 **MESSAGE FROM THE GOVERNOR** — Recommending an appropriation for the purposes of the Appropriation (Parliament 2012/2013) Bill 2012, and accompanying Estimates of Expenditure for Parliament requiring annual appropriation in the financial year 2012/2013.

Estimates ordered to be tabled.

- 18 **APPROPRIATION (PARLIAMENT 2012/2013) BILL 2012** — Mr Wells obtained leave to bring in a Bill 'for an Act for the appropriation of certain sums out of the Consolidated Fund for the Parliament in respect of the financial year 2012/2013 and for other purposes'; and the Bill was read a first time and under SO 87 ordered to be read a second time immediately.

Mr Wells tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.

Motion made and question proposed — That this Bill be now read a second time (*Mr Wells*).

Motion made and question — That the debate be now adjourned (*Mr Eren*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 3 May 2012.

- 19 **MESSAGES FROM THE GOVERNOR** — Recommending appropriations for the purposes of the following bills:

Courts and Sentencing Legislation Amendment Bill 2012

Independent Broad-based Anti-corruption Commission Amendment (Examinations) Bill 2012.

- 20 **ECONOMIC DEVELOPMENT AND INFRASTRUCTURE COMMITTEE — EXTENSION TO REPORTING DATE** — Motion made, by leave, and question — That the resolution of the House of 8 December 2011 be amended to extend the reporting date for the Economic Development and Infrastructure Committee's inquiry into the benefits and drivers of Greenfields Mineral Exploration and Project Development in Victoria to no later than 22 May 2012 (*Mr McIntosh*) — put and agreed to.

- 21 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 3 May 2012:

Courts and Sentencing Legislation Amendment Bill 2012

Independent Broad-based Anti-corruption Commission Amendment (Examinations) Bill 2012

Primary Industries Legislation Amendment Bill 2012

Statute Law Repeals Bill 2012

(*Mr McIntosh*) — after debate, put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrantyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 40

Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Mr Carroll; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Howard; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

22 **STATEMENTS BY MEMBERS** — Statements by members were made.

23 **CARBON DIOXIDE TAX** — Motion made and question proposed — That this House notes that the Federal Labor Government's proposed carbon dioxide tax will:

- (1) increase the cost of living for all Victorian families, notably in relation to the cost of electricity and gas;
- (2) hurt Victorian business and destroy jobs by increasing costs, especially in manufacturing, food processing and agriculture;
- (3) short change Victorian families and businesses with inadequate compensation arrangements;
- (4) increase costs for all Victorian schools, hospitals and public transport;
- (5) disproportionately hurt Victoria for being endowed with world class brown coal resources and generation;
- (6) undermine Victoria's export position and the international competitiveness of Australia relative to its major trading partners;
- (7) according to Federal Treasury modelling, hit Victoria first and hardest by damaging Victoria's gross state product more than that of any other state for the next 25 years; and —

that this House therefore condemns the Federal Labor Government for undertaking this action with no electoral mandate and in a direct betrayal of commitments made to the Australian public before the 2010 federal election (*Mr O'Brien*) — and, after debate —

Motion made and question — That the debate be now adjourned (*Mr Weller*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

24 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Australian Consumer Law and Fair Trading 2011
Justice Legislation Amendment Bill 2012.

25 **STATUTE LAW REPEALS BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under sessional orders.

26 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.58 pm.

No 72 — Wednesday 2 May 2012

- 1 The Speaker took the Chair and read the Prayer.
- 2 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:
- Auditor-General — Personal Expense Reimbursement, Travel Expenses and Corporate Credit Cards — Ordered to be printed
- Statutory Rules under the *Magistrates' Court Act 1989* — SRs 27, 28
- Victorian Electoral Commission — Report on the Niddrie District by-election held on 24 March 2012.
- 3 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 4 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — UNEMPLOYMENT IN VICTORIA** — The House was informed that Ms Graley had proposed that a definite matter of public importance be submitted to the House for discussion, namely —
- 'That this House:
- (1) Notes that only Tasmania has a higher unemployment rate than Victoria; and
- (2) Notes that the Baillieu Government has done nothing to secure and create jobs for Victorian families in the 2012/2013 Budget.'
- Ms Graley addressed the House — Discussion followed.
- 5 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:
- Public Accounts and Estimates Committee's Report on the 2009–10 and 2010–11 Financial and Performance Outcomes
- Law Reform Committee's Report on the Inquiry into access by donor-conceived people to information about donors
- Public Accounts and Estimates Committee's Report on the 2011–12 Budget Estimates — Part One.
- 6 **COURTS AND SENTENCING LEGISLATION AMENDMENT BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Business having been interrupted at 2.00 pm under standing orders.*
- 7 **QUESTIONS** — (Under SO 55).
- 8 **COURTS AND SENTENCING LEGISLATION AMENDMENT BILL 2012** — Debate resumed on question — That this Bill be now read a second time.
- Motion made and question — That the debate be now adjourned (*Mr Wakeling*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.

- 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 **POLICE AND EMERGENCY MANAGEMENT LEGISLATION AMENDMENT BILL 2012** — *Mr Ryan tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Ryan*).
- Motion made and question — That the debate be now adjourned (*Mr Madden*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 16 May 2012.
- 11 **PARLIAMENTARY SALARIES AND SUPERANNUATION AMENDMENT (SALARY RESTRAINT) BILL 2012** — *Ms Asher tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Ms Asher*).
- Motion made and question — That the debate be now adjourned (*Mr Madden*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 16 May 2012.
- 12 **ROAD SAFETY AMENDMENT BILL 2012** — *Mr Mulder tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Mulder*).
- Motion made and question — That the debate be now adjourned (*Mr Madden*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 16 May 2012.
- 13 **DUTIES AMENDMENT (LANDHOLDER) BILL 2012** — *Mr Wells tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Wells*).
- Motion made and question — That the debate be now adjourned (*Ms Neville*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 16 May 2012.
- 14 **STATE TAXATION ACTS AMENDMENT BILL 2012** — *Mr Wells tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Wells*).
- Motion made and question — That the debate be now adjourned (*Ms Neville*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 16 May 2012.
- 15 **MONETARY UNITS AMENDMENT BILL 2012** — *Mr Wells tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Wells*).
- Motion made and question — That the debate be now adjourned (*Ms Neville*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 16 May 2012.

- 16 **COURTS AND SENTENCING LEGISLATION AMENDMENT BILL 2012** — 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 Katos*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 17 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 9 to 11 inclusive, be postponed until later this day.

- 18 **PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under sessional orders.

- 19 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.45 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

No 73 — Thursday 3 May 2012

- 1 The Speaker took the Chair and read the Prayer.

- 2 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Anti-Cancer Council Victoria — Report 2011

Gambling Regulation Act 2003 — Amendment to Keno Licence under s 6A.3.23

Police Integrity, Office of — Review of Victoria Police use of 'stop and search' powers — 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 (Revision 1)

Subordinate Legislation Act 1994 — Documents under s 15 in relation to SRs 27, 28.

- 3 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 22 May 2012 (*Mr McIntosh*) — put and agreed to.

- 4 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 5 **APPROPRIATION (2012/2013) BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

6 **QUESTIONS** — (Under SO 55).

7 **APPROPRIATION (2012/2013) BILL 2012** — Debate continued on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Ms Kairouz*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

8 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Royal Women's Hospital Land Bill 2012 without amendment.

9 **INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION AMENDMENT (EXAMINATIONS) BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Allocation of time — The Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 1 May 2012 had expired.

Question — That this Bill be now read a second time — put and agreed to.

Question — That this Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

10 **COURTS AND SENTENCING LEGISLATION AMENDMENT BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

11 **STATUTE LAW REPEALS BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

12 **PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

Business having been interrupted at 4.01 pm under 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 4.45 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 74, 75, 76 and 77

No 74 — Tuesday 22 May 2012

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **RESIGNATION OF SEAT** — The Speaker announced that, on 7 May 2012, he had received the resignation of the Member for Melbourne.
- 3 **DEATH OF THE HONOURABLE FREDERICK JAMES GRANTER** — Motion made and question — That this House expresses its sincere sorrow at the death of the Honourable Frederick James Granter, and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as Member of the Legislative Council for Bendigo Province from 1964 to 1976, and for Central Highlands Province from 1976 to 1988, and Minister of the Crown from 1973 to 1982 (*Mr Baillieu*) — put, after members had addressed the House in support of the motion and, members rising in their places to signify their assent, agreed to unanimously.
- 4 **ADJOURNMENT** — Motion made and question — That, as a further mark of respect to the memory of the late Honourable Frederick James Granter, the House now adjourns for one hour (*Mr Baillieu*) — put and agreed to.

And the House, at 2.43 pm, adjourned until 3.43 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

No 75 — Tuesday 22 May 2012 (3.43 PM)

- 1 The House met according to the adjournment — The Speaker took the Chair.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **HEALTH (COMMONWEALTH STATE FUNDING ARRANGEMENTS) BILL 2012** — Dr Napthine obtained leave to bring in a Bill '*for an Act to provide for the implementation of the National Health Reform Agreement and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **RESIDENTIAL TENANCIES AMENDMENT BILL 2012** — Mr O'Brien obtained leave to bring in a Bill '*for an Act to amend the Residential Tenancies Act 1997 to make further provision for matters relating to bonds and duty provisions and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **LOCAL GOVERNMENT (BRIMBANK CITY COUNCIL) AMENDMENT BILL 2012** — Mrs Powell obtained leave to bring in a Bill '*for an Act to amend the Local Government (Brimbank*

City Council) Act 2009 and for other purposes'; and the Bill was read a first time and ordered to be read a second time tomorrow.

6 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Route 563 Bus Service — Requesting that the Legislative Assembly calls on the Government to immediately reinstate the route 563 bus service as a matter of priority, bearing 199 signatures (*Mr Brooks*)

Public Transport Fare Zoning — Requesting that the Legislative Assembly calls upon the Government to urgently hold a public inquiry into the Metropolitan Public Transport Fare Zoning System with a particular emphasis placed on an extension to the existing Zone 1 boundary, bearing 878 signatures (*Ms Campbell*)

Ouyen DPI Office — Requesting that the Legislative Assembly calls on the Government to — (a) reverse the decision to close the Ouyen DPI Office, which will impact on DPI staff, other tenants of the office, and the community who utilise the facility and the services provided; and (b) commit to supporting the Victorian Agriculture Industry and rural communities affected by this decision by continuing to have staff based in rural Victoria at small offices, bearing 355 signatures (*Mr Crisp*)

Waverley Park Development — Requesting that the Legislative Assembly — (a) urges the Government and the Minister for Planning to not allow the planning laws of Victoria to be used by Mirvac to renege on their contractual and moral obligations to Waverley Park residents and homeowners; and (b) does not approve Mirvac's proposed amendment to the 2002 Planning Permit, bearing 831 signatures (*Mr Andrews*).

Petitions ordered to be tabled.

7 **PETITION — ROUTE 563 BUS SERVICE** — Motion made and question — That the petition presented by the Member for Bundoora be taken into consideration tomorrow (*Mr Brooks*) — put and agreed to.

8 **PETITION — PUBLIC TRANSPORT FARE ZONING** — Motion made and question — That the petition presented by the Member for Pascoe Vale be taken into consideration tomorrow (*Ms Campbell*) — put and agreed to.

9 **DOCUMENTS**

ECONOMIC DEVELOPMENT AND INFRASTRUCTURE COMMITTEE — Mr Burgess, Chair, presented a report from the Economic Development and Infrastructure Committee on the Inquiry into greenfields mineral exploration and project development in Victoria, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms Campbell, Deputy Chair, presented the Alert Digest No 8 of 2012 from the Scrutiny of Acts and Regulations Committee on the:

Appropriation (2012/2013) Bill 2012

Appropriation (Parliament 2012/2013) Bill 2012

Duties Amendment (Landholder) Bill 2012

Education Legislation Amendment (VET Sector, Universities and Other Matters) Bill 2012

Independent Broad-based Anti-corruption Commission Amendment (Examinations) Bill 2012

Monetary Units Amendment Bill 2012

National Energy Retail Law (Victoria) Bill 2012

Parliamentary Salaries and Superannuation Amendment (Salary Restraint) Bill 2012

Police and Emergency Management Legislation Amendment Bill 2012
Road Safety Amendment Bill 2012
State Taxation Acts Amendment Bill 2012

together with appendices.

Ordered to be tabled and printed.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Crown Land (Reserves) Act 1978 — Order under s 17B granting a licence over Bannockburn Bushland Reserve

Members of Parliament (Register of Interests) Act 1978 — Summary of Primary Return April 2012 and Summary of Variations notified between 8 December 2011 and 21 May 2012 — Ordered to be printed

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Ballarat — C155
Bass Coast — C127
Baw Baw — C81
Boroondara — C143
Campaspe — C73
Glen Eira — C91
Glenelg — C63
Greater Dandenong — C165
Macedon Ranges — C86
Manningham — C83
Melbourne — C124
Mitchell — C54
Moirra — C50
Murrindindi — C39
Nillumbik — C58 Part 3
Port Phillip — C80, C91
South Gippsland — C62
Stonnington — C156
Warrnambool — C72
Whittlesea — C118
Wodonga — C100
Yarra Ranges — C121

State Services Authority — Report 2010–11 on the State of the Public Sector in Victoria

Statutory Rules under the following Acts:

Accident Towing Services Act 2007 — SR 29
City of Melbourne Act 2001 — SR 30
County Court Act 1958 — SR 31
Criminal Procedure Act 2009 — SR 31
Local Government Act 1989 — SR 30

Subordinate Legislation Act 1994:

Documents under s 15 in relation to Statutory Rules 29, 31

Documents under s 16B in relation to an exemption from s 65A(1) of the *Road Safety Act 1986* for persons participating in the Australian National Circle Work Championships at Pakenham Racecourse

Water Act 1989 — Abolition of Apsley, Neuarpur and Telopea Downs Groundwater Supply Protection Areas and Kaniva Water Supply Protection Area Order 2012.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 8 February 2011:

Business Names (Commonwealth Powers) Act 2011 — Parts 1 and 4 — 8 May 2012; remaining provisions — 28 May 2012 (*Gazette S151, 8 May 2012*)

Control of Weapons and Firearms Acts Amendment Act 2012 — Whole Act — 16 May 2012 (*Gazette S157, 15 May 2012*)

Emergency Management Legislation Amendment Act 2011 — Section 3 — 1 May 2012 (*Gazette S140, 1 May 2012*)

Emergency Services Legislation Amendment Act 2012 — Whole Act — 1 May 2012 (*Gazette S140, 1 May 2012*)

Legal Profession and Public Notaries Amendment Act 2012 — Whole Act — 2 May 2012 (*Gazette S140, 1 May 2012*).

- 10 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Disability Amendment Bill 2012

Land (Revocation of Reservations) Bill 2012.

- 11 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 8 May 2012, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Australian Consumer Law and Fair Trading Bill 2011

Disability Amendment Bill 2012

Justice Legislation Amendment Bill 2012

Land (Revocation of Reservations) Bill 2012

Royal Women's Hospital Land Bill 2012.

- 12 **MESSAGES FROM THE GOVERNOR** — Recommending appropriations for the purposes of the following bills:

Duties Amendment (Landholder) Bill 2012

Police and Emergency Management Legislation Amendment Bill 2012

Road Safety Amendment Bill 2012

State Taxation Acts Amendment Bill 2012.

- 13 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 24 May 2012:

Appropriation (Parliament 2012/2013) Bill 2012

Gambling Legislation Amendment (Transition) Bill 2012

Monetary Units Amendment Bill 2012

Parliamentary Salaries and Superannuation Amendment (Salary Restraint) Bill 2012

Police and Emergency Management Legislation Amendment Bill 2012

(*Mr McIntosh*) — after debate, put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrantyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 40

Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Mr Carroll; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Galey; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

14 **STATEMENTS BY MEMBERS** — Statements by members were made.

15 **APPROPRIATION (2012/2013) BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under 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 10.45 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

No 76 — Wednesday 23 May 2012

1 The Speaker took the Chair and read the Prayer.

2 **WORKING WITH CHILDREN AMENDMENT BILL 2012** — Mr Clark obtained leave to bring in a Bill 'for an Act to amend the *Working with Children Act 2005* in relation to the giving, suspension, re-assessment and review of assessment notices, to amend the *Victorian Civil and Administrative Tribunal Act 1998* and the *Transport (Compliance and Miscellaneous) Act 1983* and for other purposes'; and the Bill was read a first time and ordered to be read a second time tomorrow.

3 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:

Point Cook Roads and Public Transport — Requesting that the Legislative Assembly implores the Baillieu Government to provide adequate funding in the 2012–13 budget to ease road congestion and provide sufficient public transport access and services for residents in and around Point Cook, bearing 164 signatures (*Ms Hennessy*).

Ordered to be tabled.

4 **DOCUMENTS**

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — Mr Morris presented a report from the Public Accounts and Estimates Committee on the Appointment of a Person to Conduct the Financial Audit of the Victorian Auditor-General's Office under s 17 of the *Audit Act 1994*, together with appendices.

Ordered to be tabled and printed.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Auditor-General:

Management of Trust Funds in the Justice Portfolio — Ordered to be printed

Payments to Visiting Medical Officers in Rural and Regional Hospitals — Ordered to be printed

Tertiary Education and Other Entities: Results of the 2011 Audits — Ordered to be printed

Statutory Rules under the following Acts:

Heritage Act 1995 — SR 34

Transfer of Land Act 1958 — SR 33

Victorian Energy Efficiency Target Act 2007 — SR 32

Subordinate Legislation Act 1994 — Documents under s 15 in relation to Statutory Rule 34.

5 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Independent Broad-based Anti-corruption Commission Amendment (Examinations) Bill 2012 without amendment.

6 **STATEMENTS BY MEMBERS** — Statements by members were made.

7 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.

8 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Economic Development and Infrastructure Committee's Report on the Inquiry into greenfields mineral exploration and project development in Victoria

Law Reform Committee's Report on the Inquiry into access by donor-conceived people to information about donors

Public Accounts and Estimates Committee's Report on the 2011–12 Budget Estimates — Part Three

Public Accounts and Estimates Committee's Report on the 2009–10 and 2010–11 Financial and Performance Outcomes.

9 **POLICE AND EMERGENCY MANAGEMENT LEGISLATION AMENDMENT BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

10 **QUESTIONS** — (Under SO 55).

- 11 **POLICE AND EMERGENCY MANAGEMENT LEGISLATION AMENDMENT BILL 2012** — Debate continued on question — That this Bill be now read a second time.
- Motion made and question — That the debate be now adjourned (*Mr Katos*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 12 **GAMBLING LEGISLATION AMENDMENT (TRANSITION) BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Motion made and question — That the debate be now adjourned (*Mr Crisp*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 13 **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.
- 14 **HEALTH (COMMONWEALTH STATE FUNDING ARRANGEMENTS) BILL 2012** — *Dr Naphthine tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Dr Naphthine*).
- Motion made and question — That the debate be now adjourned (*Mr Holding*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 6 June 2012.
- 15 **RESIDENTIAL TENANCIES AMENDMENT BILL 2012** — *Mr O'Brien tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr O'Brien*).
- Motion made and question — That the debate be now adjourned (*Mr Holding*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 6 June 2012.
- 16 **LOCAL GOVERNMENT (BRIMBANK CITY COUNCIL) AMENDMENT BILL 2012** — *Mrs Powell tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mrs Powell*).
- Motion made and question — That the debate be now adjourned (*Mr Holding*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 6 June 2012.
- 17 **MONETARY UNITS AMENDMENT BILL 2012** — 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 Hodgett*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 18 **APPROPRIATION (PARLIAMENT 2012/2013) BILL 2012** — 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 Hodgett*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 19 **PARLIAMENTARY SALARIES AND SUPERANNUATION AMENDMENT (SALARY RESTRAINT) BILL 2012** — 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 Hodgett*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 20 **APPROPRIATION (2012/2013) BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under sessional orders.

- 21 **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 10.52 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

No 77 — Thursday 24 May 2012

- 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 — Requesting that the Legislative Assembly requests the Baillieu Government to immediately restore bus services in the north where inconveniences have been caused and provide new investment for services to meet the needs of the growing community, bearing 2164 signatures (*Ms D'Ambrosio*)

Galvin Park Secondary College — Requesting that the Government — (a) immediately commits to funding a complete rebuild and modernisation of Galvin Park Secondary College at its existing location; and (b) in the interim provides sufficient portable classrooms to offset any space lost from the school structures both as a consequence of the recent damage and during the complete rebuild and modernisation process, bearing 299 signatures (*Mr Pallas*)

Duncans Road, Werribee — Requesting that the Government immediately commits to funding for the planning and construction of a full diamond interchange at Duncans Road, Werribee, bearing 137 signatures (*Mr Pallas*)

Brunswick Terminal Station — Requesting that the Legislative Assembly urges the Baillieu Government to reverse the approval of Amendment C140 to the Moreland Planning Scheme, acknowledge the significant concerns of the local community and work with the energy companies involved to fully explore another appropriate site, bearing 257 signatures (*Ms Halfpenny*).

Petitions ordered to be tabled.

3 **PETITION — BUS SERVICES** — Motion made and question — That the petition presented by the Member for Mill Park be taken into consideration tomorrow (*Ms D'Ambrosio*) — put and agreed to.

4 **PETITION — BRUNSWICK TERMINAL STATION** — Motion made and question — That the petition presented by the Member for Thomastown be taken into consideration tomorrow (*Ms Halfpenny*) — put and agreed to.

5 **DOCUMENTS**

ELECTORAL MATTERS COMMITTEE — Mrs Victoria presented a report from the Electoral Matters Committee on the Inquiry into the conduct of the 2010 Victorian state election and matters related thereto, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

DOCUMENT TABLED UNDER AN ACT OF PARLIAMENT — The Clerk tabled the following document in accordance with an Act of Parliament:

Auditor-General — Annual Plan 2012–13.

6 **FINANCIAL AUDIT OF THE VICTORIAN AUDITOR-GENERAL'S OFFICE** — Motion made, by leave, and question — That under s 17 of the *Audit Act 1994* Mr Steven Bradby of Lawler Draper Dillon, Chartered Accountants in Melbourne be appointed for three years:

- (1) to conduct the financial audit of the Victorian Auditor-General's Office for the financial years ending 30 June 2012, 30 June 2013 and 30 June 2014;
- (2) in accordance with the Terms and Conditions and Remuneration of a Person Appointed by the Parliament of Victoria pursuant to s 17 of the *Audit Act 1994*, as appended to the relevant Tender Brief in Appendix One of the Public Accounts and Estimates Committee's Report on the Appointment of a Person to Conduct the Financial Audit of the Victorian Auditor-General's Office under s 17 of the *Audit Act 1994* (Parliamentary Paper No 137, Session 2010–12);
- (3) at the following maximum fixed fee levels of remuneration:
 - (a) \$32,600 (plus GST) for audit services for the year ended 30 June 2012;
 - (b) \$34,000 (plus GST) for audit services for the year ended 30 June 2013; and
 - (c) \$35,000 (plus GST) for audit services for the year ended 30 June 2014 —

(*Mr McIntosh*) — put and agreed to.

Ordered — That a message be sent to the Legislative Council informing them of the resolution and requesting their agreement.

7 **DISPUTE RESOLUTION COMMITTEE** — Motion made, by leave, and question — That Ms Allan be discharged from attendance on the Dispute Resolution Committee and that Mr Merlino be appointed in her place (*Mr McIntosh*) — put and agreed to.

8 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 5 June 2012 (*Mr McIntosh*) — put and agreed to.

9 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 10 **APPROPRIATION (2012/2013) BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Motion made and question — That the debate be now adjourned (*Mr Morris*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 11 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the appointment of Mr Steven Bradby of Lawler Draper Dillon, Chartered Accountants, to conduct the financial audit of the Victorian Auditor-General's Office.
- 12 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Health Professions Registration (Repeal) Bill 2012 without amendment.
- 13 **WORKING WITH CHILDREN AMENDMENT BILL 2012** — *Mr Clark tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Clark*).
- Motion made and question — That the debate be now adjourned (*Mr Wynne*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 7 June 2012.
- 14 **APPROPRIATION (2012/2013) BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Business having been interrupted at 2.00 pm under standing orders.*
- 15 **QUESTIONS** — (Under SO 55).
- 16 **APPROPRIATION (2012/2013) BILL 2012** — Debate resumed on question — That this Bill be now read a second time.
- Allocation of time — The Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 22 May 2012 had expired.*
- 17 **POLICE AND EMERGENCY MANAGEMENT LEGISLATION AMENDMENT BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time.
- Question — That this Bill be now read a second time and a third time — put and agreed to.
- Bill sent to the Legislative Council and their agreement requested.
- 18 **GAMBLING LEGISLATION AMENDMENT (TRANSITION) BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time.
- Question — That this Bill be now read a second time and a third time — put and agreed to.
- Bill sent to the Legislative Council and their agreement requested.
- 19 **MONETARY UNITS AMENDMENT BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time.
- Question — That this Bill be now read a second time and a third time — put.
- The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrandyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 37

Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carroll; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Graley; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 20 **APPROPRIATION (PARLIAMENT 2012/2013) BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 21 **PARLIAMENTARY SALARIES AND SUPERANNUATION AMENDMENT (SALARY RESTRAINT) BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

Business having been interrupted at 4.06 pm under sessional orders.

- 22 **ADJOURNMENT** — The Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 4.59 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 78, 79, 80 and 81

No 78 — Tuesday 5 June 2012

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **ISSUE OF WRIT** — The Speaker announced that, on 28 May 2012, he issued a writ for a by-election for the Electoral District of Melbourne to be held on 21 July 2012.
- 3 **DEATH OF THE HONOURABLE VANCE OAKLEY DICKIE** — Motion made and question — That this House expresses its sincere sorrow at the death of the Honourable Vance Oakley Dickie 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 Ballarat Province from 1956 to 1978, and a Minister of the Crown from 1964 to 1978 (*Mr Baillieu*) — put, after members had addressed the House in support of the motion and, members rising in their places to signify their assent, agreed to unanimously.
- 4 **ADJOURNMENT** — Motion made and question — That, as a further mark of respect to the memory of the late Honourable Vance Oakley Dickie, the House now adjourns for one hour (*Mr Baillieu*) — put and agreed to.

And the House, at 2.22 pm, adjourned until 3.22 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

No 79 — Tuesday 5 June 2012 (3.22 pm)

- 1 The House met according to the adjournment — The Speaker took the Chair.
- 2 **EARTHQUAKES IN ITALY** — By leave, members made statements expressing condolences to the victims of the recent earthquakes in Italy. Members stood in silence as a mark of respect.
- 3 **QUESTIONS** — (Under SO 55).
- 4 **COMMUNITY BASED SENTENCES (TRANSFER) BILL 2012** — Mr McIntosh obtained leave to bring in a Bill '*for an Act relating to the interstate transfer of community based sentences and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **CITY OF MELBOURNE AMENDMENT (ENROLMENT) BILL 2012** — Mrs Powell obtained leave to bring in a Bill '*for an Act to amend the *City of Melbourne Act 2001* and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.

6 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:

Bus Services — Requesting that the Legislative Assembly considers introducing a new direct bus route from Carrum Downs to Cranbourne, as many students, families and elderly have no easy, direct access between these suburbs by way of public transport, bearing 195 signatures (*Mr Perera*).

Ordered to be tabled.

7 **PETITION — BUS SERVICES** — Motion made and question — That the petition presented by the Member for Cranbourne be taken into consideration tomorrow (*Mr Perera*) — put and agreed to.

8 **DOCUMENTS**

DRUGS AND CRIME PREVENTION COMMITTEE — Mr McCurdy presented a report from the Drugs and Crime Prevention Committee on the Inquiry into Locally Based Approaches to Community Safety and Crime Prevention, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms Campbell, Deputy Chair, presented the Alert Digest No 9 of 2012 from the Scrutiny of Acts and Regulations Committee on the:

Health (Commonwealth State Funding Arrangements) Bill 2012
Local Government (Brimbank City Council) Amendment Bill 2012
Residential Tenancies Amendment Bill 2012
Working with Children Amendment Bill 2012

together with appendices.

Ordered to be tabled and printed.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Crown Land (Reserves) Act 1978:

Order under s 17B granting licences over Dromana Foreshore Reserve
Orders under s 17D granting leases over:

Chiltern Park Recreation Reserve
Kardinia Park Memorial Swimming Pool Reserve

Financial Management Act 1994 — Report from the Minister for Higher Education and Skills that he had received the Report 2011 of the International Fibre Centre

Interpretation of Legislation Act 1984 — Notice under s 32(3)(a)(iii) in relation to Statutory Rule 32 (*Gazette G22, 31 May 2012*)

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Alpine — C26
Alpine Resorts — C21
Ballarat — C152
Baw Baw — C92
Bayside — C108

Boroondara — C154
 Cardinia — C164
 Casey — C147
 Corangamite — C28
 Frankston — C84
 Glenelg — C72
 Greater Bendigo — C182
 Greater Geelong — C263
 Horsham — C56
 Manningham — C92
 Maribyrnong — C102, C103
 Melbourne — C185
 Mitchell — C45
 Nillumbik — C80
 Port Phillip — C125
 Surf Coast — C55
 Whitehorse — C134, C146

Statutory Rule under the *Children, Youth and Families Act 2005* — SR 35

Subordinate Legislation Act 1994:

Documents under s 15 in relation to Statutory Rules 30, 32, 33, 35

Documents under s 16B in relation to:

Department of Human Services Standards (Children, Youth and Families) Determination 2012 under the *Children, Youth and Families Act 2005*

Department of Human Services Standards (Disability) Determination 2012 under the *Disability Act 2006*

Designation of Tow Away Area in Toorak Road, Toorak under the *Local Government Act 1989*

Performance Measures for Disability Service Providers under the *Disability Act 2006*

Notice of Declared Area under the *Summary Offences Act 1966*.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 8 February 2011:

Australian Consumer Law and Fair Trading Act 2012 — Sections 1, 2, and 239 and item 9 of Schedule 6 — 5 June 2012 (*Gazette S172, 29 May 2012*)

Victorian Responsible Gambling Foundation Act 2011 — Division 4 of Part 2 and Part 3 — 22 May 2012; s 6 and Division 5 of Part 2 — 1 July 2012 (*Gazette S164, 22 May 2012*)

Water Amendment (Governance and Other Reforms) Act 2012 — Whole Act — 1 July 2012 (*Gazette S172, 29 May 2012*).

- 9 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Courts and Sentencing Legislation Amendment Bill 2012

Primary Industries Legislation Amendment Bill 2012

Statute Law Repeals Bill 2012.

- 10 **EDUCATION LEGISLATION AMENDMENT (VET SECTOR, UNIVERSITIES AND OTHER MATTERS) BILL 2012** — The Speaker announced the receipt of a message from the Legislative Council presenting, for the agreement of the Legislative Assembly, a Bill 'for an Act to amend the *Education and Training Reform Act 2006* and various *University Acts* and for other purposes'.

On the motion of Mr Dixon, the Bill was read a first time and ordered to be read a second time tomorrow.

- 11 **STATUTE LAW REVISION BILL 2012** — The Speaker announced the receipt of a message from the Legislative Council presenting, for the agreement of the Legislative Assembly, a Bill *for an Act to revise the statute law of Victoria*.

On the motion of Mr Clark, the Bill was read a first time and ordered to be read a second time tomorrow.

- 12 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 29 May 2012, given the royal assent to the following bills, presented to him by the Deputy Clerk of the Legislative Assembly for and in the absence of the Clerk of the Parliaments:

Courts and Sentencing Legislation Amendment Bill 2012
 Health Professions Registration (Repeal) Bill 2012
 Independent Broad-based Anti-corruption Commission Amendment (Examinations) Bill 2012
 Primary Industries Legislation Amendment Bill 2012
 Statute Law Repeals Bill 2012.

- 13 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 7 June 2012:

Appropriation (2012/2013) Bill 2012
 Duties Amendment (Landholder) Bill 2012
 Health (Commonwealth State Funding Arrangements) Bill 2012
 Local Government (Brimbank City Council) Amendment Bill 2012
 State Taxation Acts Amendment Bill 2012

(*Mr McIntosh*) — after debate, put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 43

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 40

Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Mr Carroll; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

- 14 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 15 **RURAL AND REGIONAL COMMITTEE** — Motion made and question — That, under s 33 of the *Parliamentary Committees Act 2003*, an inquiry into the impact of food safety regulation on farm and other businesses regulated under the *Dairy Act 2000*, the *Meat Industry Act 1993*, and the *Seafood Safety Act 2003* be referred to the Rural and Regional Committee for consideration and report no later than 30 March 2013 and the Committee is asked to:

- (1) explore the cost competitiveness to regulated businesses of food safety laws administered by PrimeSafe and Dairy Food Safety Victoria (DFSV);
- (2) have a particular focus on small business;
- (3) investigate and assess:
 - (a) the extent and appropriateness of regulatory burden impact of national primary production and processing standards on regulated businesses in Victoria;
 - (b) the comparison of alternative methods to assess compliance with required standards and food safety outcomes;
 - (c) incentives for improved performance to reduce regulatory burden such as 'earned recognition' systems;
 - (d) how regulators can support businesses to understand and achieve compliance with regulations;
 - (e) how regulators can promote business continuity and improved compliance where non-compliance with regulations is identified;
 - (f) non-regulatory methods for achieving required food safety outcomes;
 - (g) the comparison of requirements under legislation administered by PrimeSafe and DFSV with existing regulatory requirements under the *Food Act 1984* for businesses with equivalent food safety risks;
 - (h) the comparison of requirements under legislation administered by PrimeSafe and DFSV with regulatory requirements administered by the Australian Quarantine Inspection Service for exports;
 - (i) the application of food safety regulations to farm-gate sales of unprocessed and on-farm processed produce, given the desire for some agricultural producers to innovate and value-add on farm;
- (4) consider the findings of other relevant reviews and evidence from other systems implemented either in Australia or internationally; and
- (5) have regard to public health outcomes, the costs of implementation for business and government, and the facilitation of market access and exports —

(*Mr Walsh*) — put and agreed to.

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 **DUTIES AMENDMENT (LANDHOLDER) BILL 2012** — 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 Hodggett*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 18 **STATE TAXATION ACTS AMENDMENT BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Under standing orders, Mr Holding announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate continued on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Katos*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 19 **APPROPRIATION (2012/2013) BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under sessional orders.

Motion made and question — That the sitting be continued (*Mr McIntosh*) — put and agreed to.

Debate continued on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Ms Ryall*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 20 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Gambling Legislation Amendment (Transition) Bill 2012 with amendments.

Ordered — That the amendments be taken into consideration tomorrow.

- 21 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr McIntosh*) — put and agreed to.

- 22 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 11.55 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

No 80 — Wednesday 6 June 2012

- 1 The Speaker took the Chair and read the Prayer.

- 2 **EVIDENCE AMENDMENT (JOURNALIST PRIVILEGE) BILL 2012** — Mr Clark obtained leave to bring in a Bill *'for an Act to amend the Evidence Act 2008 to provide for journalist privilege and other matters, to make consequential and other amendments to the Coroners Act 2008, the Evidence (Miscellaneous Provisions) Act 1958 and other Acts and for other purposes'*; and the Bill was read a first time and ordered to be read a second time tomorrow.

- 3 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Wedge Road and Frankston-Dandenong Road, Carrum Downs — Requesting that the Legislative Assembly gives consideration to either the introduction of traffic lights or the establishment of a roundabout at the intersection of Wedge Road and Frankston-Dandenong Road, Carrum Downs, bearing 14 signatures (*Mr Perera*)

Anti-Israel Boycott — Requesting that the Legislative Assembly continues to support all efforts and actions to stop the anti-Israel boycott and the recent campaign of misinformation against the state of Israel and the Jewish community, bearing 55 signatures (*Mr Southwick*).

Petitions ordered to be tabled.

- 4 **PETITION — ANTI-ISRAEL BOYCOTT** — Motion made and question — That the petition presented by the Member for Caulfield be taken into consideration tomorrow (*Mr Southwick*) — put and agreed to.

- 5 **PETITION — WEDGE ROAD AND FRANKSTON-DANDENONG ROAD, CARRUM DOWNS** — Motion made and question — That the petition presented by the Member for Cranbourne be taken into consideration tomorrow (*Mr Perera*) — put and agreed to.

- 6 **DOCUMENTS**

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — Mr Angus presented a report from the Public Accounts and Estimates Committee on the 2012–13 Budget Estimates — Part One, together with transcripts of evidence.

Ordered to be tabled and the report printed.

RURAL AND REGIONAL COMMITTEE — Mr Weller, Chair, presented a report from the Rural and Regional Committee on the Inquiry into the Capacity of the Farming Sector to Attract and Retain Young Farmers and Respond to an Ageing Workforce, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

DOCUMENTS TABLED UNDER AN ACT OF PARLIAMENT — The Clerk tabled the following documents in accordance with an Act of Parliament:

Auditor-General:

Fraud Prevention Strategies in Local Government — Ordered to be printed

Science and Mathematics Participation Rates and Initiatives — Ordered to be printed.

- 7 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Parliamentary Salaries and Superannuation Amendment (Salary Restraint) Bill 2012 without amendment.

- 8 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Police and Emergency Management Legislation Amendment Bill 2012 with amendments.

Ordered — That the amendments be taken into consideration tomorrow.

- 9 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 10 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — REGIONAL GROWTH FUND** — The House was informed that Mr Ryan had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House congratulates the Liberal Nationals Coalition Government on the introduction and implementation of the \$1 billion Regional Growth Fund.'

Mr Ryan addressed the House — Discussion followed.

- 11 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Rural and Regional Committee's Report on the Inquiry into the Capacity of the Farming Sector to Attract and Retain Young Farmers and Respond to an Ageing Workforce

Electoral Matters Committee's Report on the Inquiry into the conduct of the 2010 Victorian state election and matters related thereto

Economic Development and Infrastructure Committee's Report on the Inquiry into greenfields mineral exploration and project development in Victoria

Environment and Natural Resources Committee's Report on the Inquiry into the Environment Effects Statement Process in Victoria.

- 12 **CITY OF MELBOURNE AMENDMENT (ENROLMENT) BILL 2012** — *Mrs Powell tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question — That this Bill be now read a second time (*Mrs Powell*) — and, after debate —

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

Business having been interrupted at 2.00 pm under standing orders.

- 13 **QUESTIONS** — (Under SO 55).

- 14 **LOCAL GOVERNMENT (BRIMBANK CITY COUNCIL) AMENDMENT BILL 2012** — 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 Wreford*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 15 **GAMBLING LEGISLATION AMENDMENT (TRANSITION) BILL 2012** — Order read for the consideration of the amendments made by the Legislative Council.

After debate, the amendments were agreed to.

Message sent to the Legislative Council informing them accordingly.

- 16 **HEALTH (COMMONWEALTH STATE FUNDING ARRANGEMENTS) BILL 2012** — 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.

- 17 **COMMUNITY BASED SENTENCES (TRANSFER) BILL 2012** — *Mr McIntosh tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr McIntosh*).

Motion made and question — That the debate be now adjourned (*Mr Madden*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 20 June 2012.

- 18 **STATUTE LAW REVISION BILL 2012** — *Mr McIntosh tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr McIntosh*).

Motion made and question — That the debate be now adjourned (*Mr Madden*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 20 June 2012.

- 19 **EDUCATION LEGISLATION AMENDMENT (VET SECTOR, UNIVERSITIES AND OTHER MATTERS) BILL 2012** — *Mr Dixon tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Dixon*).

Motion made and question — That the debate be now adjourned (*Ms Neville*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 20 June 2012.

- 20 **APPROPRIATION (2012/2013) BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under sessional orders.

Motion made and question — That the sitting be continued (*Mr McIntosh*) — put and agreed to.

Debate continued on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Ms Miller*) — 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 Kotsiras*) — put and agreed to.

- 22 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 11.59 pm.

No 81 — Thursday 7 June 2012

1 The Speaker took the Chair and read the Prayer.

2 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:

Kingston Green Wedge — Requesting that the Legislative Assembly develops a green wedge vision for Kingston which includes the provision of facilities and comprehensively reviews zoning to allow a range of uses, property sizes and parks to provide a much more practical and attractive outcome for the whole community, bearing 676 signatures (*Ms Wreford*).

Ordered to be tabled.

3 **PETITION — KINGSTON GREEN WEDGE** — Motion made and question — That the petition presented by the Member for Mordialloc be taken into consideration tomorrow (*Ms Wreford*) — put and agreed to.

4 **DOCUMENTS**

PARTNERSHIPS VICTORIA PROJECT SUMMARY: VICTORIAN COMPREHENSIVE CANCER CENTRE PROJECT — Report tabled by leave (*Dr Naphine*).

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Parliamentary Committees Act 2003 — Government response to the Drugs and Crime Prevention Committee's Report on the Inquiry into Violence and Security Arrangements in Victorian Hospitals and, in particular, Emergency Departments

Subordinate Legislation Act 1994 — Documents under s 16B in relation to a Revocation of the 2009 Ministerial Directions, 'Directions about Fees', under the *Education and Training Reform Act 2006*.

5 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 19 June 2012 (*Mr McIntosh*) — put and agreed to.

6 **STATEMENTS BY MEMBERS** — Statements by members were made.

7 **APPROPRIATION (2012/2013) BILL 2012** — 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 Newton-Brown*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

8 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Monetary Units Amendment Bill 2012 without amendment.

9 **APPROPRIATION (2012/2013) BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

10 **QUESTIONS** — (Under SO 55).

- 11 **APPROPRIATION (2012/2013) BILL 2012** — 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 under the resolution of the House on Tuesday 5 June 2012 had expired.

Question — That this Bill be now read a second time — put and agreed to.

Question — That this Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 12 **HEALTH (COMMONWEALTH STATE FUNDING ARRANGEMENTS) BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 13 **DUTIES AMENDMENT (LANDHOLDER) BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 14 **STATE TAXATION ACTS AMENDMENT BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 15 **LOCAL GOVERNMENT (BRIMBANK CITY COUNCIL) AMENDMENT BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 43

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Naphthine; Mr Newton-Brown; Mr Northe; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrantdyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 40

Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Mr Carroll; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Grale; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

Bill sent to the Legislative Council and their agreement requested.

Business having been interrupted at 4.05 pm under sessional orders.

Motion made and question — That the sitting be continued (*Mr McIntosh*) — put and agreed to.

- 16 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the City of Melbourne Amendment (Enrolment) Bill 2012 without amendment.

- 17 **POLICE AND EMERGENCY MANAGEMENT LEGISLATION AMENDMENT BILL 2012** — Order read for the consideration of the amendments made by the Legislative Council.

After debate, the amendments were agreed to.

Message sent to the Legislative Council informing them accordingly.

- 18 **EVIDENCE AMENDMENT (JOURNALIST PRIVILEGE) BILL 2012** — *Mr Clark tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Clark*).

Motion made and question — That the debate be now adjourned (*Ms Green*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 21 June 2012.

- 19 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr McIntosh*) — put and agreed to.

- 20 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 5.21 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS

Nos 82, 83 and 84

No 82 — Tuesday 19 June 2012

1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.

2 **QUESTIONS** — (Under SO 55).

3 **LOCAL GOVERNMENT LEGISLATION AMENDMENT (MISCELLANEOUS) BILL 2012** — Mrs Powell obtained leave to bring in a Bill '*for an Act to amend the **Local Government Act 1989**, the **City of Melbourne Act 2001** and the **Victorian Civil and Administrative Tribunal Act 1998** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

4 **RACING LEGISLATION AMENDMENT BILL 2012** — Dr Napthine obtained leave to bring in a Bill '*for an Act to amend the **Racing Act 1958** and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.

5 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Abortion Law — Requesting that the Legislative Assembly reviews the *Abortion Law Reform Act 2008* to protect all unborn children from conception until natural death, bearing 931 signatures (*Mr Blackwood*)

St Albans Train Station — Requesting that the Legislative Assembly urges the Baillieu Government to prioritise level crossing upgrades based on safety needs and reverse its decision to fund the New Street Brighton railway crossing, bearing 900 signatures (*Ms Kairouz*).

Petitions ordered to be tabled.

6 **PETITION — ABORTION LAW** — Motion made and question — That the petition presented by the Member for Narracan be taken into consideration tomorrow (*Mr Blackwood*) — put and agreed to.

7 **PETITION — ST ALBANS TRAIN STATION** — Motion made and question — That the petition presented by the Member for Kororoit be taken into consideration tomorrow (*Ms Kairouz*) — put and agreed to.

8 **DOCUMENTS**

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Mr Brooks presented the Alert Digest No 10 of 2012 from the Scrutiny of Acts and Regulations Committee on the:

City of Melbourne Amendment (Enrolment) Act 2012
Community Based Sentences (Transfer) Bill 2012
Evidence Amendment (Journalist Privilege) Bill 2012
Marriage Equality Bill 2012
Working with Children Amendment Bill 2012

together with appendices.

Ordered to be tabled and printed.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Charter of Human Rights and Responsibilities Act 2006 — Report 2011 on the operation of the Act — Ordered to be printed

Planning and Environment Act 1987:

Notices of approval of amendments to the following Planning Schemes:

Boroondara — C123, C140, C175
 Cardinia — C124, C156, C172
 Casey — C150, C159
 East Gippsland — C80, C82
 Glenelg — C71
 Golden Plains — C57
 Greater Bendigo — C181
 Greater Shepparton — C148
 Hume — C159
 Monash — C112
 South Gippsland — C69
 Wellington — C78
 Wodonga — C86

Urban Growth Boundary — Amendments to the following Planning Schemes under s 46AH:

Cardinia — C190
 Casey — C170
 Hume — C166
 Melton — C128
 Mitchell — C100
 Whittlesea — C167
 Wyndham — C180

Racing Act 1958 — Notification under s 3B of modifications to the Constitution of Racing Victoria Ltd

Statutory Rules under the following Acts:

City of Melbourne Act 2001 — SR 40
Infringements Act 2006 — SR 36
Local Government Act 1989 — SR 40
Road Safety Act 1986 — SR 37
Supreme Court Act 1986 — SRs 38, 39

Subordinate Legislation Act 1994 — Documents under s 15 in relation to Statutory Rules 36, 37, 38, 39.

The following proclamation fixing an operative date was tabled by the Clerk in accordance with an order of the House dated 8 February 2011:

Resources Legislation Amendment Act 2011 — Part 6 — 1 July 2012 (*Gazette S194, 13 June 2012*).

- 9 **MESSAGE FROM THE LIEUTENANT-GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that she had, on 13 June 2012, given the royal assent to the following bills, presented to her by the Clerk of the Parliaments:

City of Melbourne Amendment (Enrolment) Bill 2012
 Gambling Legislation Amendment (Transition) Bill 2012
 Monetary Units Amendment Bill 2012
 Parliamentary Salaries and Superannuation Amendment (Salary Restraint) Bill 2012
 Police and Emergency Management Legislation Amendment Bill 2012.

- 10 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following items be considered and completed by 4.00 pm on Thursday 21 June 2012:

Education Legislation Amendment (VET Sector, Universities and Other Matters) Bill 2012
 Forests Amendment Bill 2012
 Motion concerning the Carbon Dioxide Tax
 Residential Tenancies Amendment Bill 2012
 Statute Law Revision Bill 2012
 Working with Children Amendment Bill 2012

(*Mr McIntosh*) — after debate, put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrandyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 39

Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Mr Carbines; Mr Carroll; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question 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 6 inclusive, be postponed until later this day.
- 13 **CARBON DIOXIDE TAX** — Order read for resuming debate on question — That this House notes that the Federal Labor Government's proposed carbon dioxide tax will:
- (1) increase the cost of living for all Victorian families, notably in relation to the cost of electricity and gas;
 - (2) hurt Victorian business and destroy jobs by increasing costs, especially in manufacturing, food processing and agriculture;
 - (3) short change Victorian families and businesses with inadequate compensation arrangements;
 - (4) increase costs for all Victorian schools, hospitals and public transport;

- (5) disproportionately hurt Victoria for being endowed with world class brown coal resources and generation;
- (6) undermine Victoria's export position and the international competitiveness of Australia relative to its major trading partners;
- (7) according to Federal Treasury modelling, hit Victoria first and hardest by damaging Victoria's gross state product more than that of any other state for the next 25 years; and —

that this House therefore condemns the Federal Labor Government for undertaking this action with no electoral mandate and in a direct betrayal of commitments made to the Australian public before the 2010 federal election; debate resumed.

Motion made and question — That the debate be now adjourned (*Ms Wooldridge*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 14 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Duties Amendment (Landholder) Bill 2012
State Taxation Acts Amendment Bill 2012.

- 15 **WORKING WITH CHILDREN AMENDMENT BILL 2012** — 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 Hodgett*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 16 **FORESTS AMENDMENT BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until the proposals contained in the Bill have been referred to, and considered by, the Environment and Natural Resources Committee' (*Ms Neville*) — and, after debate —

Business having been interrupted at 10.00 pm under 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 10.43 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

No 83 — Wednesday 20 June 2012

1 The Speaker took the Chair and read the Prayer.

2 **CRIMINAL PROCEDURE AND SENTENCING ACTS AMENDMENT (VICTIMS OF CRIME) BILL 2012** — Mr Clark obtained leave to bring in a Bill '*for an Act to amend the **Criminal Procedure Act 2009** and the **Sentencing Act 1991** and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.

3 **CRIMINAL PROCEDURE AMENDMENT BILL 2012** — Mr Clark obtained leave to bring in a Bill '*for an Act to amend the **Criminal Procedure Act 2009**, the **Children, Youth and Families Act 2005**, the **Magistrates' Court Act 1989**, the **Drugs, Poisons and Controlled Substances Act 1981**, the **Sentencing Act 1991**, the **Crimes Act 1958** and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.

4 **CIVIL PROCEDURE AMENDMENT BILL 2012** — Mr Clark obtained leave to bring in a Bill '*for an Act to amend the **Civil Procedure Act 2010** in relation to costs and expert witnesses, to make other technical amendments to that Act, to consequentially amend the **Accident Compensation Act 1985** in relation to costs and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.

5 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Point Cook Roads and Public Transport — Requesting that the Legislative Assembly implores the Baillieu Government to provide adequate funding in the 2012–13 budget to ease road congestion and provide sufficient public transport access and services for residents in and around Point Cook, bearing 74 signatures (*Ms Hennessy*)

Essendon Primary School — Requesting that the Legislative Assembly urges the Baillieu Government to urgently fund the much needed upgrade of Essendon Primary School, bearing 149 signatures (*Mr Madden*)

Strathmore Primary School — Requesting that the Legislative Assembly urges the Baillieu Government to urgently fund the much needed upgrade of Strathmore Primary School, bearing 270 signatures (*Mr Madden*)

Cuts to Public Sector Jobs — Requesting that the Legislative Assembly urges the Baillieu Government to abandon the planned job and funding cuts in the public sector and guarantee that no further cuts will be made, bearing 492 signatures (*Ms Duncan*)

'Code Assess' Legislation — Requesting that the Legislative Assembly urges the Baillieu Government to withdraw the radical reshaping of the Planning Act that will remove community consultation from the development approval process, to consult with the community and to ensure that any proposal protects and improves rather than destroys our neighbourhoods, bearing 1171 signatures (*Ms Duncan*)

Bus Services — Requesting that the Legislative Assembly requests the Baillieu Government to immediately restore bus services in the north where inconveniences have been caused and provide new investment for services to meet the needs of the growing community, bearing 551 signatures (*Ms D'Ambrosio*).

Petitions ordered to be tabled.

6 **PETITION — POINT COOK ROADS AND PUBLIC TRANSPORT** — Motion made and question — That the petition presented by the Member for Altona be taken into consideration tomorrow (*Ms Hennessy*) — put and agreed to.

7 **PETITION — BUS SERVICES** — Motion made and question — That the petition presented by the Member for Mill Park be taken into consideration tomorrow (*Ms D'Ambrosio*) — put and agreed to.

8 **DOCUMENTS**

RACING INTEGRITY COMMISSIONER — Report on Own Motion Inquiry into Betting Activities of Racing Officials Employed by the Victorian Racing Industry tabled by leave (*Dr Naphthine*).

Ordered to be printed.

EDUCATION AND TRAINING COMMITTEE — Mr Southwick, Chair, presented a report from the Education and Training Committee on the Inquiry into the Education of Gifted and Talented Students, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Auditor-General:

Effectiveness of Justice Strategies in Preventing and Reducing Alcohol-Related Harm — Ordered to be printed

Obsolescence of Frontline ICT: Police and Schools — Ordered to be printed

Interpretation of Legislation Act 1984 — Notice under s 32(3)(a)(iii) in relation to the Waste Management Policy (Used Packaging Materials) (*Gazette G24, 14 June 2012*)

Ombudsman — Own motion investigation into Greyhound Racing Victoria — Ordered to be printed

Police Integrity, Office of — Reporting wrongdoing in the workplace: problems for police — Ordered to be printed

Statutory Rules under the following Acts:

Health Records Act 2011 — SR 44

Marine (Drug, Alcohol and Pollution Control) Act 1988 — SR 46

Marine Safety Act 2010 — SR 45

Pipelines Act 2005 — SR 42

Road Safety Act 1986 — SRs 47, 48

Sex Work Act 1994 — SR 41

Victorian Energy Efficiency Target Act 2007 — SR 43.

9 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Local Government (Brimbank City Council) Amendment Bill 2012 without amendment.

10 **PARLIAMENTARY COMMITTEE REFERENCES** — Motion made, by leave, and question — That under s 33 of the *Parliamentary Committees Act 2003* the following matters be referred to the joint investigatory committee specified:

- (1) To the **Economic Development and Infrastructure Committee** — for inquiry, consideration and report no later than 24 June 2013 on issues relating to local economic development initiatives in Victoria and, in particular, the Committee is requested to:
- (a) examine the range of existing local economic development programs being carried out in Victorian municipalities;
 - (b) examine the appropriate role of local government in generating economic development and review the allocation of responsibility in this area with the State Government;
 - (c) examine whether the role of local government in rural and regional areas has different economic development tasks to that of metropolitan based municipalities;
 - (d) identify the barriers to local economic development, including compliance costs for business and planning delays, in operating in local municipalities and develop solutions to address these barriers;
 - (e) examine ways in which municipal councils and the Victorian Government can jointly support local economic development, enhance and promote employment and attract new investment, especially in localities with emerging economic potential; and
 - (f) investigate best practice local economic development initiatives relevant to the terms of reference.
- (2) To the **Drugs and Crime Prevention Committee** — for inquiry, consideration and report no later than 24 June 2013 on issues relating to crime prevention in Victoria and, in particular, the Committee is requested to:
- (a) examine the extent to which Safer Design principles (including Crime Prevention Through Environmental Design) are currently applied by local government authorities and the development industry in Victoria; and
 - (b) investigate the use of Safer Design or Crime Prevention Through Environmental Design principles under local government or equivalent planning regimes in other jurisdictions

(*Mr McIntosh*) — put and agreed to.

11 **STATEMENTS BY MEMBERS** — Statements by members were made.

12 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — WORKING FAMILIES** — The House was informed that Mr Andrews had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House condemns the Baillieu Ryan Coalition for its sustained attack on working families, in particular:

- (1) Taking an axe to TAFE's, resulting in the closure of campuses, cuts to courses and job losses; and
- (2) Cutting and slashing public service jobs across the state with regional towns being hit hardest; and —

notes that the real victims of the infighting between the Liberals and Nationals are the people of Victoria who are pleading for a government concerned about their futures rather than their own.'

Mr Andrews addressed the House — Discussion followed.

- 13 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Public Accounts and Estimates Committee's Report on the 2012–13 Budget Estimates — Part One

Education and Training Committee's Report on the Inquiry into the Education of Gifted and Talented Students

Economic Development and Infrastructure Committee's Report on the Inquiry into greenfields mineral exploration and project development in Victoria

Drugs and Crime Prevention Committee's Report on the Inquiry into violence and security arrangements in Victorian hospitals, and in particular emergency departments.

- 14 **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.

- 15 **CARBON DIOXIDE TAX** — Order read for resuming debate on question — That this House notes that the Federal Labor Government's proposed carbon dioxide tax will:

- (1) increase the cost of living for all Victorian families, notably in relation to the cost of electricity and gas;
- (2) hurt Victorian business and destroy jobs by increasing costs, especially in manufacturing, food processing and agriculture;
- (3) short change Victorian families and businesses with inadequate compensation arrangements;
- (4) increase costs for all Victorian schools, hospitals and public transport;
- (5) disproportionately hurt Victoria for being endowed with world class brown coal resources and generation;
- (6) undermine Victoria's export position and the international competitiveness of Australia relative to its major trading partners;
- (7) according to Federal Treasury modelling, hit Victoria first and hardest by damaging Victoria's gross state product more than that of any other state for the next 25 years; and —

that this House therefore condemns the Federal Labor Government for undertaking this action with no electoral mandate and in a direct betrayal of commitments made to the Australian public before the 2010 federal election — put, after debate, and agreed to.

- 16 **FORESTS AMENDMENT BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time — *and on the amendment* — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until the proposals contained in the Bill have been referred to, and considered by, the Environment and Natural Resources Committee'; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

- 17 **QUESTIONS** — (Under SO 55).

18 **FORESTS AMENDMENT BILL 2012** — 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 (*Ms McLeish*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

19 **RESIDENTIAL TENANCIES AMENDMENT BILL 2012** — 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 Hodggett*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

20 **STATUTE LAW REVISION BILL 2012** — 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 **LOCAL GOVERNMENT LEGISLATION AMENDMENT (MISCELLANEOUS) BILL 2012** — *Mrs Powell tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mrs Powell*).

Motion made and question — That the debate be now adjourned (*Ms Neville*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 4 July 2012.

22 **RACING LEGISLATION AMENDMENT BILL 2012** — *Dr Napthine tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Dr Napthine*).

Motion made and question — That the debate be now adjourned (*Ms Neville*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 4 July 2012.

23 **STATUTE LAW REVISION BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Ms Neville*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

24 **EDUCATION LEGISLATION AMENDMENT (VET SECTOR, UNIVERSITIES AND OTHER MATTERS) BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under 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 10.46 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

No 84 — Thursday 21 June 2012

- 1 The Speaker took the Chair and read the Prayer.

- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

CCTV Network in Sunbury — Requesting that the Legislative Assembly urges the Government and Hume City Council to commit fully to the installation, maintenance and ongoing operation of a comprehensive CCTV network in the Sunbury Town Centre to protect public and private assets and increase personal safety, bearing 113 signatures (*Mr Southwick*)

Cuts to TAFE Funding — Requesting that the Legislative Assembly urges the Baillieu Government to abandon the planned funding cuts and guarantee that no further cuts will be made, bearing 1306 signatures (*Mr Andrews*)

Saffron Grove Retirement Village — Requesting that the Legislative Assembly urges the Government to divert Bus 828 to include Tinks Road and Fitzgerald Road, Hallam, which would allow residents at Saffron Grove Retirement Village a shorter walk to access the bus, bearing 38 signatures (*Mr Donnellan*)

Planning Proposal for Paine Street, Newport — Requesting that the Legislative Assembly urges the Government to support the Hobsons Bay City Council's decision to reject a proposal to build more than 40 new multi-storey apartments on the old Newport Timberyard site, bearing 244 signatures (*Mr Noonan*)

Epping Rail Line — Requesting that the Legislative Assembly urges the Government to extend the Epping rail line to Mernda by 2014 in recognition of the city's booming population, bearing 4624 signatures (*Ms Green*)

Cuts to Bus Services — Requesting that the Legislative Assembly urges the Government to — (a) reverse recent cuts to bus services and reinstate these services to deliver better public transport for our community; and (b) increase the number of bus services and commitment to upgrading our public transport infrastructure, bearing 148 signatures (*Ms Green*)

New CFA Stations — Requesting that the Legislative Assembly urges the Baillieu-Ryan Government to build new CFA stations for Eden Park, Eltham, Kangaroo Ground, Plenty and Wattle Glen, bearing 4 signatures (*Ms Green*).

Petitions ordered to be tabled.

- 3 **PETITION — CCTV NETWORK IN SUNBURY** — Motion made and question — That the petition presented by the Member for Caulfield be taken into consideration tomorrow (*Mr Southwick*) — put and agreed to.

- 4 **PETITION — ESSENDON PRIMARY SCHOOL** — Motion made and question — That the petition presented by the Member for Essendon on Wednesday 20 June 2012 be taken into consideration tomorrow (*Mr Madden*) — put and agreed to.
- 5 **PETITION — STRATHMORE PRIMARY SCHOOL** — Motion made and question — That the petition presented by the Member for Essendon on Wednesday 20 June 2012 be taken into consideration tomorrow (*Mr Madden*) — put and agreed to.
- 6 **PETITION — CUTS TO TAFE FUNDING** — Motion made and question — That the petition presented by the Member for Mulgrave be taken into consideration tomorrow (*Mr Andrews*) — put and agreed to.
- 7 **PETITION — CUTS TO PUBLIC SECTOR JOBS** — Motion made and question — That the petition presented by the Member for Macedon on Wednesday 20 June 2012 be taken into consideration tomorrow (*Ms Duncan*) — put and agreed to.
- 8 **PETITION — 'CODE ASSESS' LEGISLATION** — Motion made and question — That the petition presented by the Member for Macedon on Wednesday 20 June 2012 be taken into consideration tomorrow (*Ms Duncan*) — put and agreed to.
- 9 **PETITION — EPPING RAIL LINE** — Motion made and question — That the petition presented by the Member for Yan Yean be taken into consideration tomorrow (*Ms Green*) — put and agreed to.
- 10 **PETITION — CUTS TO BUS SERVICES** — Motion made and question — That the petition presented by the Member for Yan Yean be taken into consideration tomorrow (*Ms Green*) — put and agreed to.
- 11 **PETITION — NEW CFA STATIONS** — Motion made and question — That the petition presented by the Member for Yan Yean be taken into consideration tomorrow (*Ms Green*) — put and agreed to.
- 12 **PETITION — SAFFRON GROVE RETIREMENT VILLAGE** — Motion made and question — That the petition presented by the Member for Narre Warren North be taken into consideration tomorrow (*Mr Donnellan*) — put and agreed to.
- 13 **PETITION — PLANNING PROPOSAL FOR PAINE STREET, NEWPORT** — Motion made and question — That the petition presented by the Member for Williamstown be taken into consideration tomorrow (*Mr Noonan*) — put and agreed to.
- 14 **DOCUMENTS**

VICTORIAN CHILD DEATH REVIEW COMMITTEE — Report of Inquiries into the Deaths of Children known to Child Protection 2012 tabled by leave (*Ms Wooldridge*).

GOVERNMENT RESPONSE TO THE AUDITOR-GENERAL'S REPORTS ISSUED DURING 2010–11 — Report tabled by leave (*Mr Clark*).

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Agricultural Industry Development Act 1990 — Order under s 8

Members of Parliament (Register of Interests) Act 1978 — Summary of Variations notified between 22 May 2012 and 20 June 2012 — Ordered to be printed

Multicultural Victoria Act 2011 — Victorian Government Initiatives and Reporting in Multicultural Affairs Report 2010–11

Ombudsman — *Whistleblowers Protection Act 2001*: Investigation into allegations of detrimental action involving Victoria Police — Ordered to be printed

Parliamentary Committees Act 2003:

Government response to the Public Accounts and Estimates Committee's Report on the Review of the Auditor-General's Report on Access to Public Hospitals: Measuring Performance

Government response to the Public Accounts and Estimates Committee's Report on the Review of the Auditor-General's Report on Preparedness to Respond to Terrorism Incidents: Essential Services and Critical Infrastructure

Police Integrity, Office of — Victoria Police: Recurring themes in the management of high profile investigations — Ordered to be printed

Subordinate Legislation Act 1994 — Documents under s 15 in relation to Statutory Rules 42, 43.

- 15 **URBAN GROWTH BOUNDARY — PLANNING SCHEME AMENDMENTS** — Motion made, by leave, and question — That under s 46AH of the *Planning and Environment Act 1987*, the following amendments to modify the Urban Growth Boundary be ratified:

Cardinia Planning Scheme — C190

Casey Planning Scheme — C170

Hume Planning Scheme — C166

Melton Planning Scheme — C128

Mitchell Planning Scheme — C100

Whittlesea Planning Scheme — C167

Wyndham Planning Scheme — C180

(*Mr McIntosh*) — put and agreed to.

- 16 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until a day and hour to be fixed by the Speaker, which time of meeting shall be notified in writing to each member of the House (*Mr McIntosh*) — put and agreed to.

- 17 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 18 **WORKING WITH CHILDREN AMENDMENT BILL 2012** — 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 Hodggett*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 19 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Health (Commonwealth State Funding Arrangements) Bill 2012 without amendment.

- 20 **CRIMINAL PROCEDURE AND SENTENCING ACTS AMENDMENT (VICTIMS OF CRIME) BILL 2012** — *Mr Clark* tabled a statement of compatibility in accordance with the *Charter of Human Rights and Responsibilities Act 2006*.

Motion made and question proposed — That this Bill be now read a second time (*Mr Clark*).

Motion made and question — That the debate be now adjourned (*Mr Herbert*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 5 July 2012.

- 21 **CRIMINAL PROCEDURE AMENDMENT BILL 2012** — *Mr Clark tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Clark*).

Motion made and question — That the debate be now adjourned (*Mr Herbert*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 5 July 2012.

- 22 **CIVIL PROCEDURE AMENDMENT BILL 2012** — *Mr Clark tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Clark*).

Motion made and question — That the debate be now adjourned (*Mr Herbert*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 5 July 2012.

- 23 **FORESTS AMENDMENT BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time — *and on the amendment* — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until the proposals contained in the Bill have been referred to, and considered by, the Environment and Natural Resources Committee'; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

- 24 **QUESTIONS** — (Under SO 55).

- 25 **FORESTS AMENDMENT BILL 2012** — Debate continued on question — That this Bill be now read a second time — and on the amendment.

Motion made and question — That the debate be now adjourned (*Mr Hodgett*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 26 **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.

- 27 **EDUCATION LEGISLATION AMENDMENT (VET SECTOR, UNIVERSITIES AND OTHER MATTERS) BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Allocation of time — The Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 19 June 2012 had expired.

Question — That this Bill be now read a second time — put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrantye*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 39

Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Mr Carbines; Mr Carroll; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

Question — That this Bill be now read a third time — put and agreed to.

Message sent to the Legislative Council informing them that the Bill has been agreed to without amendment.

- 28 **WORKING WITH CHILDREN AMENDMENT BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 29 **FORESTS AMENDMENT BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time — *and on the amendment* — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until the proposals contained in the Bill have been referred to, and considered by, the Environment and Natural Resources Committee'.

Question — That the words proposed to be omitted stand part of the question — put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrandyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 39

Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Mr Carbines; Mr Carroll; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

Question — That this Bill be now read a second time and a third time — put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrandyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 39

Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Mr Carbines; Mr Carroll; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Ms Hutchins; Ms Kairouz; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 30 **RESIDENTIAL TENANCIES AMENDMENT BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 31 **STATUTE LAW REVISION BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Message sent to the Legislative Council informing them that the Bill has been agreed to without amendment.

Business having been interrupted at 4.17 pm under sessional orders.

- 32 **ADJOURNMENT** — The Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 5.04 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 85, 86 and 87

No 85 — Tuesday 14 August 2012

- 1 The House met in accordance with the terms of the resolution of 21 June 2012, the Speaker having fixed today at 2.00 pm as the time of meeting — The Speaker took the Chair and read the Prayer.
- 2 **RETURN TO WRIT** — The Speaker announced that he had received a return to the writ issued on 28 May 2012 which states that Jennifer Kanis has been elected for the Electoral District of Melbourne.
- 3 **MEMBER SWORN** — Jennifer Kanis was then introduced and took and subscribed the affirmation required by law.
- 4 **QUESTIONS** — (Under SO 55).
- 5 **ACTING IBAC COMMISSIONER** — The Speaker advised that, on 29 June 2012, he administered to Ronald Bruce Bonighton, the Acting Commissioner, Independent Broad-based Anti-corruption Commission, the oath required by s 25 of the *Independent Broad-based Anti-corruption Commission Act 2011*.
- 6 **ACTING DIRECTOR, OFFICE OF POLICE INTEGRITY** — The Speaker advised that, on 29 June 2012, he administered to Ronald Bruce Bonighton, the Acting Director, Office of Police Integrity, the oath required by s 16 of the *Police Integrity Act 2008*.
- 7 **ACTING PUBLIC ADVOCATE** — The Speaker advised that, on 9 July 2012, he administered to John Henry Chesterman, the Acting Public Advocate, the oath required by Schedule 3 of the *Guardianship and Administration Act 1986*.
- 8 **PRIMARY INDUSTRIES AND FOOD LEGISLATION AMENDMENT BILL 2012** — Mr Walsh obtained leave to bring in a Bill '*for an Act to amend the Impounding of Livestock Act 1994, the Livestock Disease Control Act 1994, the Prevention of Cruelty to Animals Act 1986, the Food Act 1984 and the Local Government Act 1989 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 9 **RESIDENTIAL TENANCIES AND OTHER CONSUMER ACTS AMENDMENT BILL 2012** — Mr O'Brien obtained leave to bring in a Bill '*for an Act to amend the Residential Tenancies Act 1997 to make further provision for matters relating to Part 4A parks and rooming houses and to establish a register of rooming houses, to amend the Public Health and Wellbeing Act 2008 in relation to the registration of rooming houses, to amend the Business Licensing Authority Act 1998 in relation to delegation powers, to amend the Consumer Affairs Legislation Amendment (Reform) Act 2010 and the Sale of Land Act 1962 in relation to contracts for the sale of lots in a plan of subdivision and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 10 **ENERGY LEGISLATION AMENDMENT BILL 2012** — Mr O'Brien obtained leave to bring in a Bill '*for an Act to amend the Electricity Industry Act 2000, the Gas Industry Act 2001, the Fuel Emergency Act 1977, the National Electricity (Victoria) Act 2005, the Energy Safe Victoria Act 2005 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

- 11 **FREE PRESBYTERIAN CHURCH PROPERTY AMENDMENT BILL 2012** — Mr Clark obtained leave to bring in a Bill '*for an Act to amend the **Free Presbyterian Church Property Act 1953** to confer additional powers on the Trustees for Victoria of the Presbyterian Church of Eastern Australia, to alter the title to that Act and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 12 **ROAD SAFETY AND SENTENCING ACTS AMENDMENT BILL 2012** — Mr Clark obtained leave to bring in a Bill '*for an Act to amend the **Road Safety Act 1986** and the **Sentencing Act 1991** and for other purposes*'; and the Bill was read a first time and, by leave, ordered to be read a second time immediately.
- 13 **ROAD SAFETY AND SENTENCING ACTS AMENDMENT BILL 2012** — *Mr Clark tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question — That this Bill be now read a second time (*Mr Clark*) — and, after debate —

Bill read a second time, considered in detail and agreed to without amendment, read a third time (*see p 404*).

Bill sent to the Legislative Council and their agreement requested.

- 14 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Proposed Options by DHS for the Provision of Public and Social Housing — Requesting that the Legislative Assembly urges the Government to categorically rule out the following options — (a) an increase in rent; (b) introduction of limited tenure; and (c) the potential loss of public housing stock; and guarantee that it will protect affordable and secure public housing for those who need it as a fundamental human right to shelter, bearing 210 signatures (*Mr Foley*)

CCTV Facilities in Leongatha — Requesting that the Legislative Assembly urges the Government to support the South Gippsland Shire Council in coordinating provision of appropriate CCTV facilities in the main shopping, sporting and other community precincts of Leongatha to better ensure the security of persons using those areas, bearing 665 signatures (*Mr Ryan*)

Closure of the Ouyen DPI Office — Requesting that the Legislative Assembly urges the Government to reverse the decision to close the Ouyen DPI office and commit to supporting the Victorian Agriculture Industry and the Rural Committees affected by this decision by continuing to have staff based in rural Victoria at small offices, bearing 142 signatures (*Mr Crisp*)

Intersection of Nepean Highway, Tower Road and Volitans Avenue, Mt Eliza — Requesting that the Legislative Assembly provides traffic lights or alternative options that would deliver a safer intersection at Nepean Highway, Tower Road and Volitans Avenue in Mt Eliza, bearing 3592 signatures (*Mr Morris*)

Mantle Mining's Exploration Licence Application Number EL5429 — Requesting that the Legislative Assembly urges the Government to refuse Mantle Mining's exploration licence application lodged with DPI for the locality of Callignee, and any subsequent application in order to protect the residents' health, environment and land values, bearing 29 signatures (*Mr Northe*)

Assessment of Pedestrian Bridge at Echuca Train Station — Requesting that the Legislative Assembly urges the Government to assess the pedestrian bridge, located at the north end of the platform of the Echuca train station, with a view to changing the access from steps to ramps to enable full accessibility for all potential users, bearing 1121 signatures (*Mr Weller*).

Petitions ordered to be tabled.

- 15 **PETITION — PROPOSED OPTIONS BY DHS FOR THE PROVISION OF PUBLIC AND SOCIAL HOUSING** — Motion made and question — That the petition presented by the Member for Albert Park be taken into consideration tomorrow (*Mr Foley*) — put and agreed to.
- 16 **PETITION — ASSESSMENT OF PEDESTRIAN BRIDGE AT ECHUCA TRAIN STATION** — Motion made and question — That the petition presented by the Member for Rodney be taken into consideration tomorrow (*Mr Weller*) — put and agreed to.
- 17 **PETITION — INTERSECTION OF NEPEAN HIGHWAY, TOWER ROAD AND VOLITANS AVENUE, MT ELIZA** — Motion made and question — That the petition presented by the Member for Mornington be taken into consideration tomorrow (*Mr Morris*) — put and agreed to.
- 18 **DOCUMENTS**

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Annual Review 2011, Regulations 2011, together with appendices tabled by leave (*Mr Gidley*).

Ordered to be printed.

FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE — Mr McGuire, Deputy Chair, presented a report from the Family and Community Development Committee on the Inquiry into Opportunities for Participation of Victorian Seniors, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms Campbell, Deputy Chair, presented the Alert Digest No 11 of 2012 from the Scrutiny of Acts and Regulations Committee on the:

Civil Procedure Amendment Bill 2012
 Criminal Procedure Amendment Bill 2012
 Criminal Procedure and Sentencing Acts Amendment (Victims of Crime) Bill 2012
 Health (Commonwealth State Funding Arrangements) Bill 2012
 Local Government Legislation Amendment (Miscellaneous) Bill 2012
 Marriage Equality Bill 2012
 Planning and Environment Amendment (VicSmart Planning Assessment) Bill 2012
 Racing Legislation Amendment Bill 2012

together with an extract from the proceedings, appendices and a minority report.

Ordered to be tabled and printed.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Bushfires Royal Commission Implementation Monitor Act 2011 — Bushfires Royal Commission Implementation Monitor Final Report under s 21

Crown Land (Reserves) Act 1978 — Order under s 17D granting a lease over Richmond Park Reserve

Financial Management Act 1994 — Report from the Minister for Agriculture and Food Security that he had received the Report 2011–12 of the Victorian Broiler Industry Negotiation Committee

Greater Metropolitan Cemeteries Trust — Report for the period ended 30 June 2011, together with an explanation for the delay

Interpretation of Legislation Act 1984 — Notices under s 32(3)(a)(iii) in relation to Statutory Rules 42, 73

Melbourne Cricket Ground Trust — Report year ended 31 March 2012

Planning and Environment Act 1987:

Amendment C104 to the Cardinia Planning Scheme

Amendment 119 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan

Notices of approval of amendments to the following Planning Schemes:

Ballarat — C138

Banyule — C72, C88

Bass Coast — C78 Part 3, C105

Baw Baw — C78, C85 Part 1

Benalla — C8

Boroondara — C107, C157

Brimbank — C154

Buloke — C12

Campaspe — C40, C84, C95

Cardinia — C146

Casey — C162

Central Goldfields — C23

Colac Otway — C65 Part 2

Darebin — C128

East Gippsland — C88

Frankston — C65

Gannawarra — C28, C35

Glen Eira — C103

Glenelg — C68

Greater Bendigo — C166 Part 1, C185

Greater Geelong — C165, C187, C214, C239, C245, C260

Greater Shepparton — C93, C103, C166

Hobsons Bay — C83

Horsham — C54

Hume — C153, C161, C162, C163

Indigo — C24, C59

Knox — C87, C90, C105, C113

Latrobe — C26, C71

Loddon — C38

Manningham — C59

Maribyrnong — C72, C92, C107, C112, C114

Melbourne — C170, C210

Melton — C92, C109, C120, C121, C129

Mildura — C66, C68, C69

Mitchell — C81, C82

Moira — C63, C72, C73

Monash — C117

Moonee Valley — C98, C125

Moreland — C104, C132

Mornington Peninsula — C122

Mount Alexander — C53, C62

Moyne — C40, C49

Northern Grampians — C38
Port Phillip — C102, C120
Pyrenees — C35
Queenscliff — C22, C24
Surf Coast — C76
Swan Hill — C39, C41, C42, C49
Towong — C23
Victoria Planning Provisions — VC87, VC90, VC91, VC92, VC94
Wangaratta — C36
Whittlesea — C41 Part 4, C111, C148, C161, C162
Wyndham — C127, C154, C160
Yarra — C147, C150

Prevention of Cruelty to Animals Act 1986:

Code of Practice for the Welfare of Horses (Revision 1)
Revocation of the Code of Practice for the Welfare of Horses

State Concessions Act 2004 — Orders under s 7 (five orders)

Statutory Rules under the following Acts:

Australian Consumer Law and Fair Trading Act 2012 — SR 62
Building Act 1993 — SRs 63, 64
Control of Weapons Act 1990 — SR 65
Conveyancers Act 2006 — SR 73
Co-operatives Act 1996 — SR 81
Country Fire Authority Act 1958 — SR 66
County Court Act 1958 — SR 85
Electricity Safety Act 1998 — SR 51
Emergency Management Act 1986 — SR 67
Environment Protection Act 1970 — SR 52
Gambling Regulation Act 2003 — SR 80
Guardianship and Administration Act 1986 — SR 76
Infringements Act 2006 — SR 58
Juries Act 2000 — SR 60
Magistrates' Court Act 1989 — SR 59
Metropolitan Fire Brigades Act 1958 — SR 68
Occupational Health and Safety Act 2004 — SR 57
Planning and Environment Act 1987 — SR 77
Plant Biosecurity Act 2010 — SR 49
Port Management Act 1995 — SR 70
Residential Tenancies Act 1997 — SR 79
Road Safety Act 1986 — SRs 47, 71, 83, 84
Second-Hand Dealers and Pawnbrokers Act 1989 — SR 75
Sentencing Act 1991 — SR 74
Subdivision Act 1988 — SR 78
Subordinate Legislation Act 1994 — SRs 53, 54, 82
Supported Residential Services (Private Proprietors) Act 2010 — SR 61
Transport (Compliance and Miscellaneous) Act 1983 — SR 55
Victoria State Emergency Service Act 2005 — SR 69
Victorian Civil and Administrative Tribunal Act 1998 — SR 50
Water Act 1989 — SRs 56, 72

Subordinate Legislation Act 1994:

Documents under s 15 in relation to Statutory Rules 40, 41, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 61, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85

Documents under s 16B in relation to:

Declaration of approved seatbelts under the Road Safety Road Rules 2009

Declaration of discount factor under the *Victorian Energy Efficiency Act 2007*

Flora and Fauna Guarantee (Commercial Fisheries — Take of Listed Fish) Order No 1/2012 under the *Flora and Fauna Guarantee Act 1988*

Gaming venue standards and operational requirements, and accounting and auditing venue requirements under the *Gambling Regulation Act 2003*

Instrument fixing the minimum amount of rate to be paid in respect of any land under the *Water Industry Act 1994*

Melbourne Market Authority by-laws 2012 under the *Melbourne Market Authority Act 1977*

Notice of fees and charges under the *Plant Biosecurity Act 2010*

Notice of the Fixing of Beekeeper Fees under the *Livestock Disease Control Act 1994*

Order exempting certain restrictions on vaccinating against Hendra Virus under the *Livestock Disease Control Act 1994*

Order in Council — Local Government Mayoral and Councillor Allowances under the *Local Government Act 1989*

Order in Council — Lord Mayoral and Councillor Allowances — Melbourne City Council under the *City of Melbourne Act 2001*

Order in Council — Mayoral Allowances — Greater Geelong City Council under the *City of Greater Geelong Act 1993*

Order making the rate which the rating authority may levy in relation to land under the *Water Industry Act 1994*

Revocation of the Code of Practice for the Welfare of Horses and Making of the Code of Practice for the Welfare of Horses (Revision 1) under the *Prevention of Cruelty to Animals Act 1986*

Wildlife (Commercial Fisheries — Interactions with Protected Wildlife) Order No 1/2012 under the *Wildlife Act 1975*

Surveyor-General — Report 2011–12 on the administration of the *Survey Co-ordination Act 1958*.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 8 February 2011:

Australian Consumer Law and Fair Trading Act 2012 — Remaining provisions (except Part 4.2, Part 5.2, ss 234, 235, 236 and 240, Schedule 3, clauses 6, 8 and 9 of Schedule 4, items 36.2, 36.3 and 36.5 of Schedule 6 and Schedule 7) — 1 July 2012 (*Gazette S214, 28 June 2012*)

Courts and Sentencing Legislation Amendment Act 2012 — Remaining provisions — 16 July 2012 (*Gazette S237, 3 July 2012*)

Education Legislation Amendment (VET Sector, Universities and Other Matters) Act 2012 — Remaining provisions (except Part 2 and s 50) — 1 August 2012; Part 2 — 1 October 2012 (*Gazette S267, 31 July 2012*)

Education and Training Reform Amendment (Skills) Act 2010 — Section 59 — 1 August 2012 (*Gazette S256, 24 July 2012*)

Gambling Legislation Amendment (Transition) Act 2012 — Remaining provisions — 16 August 2012 (*Gazette S273, 7 August 2012*)

Gambling Regulation Amendment (Licensing) Act 2010 — Remaining provisions — 16 August 2012 (*Gazette S273, 7 August 2012*)

Gambling Regulation Amendment (Licensing) Act 2011 — Sections 69 and 70 — 15 August 2012; remaining provisions (except for s 42) — 16 August 2012 (*Gazette S273, 7 August 2012*)

Gambling Regulation Further Amendment Act 2009 — Remaining provisions — 16 August 2012 (*Gazette S273, 7 August 2012*)

Independent Broad-based Anti-corruption Commission Amendment (Examinations) Act 2012 — Part 1 and s 10 — 1 July 2012 (*Gazette S222, 29 June 2012*)

Justice Legislation Further Amendment Act 2010 — Remaining provisions — 16 August 2012 (*Gazette S273, 7 August 2012*)

Primary Industries Legislation Amendment Act 2012 — Whole Act (except ss 17 and 18) — 1 September 2012 (*Gazette S267, 31 July 2012*)

Royal Women's Hospital Land Act 2012 — Whole Act — 29 June 2012 (*Gazette S214, 28 June 2012*).

- 19 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Appropriation (2012/2013) Bill 2012

Appropriation (Parliament 2012/2013) Bill 2012

Wills Amendment (International Wills) Bill 2011.

- 20 **APPROPRIATION (2012/2013) BILL 2012 — APPROPRIATION (PARLIAMENT 2012/2013) BILL 2012** — The Speaker announced that, on 27 June 2012, he had presented to the Governor, the Appropriation (2012/2013) Bill 2012 and the Appropriation (Parliament 2012/2013) Bill 2012 to which the Governor gave the royal assent.

- 21 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 27 June 2012, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Duties Amendment (Landholder) Bill 2012

Education Legislation Amendment (VET Sector, Universities and Other Matters) Bill 2012

Health (Commonwealth State Funding Arrangements) Bill 2012

Local Government (Brimbank City Council) Amendment Bill 2012

State Taxation Acts Amendment Bill 2012

Statute Law Revision Bill 2012

Wills Amendment (International Wills) Bill 2011.

- 22 **MESSAGES FROM THE GOVERNOR** — Recommending appropriations for the purposes of the following bills:

Civil Procedure Amendment Bill 2012

Criminal Procedure Amendment Bill 2012.

- 23 **ECONOMIC DEVELOPMENT AND INFRASTRUCTURE COMMITTEE** — The Speaker announced that he had received the resignation of Mr Noonan from the Economic Development and Infrastructure Committee, effective from today.

- 24 **ECONOMIC DEVELOPMENT AND INFRASTRUCTURE COMMITTEE** — Motion made, by leave, and question — That Mr Carroll be appointed a member of the Economic Development and Infrastructure Committee (*Mr McIntosh*) — put and agreed to.

- 25 **SUSPENSION OF STANDING ORDERS — INAUGURAL SPEECH** — Motion made, by leave, and question — That so much of standing orders be suspended on Wednesday 15 August 2012 to allow the Member for Melbourne to make her inaugural speech for a maximum of 15 minutes immediately after the grievance debate under SO 38 (*Mr McIntosh*) — put and agreed to.

- 26 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 16 August 2012:

Criminal Procedure Amendment Bill 2012

Criminal Procedure and Sentencing Acts Amendment (Victims of Crime) Bill 2012
 Local Government Legislation Amendment (Miscellaneous) Bill 2012
 Port Management Further Amendment Bill 2012
 Road Safety Amendment Bill 2012

(*Mr McIntosh*) — after debate, put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrantyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 42

Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Mr Carroll; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Ms Hutchins; Ms Kairouz; Ms Kanis; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

27 **STATEMENTS BY MEMBERS** — Statements by members were made.

28 **PORT MANAGEMENT FURTHER AMENDMENT BILL 2012** — 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 Katos*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

29 **ROAD SAFETY AMENDMENT BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under sessional orders.

30 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.35 pm.

R W PURDEY
 Clerk of the Legislative Assembly

KEN SMITH
 Speaker

No 86 — Wednesday 15 August 2012

1 The Speaker took the Chair and read the Prayer.

2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Relocation of the Australian Formula One Grand Prix from Albert Park Reserve — Requesting that the Legislative Assembly urges the Government to relocate the Australian Formula One Grand Prix from Albert Park Reserve in any possible renegotiation of the contract and associated arrangements between the State of Victoria and the owners and promoters of Formula One Grand Prix, bearing 246 signatures (*Mr Foley*)

Inequity of Particular Recommendations of the Taxi Industry Inquiry — Requesting that the Legislative Assembly urges the Government to reject nine recommendations from the Taxi Industry Inquiry for the urban, regional and country taxi industry, bearing 578 signatures (*Ms Edwards*)

Unfairness of Specified Recommendations of the Taxi Industry Inquiry — Requesting that the Legislative Assembly urges the Government to reject 39 recommendations as specified in the Taxi Industry Inquiry for the urban, regional and country taxi industry, bearing 438 signatures (*Ms Edwards*)

Brunswick Terminal Station — Requesting that the Legislative Assembly urges the Baillieu Government to reverse the approval of Amendment C140 to the Moreland Planning Scheme, acknowledge the significant concerns of the local community and work with the energy companies involved to fully explore another appropriate site, bearing 240 signatures (*Ms Garrett*).

Petitions ordered to be tabled.

3 **PETITION — RELOCATION OF THE AUSTRALIAN FORMULA ONE GRAND PRIX FROM ALBERT PARK RESERVE** — Motion made and question — That the petition presented by the Member for Albert Park be taken into consideration tomorrow (*Mr Foley*) — put and agreed to.

4 **PETITION — INEQUITY OF PARTICULAR RECOMMENDATIONS OF THE TAXI INDUSTRY INQUIRY** — Motion made and question — That the petition presented by the Member for Bendigo West be taken into consideration tomorrow (*Ms Edwards*) — put and agreed to.

5 **PETITION — UNFAIRNESS OF SPECIFIED RECOMMENDATIONS OF THE TAXI INDUSTRY INQUIRY** — Motion made and question — That the petition presented by the Member for Bendigo West be taken into consideration tomorrow (*Ms Edwards*) — put and agreed to.

6 **PETITION — BRUNSWICK TERMINAL STATION** — Motion made and question — That the petition presented by the Member for Brunswick be taken into consideration tomorrow (*Ms Garrett*) — put and agreed to.

7 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Auditor-General:

Carer Support Programs — Ordered to be printed

Investment Attraction — Ordered to be printed

Ombudsman — Report 2011–12 Part 1 — Ordered to be printed.

8 **SITTING OF THE HOUSE — BALLARAT REGIONAL SITTING** — Motion made, by leave, and question — That so much of standing and sessional orders be suspended so as to provide that the House, at its rising on Thursday 30 August 2012, adjourns until Thursday 6 September 2012 at the Founders Theatre, Caro Convention Centre, University of Ballarat, Mt Helen Campus, the Speaker to take the Chair at 9.30 am (*Mr McIntosh*) — put and agreed to.

9 **BALLARAT REGIONAL SITTING** — Motion made, by leave, and question — That so much of standing orders be suspended so as to allow, on Thursday 6 September 2012:

- (1) Immediately after the Prayer, an Aboriginal Elder to be admitted onto the floor of the House to give a welcome to country.
- (2) Immediately after the welcome to country, the Premier and the Leader of the Opposition to address the House for 10 minutes each.
- (3) The Mayor of Ballarat, Councillor Mark Harris, and the Vice-Chancellor of the University of Ballarat, Professor David Battersby, to be admitted onto the floor of the House to hear the addresses by the Premier and the Leader of the Opposition and to respond for up to 10 minutes each.
- (4) The order of business for the remainder of the day to be:
 - (a) formal business;
 - (b) statements by members;
 - (c) government business;
 - (d) question time at 2.00 pm;
 - (e) government business;
 - (f) interruption of business for the adjournment under Sessional Order 8 (4.00 pm) —

(Mr McIntosh) — put and agreed to.

10 **STATEMENTS BY MEMBERS** — Statements by members were made.

11 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.

12 **INAUGURAL SPEECH** — In accordance with the resolution of the House on Tuesday 14 August 2012, the Member for Melbourne made an inaugural speech.

13 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Rural and Regional Committee's Report on the Inquiry into the Capacity of the Farming Sector to Attract and Retain Young Farmers and Respond to an Ageing Workforce

Family and Community Development Committee's Report on the Inquiry into Opportunities for participation of Victorian Seniors

Drugs and Crime Prevention Committee's Report on the Inquiry into Locally Based Approaches to Community Safety and Crime Prevention.

Business having been interrupted at 2.00 pm under standing orders.

14 **QUESTIONS** — (Under SO 55).

15 **LOCAL GOVERNMENT LEGISLATION AMENDMENT (MISCELLANEOUS) BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Wynne announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Watt*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 16 **CRIMINAL PROCEDURE AND SENTENCING ACTS AMENDMENT (VICTIMS OF CRIME) BILL 2012** — 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.

- 17 **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.

- 18 **PRIMARY INDUSTRIES AND FOOD LEGISLATION AMENDMENT BILL 2012** — *Mr Walsh tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Walsh*).

Motion made and question — That the debate be now adjourned (*Ms Neville*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 29 August 2012.

- 19 **RESIDENTIAL TENANCIES AND OTHER CONSUMER ACTS AMENDMENT BILL 2012** — *Mr O'Brien tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr O'Brien*).

Motion made and question — That the debate be now adjourned (*Ms Neville*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 29 August 2012.

- 20 **ENERGY LEGISLATION AMENDMENT BILL 2012** — *Mr O'Brien tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr O'Brien*).

Motion made and question — That the debate be now adjourned (*Ms Neville*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 29 August 2012.

- 21 **FREE PRESBYTERIAN CHURCH PROPERTY AMENDMENT BILL 2012** — *Mr Clark tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Clark*).

Motion made and question — That the debate be now adjourned (*Ms Neville*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 29 August 2012.

- 22 **CRIMINAL PROCEDURE AND SENTENCING ACTS AMENDMENT (VICTIMS OF CRIME) BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Ms Neville*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 23 **CRIMINAL PROCEDURE AMENDMENT BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Clark announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Motion made and question — That the debate be now adjourned (*Ms Kairouz*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 24 **CRIMINAL PROCEDURE AND SENTENCING ACTS AMENDMENT (VICTIMS OF CRIME) BILL 2012** — 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 Wakeling*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 25 **CRIMINAL PROCEDURE AMENDMENT BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under sessional orders.

- 26 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.45 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

No 87 — Thursday 16 August 2012

- 1 The Speaker took the Chair and read the Prayer.

- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

New Schools in the City of Port Phillip — Requesting that the Legislative Assembly instructs the Department of Education and Early Childhood Development in 2012 to develop a local infrastructure plan to properly address the issue of inadequate number of schools to meet the increased needs of the residents of the City of Port Phillip; and concurrently make provisions in the 2013–14 budget to fund the implementation of the projects, bearing 946 signatures (*Mr Foley*)

Construction of an Off-stream Water Storage Near Freeburg for the Bright District — Requesting — (a) that the Legislative Assembly requests an independent committee to review the decision and process of North East Water to ignore the views of its Advisory Committee; and (b) that the Charter of North East Water and other water authorities be amended to ensure bushfire security is a major assessment component in any future water supply project, bearing 1410 signatures (*Dr Sykes*)

Route 509 Bus Service — Requesting that the Legislative Assembly calls on the Baillieu Government to reverse any plans for the removal of the route 509 bus service and take any appropriate action for its continued service, bearing 396 signatures (*Ms Garrett*)

Eritrean Government and Consulate — Requesting that the Legislative Assembly — (a) stops intimidations exercised by the Eritrean Consulate in Melbourne; and (b) considers the Resolution 2023 adopted by the United Nations Security Council in 2011 against the Eritrean government, bearing 175 signatures (*Ms Garrett*)

Pedestrian Crossing Near Crib Point Shops — Requesting that the Legislative Assembly instructs VicRoads to urgently install a pedestrian crossing at the intersection of Stony Point Road and Disney Street in Crib Point, near the shops, bearing 135 signatures (*Mr Burgess*)

High Density Development at Paine Street, Newport — Requesting that the Legislative Assembly urges the Baillieu Government to support the decision of the Hobsons Bay City Council to reject a proposal to build more than 40 new multi-storey apartments on the old Newport Timberyard site, bearing 79 signatures (*Mr Noonan*).

Petitions ordered to be tabled.

3 **PETITION — NEW SCHOOLS IN THE CITY OF PORT PHILLIP** — Motion made and question — That the petition presented by the Member for Albert Park be taken into consideration tomorrow (*Mr Foley*) — put and agreed to.

4 **PETITION — ROUTE 509 BUS SERVICE** — Motion made and question — That the petition presented by the Member for Brunswick be taken into consideration tomorrow (*Ms Garrett*) — put and agreed to.

5 **PETITION — ERITREAN GOVERNMENT AND CONSULATE** — Motion made and question — That the petition presented by the Member for Brunswick be taken into consideration tomorrow (*Ms Garrett*) — put and agreed to.

6 **PETITION — HIGH DENSITY DEVELOPMENT AT PAINE STREET, NEWPORT** — Motion made and question — That the petition presented by the Member for Williamstown be taken into consideration tomorrow (*Mr Noonan*) — put and agreed to.

7 **DOCUMENT TABLED UNDER AN ACT OF PARLIAMENT** — The Clerk tabled the following document in accordance with an Act of Parliament:

Parliamentary Committees Act 2003 — Government response to the Public Accounts and Estimates Committee's Report on the Review of the 2009–10 and 2010–11 Annual Reports.

8 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 28 August 2012 (*Mr McIntosh*) — put and agreed to.

9 **STATEMENTS BY MEMBERS** — Statements by members were made.

10 **CRIMINAL PROCEDURE AND SENTENCING ACTS AMENDMENT (VICTIMS OF CRIME) BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Delahunty*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 11 **ROAD SAFETY AMENDMENT BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

- 12 **QUESTIONS** — (Under SO 55).

- 13 **ROAD SAFETY AMENDMENT BILL 2012** — 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 under the resolution of the House on Tuesday 14 August 2012 had expired.

Question — That this Bill be now read a second time — put and agreed to.

Question — That this Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 14 **CRIMINAL PROCEDURE AMENDMENT BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time, Government amendment Nos 1 to 3 inclusive be agreed to and the Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 15 **LOCAL GOVERNMENT LEGISLATION AMENDMENT (MISCELLANEOUS) BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 16 **PORT MANAGEMENT FURTHER AMENDMENT BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 17 **CRIMINAL PROCEDURE AND SENTENCING ACTS AMENDMENT (VICTIMS OF CRIME) BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

Business having been interrupted at 4.02 pm under 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 4.51 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

CONSIDERATION IN DETAIL
Supplement to Votes Nos 85, 86 and 87

No 85 — Tuesday 14 August 2012

ROAD SAFETY AND SENTENCING ACTS AMENDMENT BILL 2012

Clauses 1 to 14 agreed to.

Bill agreed to without amendment.

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 88, 89 and 90

No 88 — Tuesday 28 August 2012

1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.

2 **QUESTIONS** — (Under SO 55).

3 **FIRE SERVICES PROPERTY LEVY BILL 2012** — Mr Wells obtained leave to bring in a Bill '*for an Act to impose a fire services property levy on all land in Victoria unless specifically exempted, to provide for collection agencies to collect the fire services property levy, to provide for the Commissioner of State Revenue to receive the fire services property levy and pay it into the Consolidated Fund, to make consequential amendments to the Country Fire Authority Act 1958, the Essential Services Commission Act 2001, the Metropolitan Fire Brigades Act 1958, the Valuation of Land Act 1960 and the Victorian Managed Insurance Authority Act 1996 and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.

4 **RESOURCES LEGISLATION AMENDMENT (GENERAL) BILL 2012** — Mr O'Brien obtained leave to bring in a Bill '*for an Act to amend the Geothermal Energy Resources Act 2005, the Greenhouse Gas Geological Sequestration Act 2008, the Interpretation of Legislation Act 1984, the Mineral Resources (Sustainable Development) Act 1990, the Offshore Petroleum and Greenhouse Gas Storage Act 2010, the Petroleum Act 1998, the Pipelines Act 2005, the Resources Legislation Amendment Act 2011 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

5 **DOCUMENTS**

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms Campbell, Deputy Chair, presented the Alert Digest No 12 of 2012 from the Scrutiny of Acts and Regulations Committee on the:

Criminal Procedure Amendment Bill 2012
Energy Legislation Amendment Bill 2012
Free Presbyterian Church Property Amendment Bill 2012
Primary Industries and Food Legislation Amendment Bill 2012
Residential Tenancies and Other Consumer Acts Amendment Bill 2012
Road Safety and Sentencing Acts Amendment Act 2012

together with appendices.

Ordered to be tabled and printed.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Auditor-General, Office of — Report 2011–12

Crown Land (Reserves) Act 1978:

Orders under s 17B granting licences over:
Alexandra Park and Alexandra Gardens

Camperdown Public Park Reserve
 Orders under s 17D granting leases over:
 Camperdown Public Park Reserve
 Queens Park Reserve

Drugs, Poisons and Controlled Substances Act 1981 — Report 2011 under s 96

Linking Melbourne Authority — Report 2011–12

Parliamentary Salaries and Superannuation Act 1968 — Report 2011–12 under s 7C

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Brimbank — C131
 Campaspe — C88
 Corangamite — C32
 Greater Bendigo — C129
 Greater Geelong — C249
 Hobsons Bay — C89
 Hume — C142
 Macedon Ranges — C71
 Melton — C124
 Moonee Valley — C106, C110
 Stonnington — C165
 Warrnambool — C86
 Wyndham — C146

Prevention of Cruelty to Animals Act 1986:

Code of Practice for the Welfare of Horses Competing at Bush Race Meetings (Revision 1)
 Revocation of the Code of Practice for the Welfare of Horses Competing at Bush Race Meetings

Road Safety Camera Commissioner — Report 2011–12

Subordinate Legislation Act 1994 — Documents under s 15 in relation to Statutory Rule 62.

- 6 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Forests Amendment Bill 2012
 Residential Tenancies Amendment Bill 2012
 Road Safety and Sentencing Acts Amendment Bill 2012.

- 7 **PLANNING AND ENVIRONMENT AMENDMENT (VICSMART PLANNING ASSESSMENT) BILL 2012** — The Speaker announced the receipt of a message from the Legislative Council presenting, for the agreement of the Legislative Assembly, a Bill 'for an Act to amend the *Planning and Environment Act 1987* to introduce a new assessment process for specified permit applications and for other purposes'.

On the motion of Mr Clark, the Bill was read a first time and ordered to be read a second time tomorrow.

- 8 **MESSAGES FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

On 17 August 2012
Road Safety and Sentencing Acts Amendment Bill 2012

On 21 August 2012
Forests Amendment Bill 2012
Residential Tenancies Amendment Bill 2012.

9 **MESSAGE FROM THE GOVERNOR** — Recommending an appropriation for the purposes of the Primary Industries and Food Legislation Amendment Bill 2012.

10 **ENVIRONMENT AND NATURAL RESOURCES COMMITTEE** — Motion made, by leave, and question — That, under s 33 of the *Parliamentary Committees Act 2003*, an inquiry into matters relating to heritage tourism and eco-tourism in Victoria be referred to the Environment and Natural Resources Committee for consideration and report no later than 31 May 2014, with particular reference to:

- (1) examining the current scope of eco-tourism and heritage tourism in Victoria, including the extent to which the current arrangements maximise the benefits to the local industry;
- (2) examining best practice in eco-tourism and heritage tourism;
- (3) examining the potential for the development of eco-tourism and heritage tourism in Victoria;
- (4) determining the environmental and heritage issues associated with large scale tourism; and
- (5) determining whether the local industry is sufficiently advanced to manage increased tourism and any obstacles to this —

(*Mr McIntosh*) — put and agreed to.

11 **OUTER SUBURBAN/INTERFACE SERVICES AND DEVELOPMENT COMMITTEE — ENVIRONMENT AND NATURAL RESOURCES COMMITTEE — EXTENSION TO REPORTING DATES** — Motion made, by leave, and question — That:

- (1) the resolution of the House of 8 December 2011 be amended to extend the reporting date for the Outer Suburban/Interface Services and Development Committee's inquiry into the liveability options in outer suburban Melbourne to no later than 14 November 2012; and
- (2) the resolution of the House of 26 May 2011 be amended to extend the reporting date for the Environment and Natural Resources Committee's inquiry into the establishment and effectiveness of registered aboriginal parties to no later than 15 November 2012 —

(*Mr McIntosh*) — put and agreed to.

12 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following items be considered and completed by 4.00 pm on Thursday 30 August 2012:

Community Based Sentences (Transfer) Bill 2012
Energy Legislation Amendment Bill 2012
Evidence Amendment (Journalist Privilege) Bill 2012
Motion in relation to Planning Amendment Nos 119 and C104
Racing Legislation Amendment Bill 2012
Residential Tenancies and Other Consumer Acts Amendment Bill 2012

(*Mr McIntosh*) — after debate, put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrandyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 42

Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Mr Carroll; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Ms Hutchins; Ms Kairouz; Ms Kanis; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

13 **STATEMENTS BY MEMBERS** — Statements by members were made.

14 **UPPER YARRA VALLEY AND DANDENONG RANGES REGIONAL STRATEGY PLAN AND CARDINIA PLANNING SCHEME** — Motion made and question — That:

- (1) under s 46D(1)(c) of the *Planning and Environment Act 1987*, Amendment No 119 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan be approved; and
- (2) under s 46AH of the *Planning and Environment Act 1987*, Amendment C104 to the Cardinia Planning Scheme be ratified —

(*Mr Clark*) — put, after debate, and agreed to.

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 **RACING LEGISLATION AMENDMENT BILL 2012** — 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 Katos*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

17 **EVIDENCE AMENDMENT (JOURNALIST PRIVILEGE) BILL 2012** — 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 Hodgett*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

18 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Criminal Procedure Amendment Bill 2012
Road Safety Amendment Bill 2012.

19 **COMMUNITY BASED SENTENCES (TRANSFER) BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under 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 10.54 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

No 89 — Wednesday 29 August 2012

- 1 The Speaker took the Chair and read the Prayer.
- 2 **DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT BILL 2012** — Mr Ryan obtained leave to bring in a Bill '*for an Act to amend the **Drugs, Poisons and Controlled Substances Act 1981** to provide for certain substances to be drugs of dependence and to make a technical amendment to that Act and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 3 **PLANNING AND ENVIRONMENT AMENDMENT (GENERAL) BILL 2012** — Mr Clark obtained leave to bring in a Bill '*for an Act to amend the **Planning and Environment Act 1987**, the **Subdivision Act 1988** and the **Local Government Act 1989** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
- Relocation of the Australian Formula One Grand Prix from Albert Park Reserve** — Requesting that the Legislative Assembly urges the Government to relocate the Australian Formula One Grand Prix from Albert Park Reserve in any possible renegotiation of the contract and associated arrangements between the State of Victoria and the owners and promoters of Formula One Grand Prix, bearing 32 signatures (*Mr Foley*)
- Anti-Israel Boycott** — Requesting that the Legislative Assembly continues to support all efforts and actions to stop the anti-Israel boycott and the recent campaign of misinformation against the state of Israel and the Jewish community, bearing 35 signatures (*Mr Southwick*)
- Gisborne Secondary College** — Requesting that the Legislative Assembly urges the Baillieu Government to urgently fund the final stage of the Gisborne Secondary College redevelopment, bearing 1 signature (*Ms Duncan*)
- Murrindindi Shire Council** — Requesting that the Legislative Assembly and the Minister for Local Government appoint a Panel of Review under the *Local Government Act 1989* to consider and make recommendations on — (a) the short and long term financial viability of the Shire of Murrindindi; (b) the feasibility of council elections taking place in 2012; and (c) the necessity for the Minister to appoint an administrator, bearing 1069 signatures (*Ms McLeish*)
- Cuts to Bus Services** — Requesting that the Legislative Assembly urges the Government to reverse recent cuts to bus services and reinstate these services and deliver better public transport for our growing community, including increased number of bus services and commitment to upgrading our public transport infrastructure, bearing 39 signatures (*Ms Green*).

Petitions ordered to be tabled.

5 **PETITION — RELOCATION OF THE AUSTRALIAN FORMULA ONE GRAND PRIX FROM ALBERT PARK RESERVE** — Motion made and question — That the petition presented by the Member for Albert Park be taken into consideration tomorrow (*Mr Foley*) — put and agreed to.

6 **PETITION — ANTI-ISRAEL BOYCOTT** — Motion made and question — That the petition presented by the Member for Caulfield be taken into consideration tomorrow (*Mr Southwick*) — put and agreed to.

7 **PETITION — MURRINDINDI SHIRE COUNCIL** — Motion made and question — That the petition presented by the Member for Seymour be taken into consideration tomorrow (*Ms McLeish*) — put and agreed to.

8 **DOCUMENTS**

ENVIRONMENT AND NATURAL RESOURCES COMMITTEE — Mr Pandazopoulos, Deputy Chair, presented a report from the Environment and Natural Resources Committee on the Inquiry into flood mitigation infrastructure in Victoria, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Auditor-General:

Fare Evasion on Public Transport — Ordered to be printed

Programs for Students with Special Learning Needs — Ordered to be printed

Parliamentary Committees Act 2003 — Government response to the Public Accounts and Estimates Committee's Report on the Review of the Auditor-General's Reports January–June 2009 and follow-up of PAEC Reports 82, 86 and 91

Statutory Rules under the following Acts:

Electoral Act 2002 — SR 86

Health Records Act 2001 — SR 87

Water Act 1989 — SR 88.

9 **STATEMENTS BY MEMBERS** — Statements by members were made.

10 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — INDUSTRIAL RELATIONS SYSTEM** — The House was informed that Mr Clark had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House strongly supports an industrial relations system operating in Victoria which provides opportunities for jobs and investment for Victorians, improves productivity and is governed by respect for the rule of law.'

Mr Clark addressed the House — Discussion followed.

11 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Public Accounts and Estimates Committee's Report on the 2012–13 Budget Estimates — Part 1

Family and Community Development Committee's Report on the Inquiry into Opportunities for participation of Victorian Seniors

Economic Development and Infrastructure Committee's Report on the Inquiry into greenfields mineral exploration and project development in Victoria

Drugs and Crime Prevention Committee's Report on the Inquiry into Locally Based Approaches to Community Safety and Crime Prevention.

- 12 **COMMUNITY BASED SENTENCES (TRANSFER) BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

- 13 **QUESTIONS** — (Under SO 55).

- 14 **COMMUNITY BASED SENTENCES (TRANSFER) BILL 2012** — Debate resumed 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.

- 15 **RESIDENTIAL TENANCIES AND OTHER CONSUMER ACTS AMENDMENT BILL 2012** — 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 Burgess*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 16 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 3 to 5 inclusive, be postponed until later this day.

- 17 **RESOURCES LEGISLATION AMENDMENT (GENERAL) BILL 2012** — *Mr O'Brien tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr O'Brien*).

Motion made and question — That the debate be now adjourned (*Ms D'Ambrosio*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 12 September 2012.

- 18 **PLANNING AND ENVIRONMENT AMENDMENT (VICSMART PLANNING ASSESSMENT) BILL 2012** — *Mr Clark tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Clark*).

Motion made and question — That the debate be now adjourned (*Ms D'Ambrosio*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 12 September 2012.

- 19 **RESIDENTIAL TENANCIES AND OTHER CONSUMER ACTS AMENDMENT BILL 2012** — 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 Hodgett*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 20 **ENERGY LEGISLATION AMENDMENT BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Business having been interrupted at 10.00 pm under sessional orders.*
- 21 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.41 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

No 90 — Thursday 30 August 2012

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
- Route 509 Bus Service** — Requesting that the Legislative Assembly calls on the Baillieu Government to reverse any plans for the removal of the route 509 bus service and take any appropriate action for its continued service, bearing 191 signatures (*Ms Garrett*)
- Brunswick Terminal Station** — Requesting that the Legislative Assembly urges the Baillieu Government to reverse the approval of Amendment C140 to the Moreland Planning Scheme, acknowledge the significant concerns of the local community and work with the energy companies involved to fully explore another appropriate site, bearing 39 signatures (*Ms Garrett*)
- 'Code Assess' Process** — Requesting that the Legislative Assembly urges the Baillieu Government to withdraw the Code Assess Process that will remove community consultation from the development approval process, to consult with the community and to ensure that any proposal protects and improves rather than destroys our neighbourhoods, bearing 2092, 111 and 1127 signatures (*Mr Brooks, Ms Duncan and Mr Merlino respectively*)
- 'VicSmart' Legislation** — Requesting that the Legislative Assembly urges the Baillieu Government to withdraw the radical reshaping of the Planning Act that will remove community consultation from the development approval process and to rethink, consult with the community, and ensure that any proposal protects and improves rather than destroys our neighbourhoods, bearing 733 signatures (*Mr Carbines*)
- Motor Racing Facility for Geelong** — Requesting that the Legislative Assembly urges the Baillieu Government to fund a motor racing facility in the Geelong region, bearing 592 signatures (*Mr Eren*).
- Petitions ordered to be tabled.

- 3 **PETITION — ROUTE 509 BUS SERVICE** — Motion made and question — That the petition presented by the Member for Brunswick be taken into consideration tomorrow (*Ms Garrett*) — put and agreed to.
- 4 **PETITION — BRUNSWICK TERMINAL STATION** — Motion made and question — That the petition presented by the Member for Brunswick be taken into consideration tomorrow (*Ms Garrett*) — put and agreed to.
- 5 **PETITION — 'CODE ASSESS' PROCESS** — Motion made and question — That the petition presented by the Member for Monbulk be taken into consideration tomorrow (*Mr Merlino*) — put and agreed to.
- 6 **PETITION — MOTOR RACING FACILITY FOR GEELONG** — Motion made and question — That the petition presented by the Member for Lara be taken into consideration tomorrow (*Mr Eren*) — put and agreed to.
- 7 **PETITION — 'VICSMART' LEGISLATION** — Motion made and question — That the petition presented by the Member for Ivanhoe be taken into consideration tomorrow (*Mr Carbines*) — put and agreed to.
- 8 **PETITION — 'CODE ASSESS' PROCESS** — Motion made and question — That the petition presented by the Member for Macedon be taken into consideration tomorrow (*Ms Duncan*) — put and agreed to.
- 9 **PETITION — 'CODE ASSESS' PROCESS** — Motion made and question — That the petition presented by the Member for Bundoora be taken into consideration tomorrow (*Mr Brooks*) — put and agreed to.
- 10 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:
- Subordinate Legislation Act 1994* — Documents under s 15 in relation to Statutory Rule 87
- Taxi Services Commission — Report period ended 30 June 2012.
- 11 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 12 **ENERGY LEGISLATION AMENDMENT BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Motion made and question — That the debate be now adjourned (*Ms Kairouz*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 13 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Criminal Procedure and Sentencing Acts Amendment (Victims of Crime) Bill 2012 without amendment.
- 14 **RACING LEGISLATION AMENDMENT BILL 2012** — 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 Hodgett*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- Business having been interrupted at 2.00 pm under standing orders.*

- 15 **QUESTIONS** — (Under SO 55).
- 16 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 3 to 5 inclusive, be postponed until later this day.
- 17 **FIRE SERVICES PROPERTY LEVY BILL 2012** — *Mr Wells tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Wells*).
- Mr Wells 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 Holding*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 13 September 2012.
- 18 **DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT BILL 2012** — *Mr Ryan tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Ryan*).
- Motion made and question — That the debate be now adjourned (*Mr Holding*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 13 September 2012.
- 19 **PLANNING AND ENVIRONMENT AMENDMENT (GENERAL) BILL 2012** — *Mr Clark tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Clark*).
- Motion made and question — That the debate be now adjourned (*Mr Madden*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 13 September 2012.
- 20 **EVIDENCE AMENDMENT (JOURNALIST PRIVILEGE) BILL 2012** — 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 Hodgett*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 21 **ENERGY LEGISLATION AMENDMENT BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Allocation of time — The Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 28 August 2012 had expired.*
- Question — That this Bill be now read a second time — put and agreed to.
- Question — That this Bill be now read a third time — put and agreed to.
- Bill sent to the Legislative Council and their agreement requested.

- 22 **RACING LEGISLATION AMENDMENT BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time.
- Question — That this Bill be now read a second time and a third time — put and agreed to.
- Bill sent to the Legislative Council and their agreement requested.
- 23 **EVIDENCE AMENDMENT (JOURNALIST PRIVILEGE) BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time.
- Question — That this Bill be now read a second time and a third time — put and agreed to.
- Bill sent to the Legislative Council and their agreement requested.
- 24 **RESIDENTIAL TENANCIES AND OTHER CONSUMER ACTS AMENDMENT BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time.
- Question — That this Bill be now read a second time and a third time — put and agreed to.
- Bill sent to the Legislative Council and their agreement requested.
- 25 **COMMUNITY BASED SENTENCES (TRANSFER) BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time.
- Question — That this Bill be now read a second time and a third time — put and agreed to.
- Bill sent to the Legislative Council and their agreement requested.
- Business having been interrupted at 4.01 pm under sessional orders.*
- 26 **ADJOURNMENT** — The Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 4.56 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS
No 91

No 91 — Thursday 6 September 2012

- 1 The House met at Ballarat University Mt Helen Campus at University Drive, Mt Helen, in accordance with the Proclamation of the Governor and the terms of the resolution of the House on 15 August 2012 — The Speaker took the Chair and read the Prayer.

The Proclamation was read by the Speaker:

CONSTITUTION ACT 1975

PROCLAMATION

LOCATION OF DESPATCH OF BUSINESS OF
THE LEGISLATIVE ASSEMBLY

I, Hon Alex Chernov, Governor of Victoria, acting pursuant to section 8 of the *Constitution Act 1975*,
HEREBY:

- a. fix the Ballarat University Mt Helen Campus at University Drive, Mt Helen as the place for the despatch of business of the Legislative Assembly on 6 September 2012 until the completion of its business on that day or, if necessary, the following day; and
- b. confirm that the place for the despatch of business of the Legislative Assembly shall thereafter revert to Parliament House, Melbourne.

Given under my hand and the seal of Victoria at Melbourne, this 7 August 2012.

HON ALEX CHERNOV AC QC
Governor
By His Excellency's Command

HON TED BAILLIEU MLA
Premier of Victoria

- 2 **WELCOME TO COUNTRY** — In accordance with the resolution of the House on 15 August 2012 Ms Bonnie Fagan was admitted into the Chamber by the Serjeant-at-Arms and gave a welcome to country.

Ms Fagan was escorted from the Chamber by the Serjeant-at-Arms.

- 3 **VISITORS ADMITTED TO CHAMBER** — In accordance with the resolution of the House on 15 August 2012 Councillor Mark Harris, the Mayor of Ballarat, and Professor David Battersby, the Vice-Chancellor of the University of Ballarat, were admitted into the Chamber by the Serjeant-at-Arms.

- 4 **ADDRESSES BY THE PREMIER AND LEADER OF THE OPPOSITION** — In accordance with the resolution of the House on 15 August 2012 Mr Baillieu and Mr Andrews addressed the House.

5 **ADDRESSES BY THE MAYOR OF BALLARAT AND THE VICE-CHANCELLOR OF THE UNIVERSITY OF BALLARAT** — In accordance with the resolution of the House on 15 August 2012 Councillor Mark Harris, the Mayor of Ballarat, and Professor David Battersby, the Vice-Chancellor of the University of Ballarat, responded to the addresses of the Premier and the Leader of the Opposition. They were then escorted from the Chamber by the Serjeant-at-Arms.

6 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Cuts to Swinburne Lilydale TAFE Funding — Requesting that the Legislative Assembly urges the Government to abandon the planned funding cuts and guarantee no further cuts will be made and work to secure the future of Swinburne University Lilydale campus, bearing 2789 signatures (*Mr Merlino*)

Cuts to TAFE Funding — Requesting that the Legislative Assembly urges the Government to abandon the planned funding cuts and ensure that no further cuts will be made, bearing 25242 signatures (*Mr Andrews*).

Petitions ordered to be tabled.

7 **PETITION — CUTS TO SWINBURNE LILYDALE TAFE FUNDING** — Motion made and question — That the petition presented by the Member for Monbulk be taken into consideration tomorrow (*Mr Merlino*) — put and agreed to.

8 **PETITION — CUTS TO TAFE FUNDING** — Motion made and question — That the petition presented by the Member for Mulgrave be taken into consideration tomorrow (*Mr Andrews*) — put and agreed to.

9 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Crimes Act 1958 — Instrument of Authorisation under s 464Z

Freedom of Information Act 1982 — Statement of reasons for seeking leave to appeal under s 65AB

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Greater Shepparton — C136 Part 2

Mildura — C60

Mornington Peninsula — C137, C150

Rural Finance Corporation of Victoria — Report 2011–12

Statutory Rules under the following Acts:

Australian Consumer Law and Fair Trading Act 2012 — SR 89

Catchment and Land Protection Act 1994 — SR 90

Conservation, Forests and Lands Act 1987 — SR 93

Crown Land (Reserves) Act 1978 — SR 92

Forests Act 1958 — SR 91

Subordinate Legislation Act 1994 — SR 94

Subordinate Legislation Act 1994 — Documents under s 15 in relation to Statutory Rules 86, 88, 89, 90

Young Farmers' Finance Council — Report 2011–12.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 8 February 2011:

Australian Consumer Law and Fair Trading Act 2012 — Remaining provisions (except s 240 and Schedule 7) — 1 September 2012 (*Gazette S291, 28 August 2012*)

Parks and Crown Land Legislation Amendment Act 2012 — Whole Act — 1 September 2012 (*Gazette S291, 28 August 2012*).

- 10 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Working with Children Amendment Bill 2012 with amendments.

Ordered — That the amendments be taken into consideration later this day.

- 11 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 4 September 2012, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Criminal Procedure Amendment Bill 2012

Criminal Procedure and Sentencing Acts Amendment (Victims of Crime) Bill 2012

Road Safety Amendment Bill 2012.

- 12 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Notices of Motion, Government Business, relating to the following items be considered and completed by 4.00 pm today:

Motion in relation to the Mineral Emblem for Victoria

Motion in relation to the Regional Growth Fund

(*Mr McIntosh*) — put, after debate, and agreed to.

- 13 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 14 **MINERAL EMBLEM FOR VICTORIA** — Motion made and question — That, noting its significance to the history and development of the State, this House recommends that 'gold' be declared the mineral emblem for the State of Victoria (*Mr Baillieu*) — put, after debate, and agreed to.

- 15 **REGIONAL GROWTH FUND** — Motion made and question proposed — That this House congratulates the Liberal–Nationals Coalition Government on the Regional Growth Fund, which is creating new prosperity, more job opportunities and a better quality of life in regional cities and country communities (*Mr Ryan*) — and, after debate —

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 **PRIMARY INDUSTRIES AND FOOD LEGISLATION AMENDMENT BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

- 17 **QUESTIONS** — (Under SO 55).

- 18 **PRIMARY INDUSTRIES AND FOOD LEGISLATION AMENDMENT BILL 2012** — 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 items under the resolution of the House today had expired.

- 19 **REGIONAL GROWTH FUND** — Order read for resuming debate on question — That this House congratulates the Liberal–Nationals Coalition Government on the Regional Growth Fund, which is creating new prosperity, more job opportunities and a better quality of life in regional cities and country communities.

Question — put and agreed to.

Business having been interrupted at 4.01 pm under sessional orders.

- 20 **ADJOURNMENT** — The Speaker announced that the time for the adjournment of the House had arrived and, after debate, the Deputy Speaker left the Chair at 5.02 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 92, 93 and 94

No 92 — Tuesday 11 September 2012

- 1 The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **RETAIL LEASES AMENDMENT BILL 2012** — Ms Asher obtained leave to bring in a Bill '*for an Act to amend the **Retail Leases Act 2003** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **TRADITIONAL OWNER SETTLEMENT AMENDMENT BILL 2012** — Mr Clark obtained leave to bring in a Bill '*for an Act to amend the **Traditional Owner Settlement Act 2010** and the **Planning and Environment Act 1987**, to make consequential amendments to other Acts and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **TRANSPORT LEGISLATION AMENDMENT (MARINE DRUG AND ALCOHOL STANDARDS MODERNISATION AND OTHER MATTERS) BILL 2012** — Dr Napthine obtained leave to bring in a Bill '*for an Act to amend the **Marine (Drug, Alcohol and Pollution Control) Act 1988**, the **Marine Safety Act 2010**, the **Port Management Act 1995**, the **Transport (Compliance and Miscellaneous) Act 1983** and the **Transport Legislation Amendment (Public Transport Development Authority) Act 2011** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **SERIOUS SEX OFFENDERS (DETENTION AND SUPERVISION) AMENDMENT BILL 2012** — Mr McIntosh obtained leave to bring in a Bill '*for an Act to amend the **Serious Sex Offenders (Detention and Supervision) Act 2009** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
 - Proposed 19 Storey Residential Development, Maribyrnong** — Requesting that the Legislative Assembly — (a) urges the Government to note failure in due process, in relation to a proposed development at Wests Road, Maribyrnong, leaving VicRoads open to judicial review; and (b) appoints an appropriate institutional body with the power to investigate and report on VicRoads' decision making process, the standard of information provided to VicRoads and the outcome, bearing 233 signatures (*Ms Thomson, Footscray*)
 - Cuts to TAFE Funding** — Requesting that the Legislative Assembly urges the Government to abandon the planned TAFE funding cuts and ensure that no further cuts will be made, bearing 48 signatures (*Ms Graley*)
 - Cost of Living for Families** — Requesting that the Legislative Assembly urges the Government to take immediate steps to cut the cost of living for families as promised and reverse these actions, bearing 63 signatures (*Ms Graley*)
 - Pound and Shrives Road Intersection, Hampton Park** — Requesting that the Legislative Assembly urges the Baillieu Government to provide a funding commitment for safety improvements at the intersection of Pound and Shrives Road, Hampton Park, bearing 193 signatures (*Ms Graley*).

Petitions ordered to be tabled.

- 8 **PETITION — CUTS TO TAFE FUNDING** — Motion made and question — That the petition presented by the Member for Narre Warren South be taken into consideration tomorrow (*Ms Graley*) — put and agreed to.
- 9 **PETITION — COST OF LIVING FOR FAMILIES** — Motion made and question — That the petition presented by the Member for Narre Warren South be taken into consideration tomorrow (*Ms Graley*) — put and agreed to.
- 10 **PETITION — POUND AND SHRIVES ROAD INTERSECTION, HAMPTON PARK** — Motion made and question — That the petition presented by the Member for Narre Warren South be taken into consideration tomorrow (*Ms Graley*) — put and agreed to.

11 **DOCUMENTS**

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms Campbell, Deputy Chair, presented the Alert Digest No 13 of 2012 from the Scrutiny of Acts and Regulations Committee on the:

Drugs, Poisons and Controlled Substances Amendment Bill 2012
 Fire Services Property Levy Bill 2012
 Planning and Environment Amendment (General) Bill 2012
 Resources Legislation Amendment (General) Bill 2012

together with appendices.

Ordered to be tabled and printed.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Child Safety Commissioner — Report 2011–12

Crown Land (Reserves) Act 1978 — Order under ss 17B and 17D granting a licence and a lease over Barwon Heads Park

Disability Services Commissioner — Report 2011–12

Essential Services Commission — Report 2011–12

Financial Management Act 1994:

Report from the Minister for Agriculture and Food Security that he had received the Report 2011–12 of Dairy Food Safety Victoria

Report from the Minister for Community Services that she had received the Report 2011–12 of the Queen Victoria Women's Centre Trust

Reports from the Minister for Veterans' Affairs that he had received the reports 2011–12 of the: Shrine of Remembrance

Victorian Veterans Council

Melbourne and Olympic Parks Trust — Report 2011–12

Port of Hastings Development Authority — Report 2011–12

Racing Integrity Commissioner, Office of — Report 2011–12

Regional Development Victoria — Report 2011–12

State Sport Centres Trust — Report 2011–12

Statutory Rules under the following Acts:

County Court Act 1958 — SR 95

Supreme Court Act 1986 — SRs 96, 97

Working with Children Act 2005 — SR 98

Subordinate Legislation Act 1994 — Documents under s 15 in relation to Statutory Rules 91, 92, 94, 95, 96, 97, 98

Water Act 1989:

Little Yarra and Don Rivers Water Supply Protection Area Stream Flow Management Plan 2012 under s 32A

Woori Yallock Creek Water Supply Protection Area Stream Flow Management Plan 2012 under s 32A.

- 12 **MESSAGES FROM THE LIEUTENANT-GOVERNOR** — Recommending appropriations for the purposes of the following bills:

Fire Services Property Levy Bill 2012

Planning and Environment Amendment (General) Bill 2012

Resources Legislation Amendment (General) Bill 2012.

- 13 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 13 September 2012:

Civil Procedure Amendment Bill 2012

Drugs, Poisons and Controlled Substances Amendment Bill 2012

Fire Services Property Levy Bill 2012

Free Presbyterian Church Property Amendment Bill 2012

Planning and Environment Amendment (VicSmart Planning Assessment) Bill 2012

Primary Industries and Food Legislation Amendment Bill 2012

(*Mr McIntosh*) — after debate, put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrantdyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 41

Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Mr Carroll; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Ms Hutchins; Ms Kairouz; Ms Kanis; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Wynne.

Question agreed to.

- 14 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 15 **PRIMARY INDUSTRIES AND FOOD LEGISLATION AMENDMENT BILL 2012** — 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 Angus*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 16 **CIVIL PROCEDURE AMENDMENT BILL 2012** — 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 Smith, Warrantdyte*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 17 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Energy Legislation Amendment Bill 2012
Racing Legislation Amendment Bill 2012.

- 18 **FREE PRESBYTERIAN CHURCH PROPERTY AMENDMENT BILL 2012** — 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 McIntosh*) — put and agreed to.

Debate resumed on question — That this Bill be now read a second time.

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this bill be deferred indefinitely' (*Ms Barker*) — and, after debate —

Business having been interrupted at 10.00 pm under 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 10.42 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

No 93 — Wednesday 12 September 2012

- 1 The Speaker took the Chair and read the Prayer.

- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Safety of Residents, Commuters and Wildlife, Chewton — Requesting that the Legislative Assembly urges the Government to lower the speed limit between Chewton and the Calder Freeway to 80km/h, bearing 82 signatures (*Ms Edwards*)

Cuts to TAFE Funding — Requesting that the Legislative Assembly urges the Government to abandon the planned TAFE funding cuts and ensure that no further cuts will be made, bearing 128 signatures (*Ms Garrett*)

Kooweerup/Longwarry Drainage System — Requesting that the Legislative Assembly urges the Government to call on Melbourne Water to replace, repair, maintain and extend the capacity of the Kooweerup/Longwarry drainage system for the protection of all residents and their business in the area, bearing 1902 signatures (*Mr Hodgett*)

Autism Spectrum Disorder — Requesting that the Legislative Assembly urges the Government to immediately legislate the removal of Criterion 'C' (pertaining to language deficit) from the three criteria that need to be satisfied to receive educational support funding under the Autism Spectrum Disorder category of the Program for Students with Disabilities 2013, and from all future Programs for Students with Disabilities in Victoria, bearing 266 signatures (*Ms Campbell*).

Petitions ordered to be tabled.

3 **PETITION — SAFETY OF RESIDENTS, COMMUTERS AND WILDLIFE, CHEWTON** — Motion made and question — That the petition presented by the Member for Bendigo West be taken into consideration tomorrow (*Ms Edwards*) — put and agreed to.

4 **PETITION — CUTS TO TAFE FUNDING** — Motion made and question — That the petition presented by the Member for Brunswick be taken into consideration tomorrow (*Ms Garrett*) — put and agreed to.

5 **PETITION — KOOWEERUP/LONGWARRY DRAINAGE SYSTEM** — Motion made and question — That the petition presented by the Member for Kilsyth be taken into consideration tomorrow (*Mr Hodgett*) — put and agreed to.

6 DOCUMENTS

PARLIAMENTARY DEPARTMENTS — Reports 2011–12 of the Department of the Legislative Assembly and the Department of Parliamentary Services tabled by leave (*Mrs Fyffe*).

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — Mr Morris presented a report from the Public Accounts and Estimates Committee on the 2012–13 Budget Estimates — Part Two, together with appendices.

Ordered to be tabled and printed.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Auditor-General — Energy Efficiency in the Health Sector — Ordered to be printed

Energy Safe Victoria — Report 2011–12

Financial Management Act 1994:

Reports from the Minister for Agriculture and Food Security that he had received the reports 2011–12 of:

Phytogene Pty Ltd

PrimeSafe
 Veterinary Practitioners Registration Board of Victoria
 Victorian Strawberry Industry Development Committee
 Report from the Minister for Planning that he had received the Report 2011–12 of the Heritage Council of Victoria

Mental Health Review Board incorporating Psychosurgery Review Board — Report 2011–12

Plumbing Industry Commission — Report 2011–12

Premier and Cabinet, Department of — Report 2011–12

Primary Industries, Department of — Report 2011–12

Recreational Fishing Licence Trust Account — Report 2011–12 on the disbursement of Revenue

Treasury Corporation of Victoria — Report 2011–12

Victorian Managed Insurance Authority — Report 2011–12

Youth Parole Board and Youth Residential Board — Report 2011–12.

7 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Evidence Amendment (Journalist Privilege) Bill 2012 without amendment.

8 **STATEMENTS BY MEMBERS** — Statements by members were made.

9 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — CUTS TO VICTORIAN PUBLIC SERVICES** — The House was informed that Mr Merlino had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House condemns the Baillieu-Ryan Coalition Government for its ongoing cuts to Victorian public services, including:

- (1) Sacking 4,200 public sector workers;
- (2) Cutting \$290 million from Victoria's TAFE sector;
- (3) Cutting \$66 million from the Country Fire Authority and Metropolitan Fire Brigade —

and notes that the Premier has broken his promise that frontline services and staff will not be impacted by his budget cuts.'

Mr Merlino addressed the House — Discussion followed.

10 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Public Accounts and Estimates Committee's Report on the 2012–13 Budget Estimates — Part Two

Environment and Natural Resources Committee's Report on the Inquiry into flood mitigation infrastructure in Victoria

Rural and Regional Committee's Report into the Capacity of the Farming Sector to Attract and Retain Young Famers and Respond to an Ageing Workforce

Public Accounts and Estimates Committee's Report on the 2012–13 Budget Estimates — Part One.

- 11 **PLANNING AND ENVIRONMENT AMENDMENT (VICSMART PLANNING ASSESSMENT) BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

- 12 **QUESTIONS** — (Under SO 55).

- 13 **PLANNING AND ENVIRONMENT AMENDMENT (VICSMART PLANNING ASSESSMENT) BILL 2012** — Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Battin*) — 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 2 be postponed until later this day.

- 15 **RETAIL LEASES AMENDMENT BILL 2012** — *Ms Asher tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Ms Asher*).

Motion made and question — That the debate be now adjourned (*Ms Neville*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 26 September 2012.

- 16 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 4 be postponed until later this day.

- 17 **TRANSPORT LEGISLATION AMENDMENT (MARINE DRUG AND ALCOHOL STANDARDS MODERNISATION AND OTHER MATTERS) BILL 2012** — *Dr Naphthine tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Dr Naphthine*).

Motion made and question — That the debate be now adjourned (*Ms Neville*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 26 September 2012.

- 18 **SERIOUS SEX OFFENDERS (DETENTION AND SUPERVISION) AMENDMENT BILL 2012** — *Mr McIntosh tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr McIntosh*).

Motion made and question — That the debate be now adjourned (*Ms Neville*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 26 September 2012.

- 19 **TRADITIONAL OWNER SETTLEMENT AMENDMENT BILL 2012** — *Mr Clark tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Clark*).

Motion made and question — That the debate be now adjourned (*Ms Neville*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 26 September 2012.

- 20 **PLANNING AND ENVIRONMENT AMENDMENT (VICSMART PLANNING ASSESSMENT) BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Ms Kairouz*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 21 **CIVIL PROCEDURE AMENDMENT BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under 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 10.59 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

No 94 — Thursday 13 September 2012

- 1 The Speaker took the Chair and read the Prayer.

- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Cuts to TAFE Funding — Requesting that the Legislative Assembly urges the Government to abandon the planned TAFE funding cuts and ensure that no further cuts will be made, bearing 47 signatures (*Ms Hennessy*)

Bus Route 509 Hope Street, Brunswick/West Brunswick — Requesting that the Legislative Assembly urges the Baillieu Government to reverse any plans for the removal of bus route 509 and take appropriate action for its continued service, bearing 566 signatures (*Ms Garrett*)

Murrindindi Shire Council — Requesting that the Legislative Assembly and the Minister for Local Government appoint a Panel of Review under the *Local Government Act 1989* to consider and make recommendations on — (a) the short and long term financial viability of the Shire of Murrindindi; (b) the feasibility of council elections taking place in 2012; and (c) the necessity for the Minister to appoint an administrator, bearing 42 signatures (*Ms McLeish*)

Cuts to Bus Services — Requesting that the Legislative Assembly urges the Government to — (a) reverse recent cuts to bus services and reinstate these services and deliver better public transport for our community; and (b) increase the number of bus services and commit to upgrading our public transport infrastructure, bearing 46 signatures (*Ms Green*).

Petitions ordered to be tabled.

- 3 **PETITION — BUS ROUTE 509 HOPE STREET, BRUNSWICK/WEST BRUNSWICK** — Motion made and question — That the petition presented by the Member for Brunswick be taken into consideration tomorrow (*Ms Garrett*) — put and agreed to.
- 4 **PETITION — CUTS TO TAFE FUNDING** — Motion made and question — That the petition presented by the Member for Altona be taken into consideration tomorrow (*Ms Hennessy*) — put and agreed to.
- 5 **PETITION — CUTS TO BUS SERVICES** — Motion made and question — That the petition presented by the Member for Yan Yean be taken into consideration tomorrow (*Ms Green*) — put and agreed to.
- 6 **PETITION — MURRINDINDI SHIRE COUNCIL** — Motion made and question — That the petition presented by the Member for Seymour be taken into consideration tomorrow (*Ms McLeish*) — put and agreed to.
- 7 **PETITION — AUTISM SPECTRUM DISORDER** — Motion made and question — That the petition presented by the Member for Pascoe Vale on Wednesday 12 September 2012 be taken into consideration tomorrow (*Ms Campbell*) — put and agreed to.
- 8 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Adult Parole Board — Report 2011–12

Agriculture Victoria Services Pty Ltd — Report 2011–12

Barwon Region Water Corporation — Report 2011–12

Building Commission — Report 2011–12

Business and Innovation, Department of — Report 2011–12

Central Gippsland Region Water Corporation — Report 2011–12

Central Highlands Region Water Corporation — Report 2011–12

City West Water Ltd — Report 2011–12

Coliban Region Water Corporation — Report 2011–12

Commissioner for Law Enforcement and Data Security, Office of — Report 2011–12

East Gippsland Region Water Corporation — Report 2011–12

Fed Square Pty Ltd — Report 2011–12

Financial Management Act 1994 — Reports from the Minister for Agriculture and Food Security that he had received the reports 2011–12 of the:

Murray Valley Citrus Board

Murray Valley Wine Grape Industry Development Committee

Fire Services Commissioner — Report 2011–12

Geoffrey Gardiner Dairy Foundation Ltd — Report 2011–12 (two documents)

Gippsland and Southern Rural Water Corporation — Report 2011–12

Goulburn-Murray Rural Water Corporation — Report 2011–12

Goulburn Valley Region Water Corporation — Report 2011–12

Grampians Wimmera Mallee Water Corporation — Report 2011–12

Lower Murray Urban and Rural Water Corporation — Report 2011–12

Melbourne Convention and Exhibition Trust — Report 2011–12

Melbourne Water Corporation — Report 2011–12

North East Region Water Corporation — Report 2011–12

Northern Victoria Irrigation Renewal Project — Report 2011–12

Ombudsman — Report 2011–12 Part 2 — Ordered to be printed

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Banyule — C64

Boroondara — C166

Greater Bendigo — C139 Part 1

Nillumbik — C76

Police Integrity, Office of — Report 2011–12 — Ordered to be printed

Project Development and Construction Management Act 1994 — Nomination order under s 6, application order under s 8 and a statement under s 9 of reasons for making a nomination order (three documents)

South East Water Ltd — Report 2011–12

South Gippsland Region Water Corporation — Report 2011–12

State Services Authority — Report 2011–12

Subordinate Legislation Act 1994:

Documents under s 15 in relation to Statutory Rule 93

Documents under s 16B in relation to *Australian Consumer Law and Fair Trading Act 2012* — Interim ban order: small, separable or loose permanent magnetic objects

Tourism Victoria — Report 2011–12

Transport Accident Commission — Report 2011–12

Transport Ticketing Authority — Report 2011–12

VicForests — Report 2011–12

Victoria Police — Report 2011–12

Victorian Institute of Forensic Mental Health — Report 2011–12

Victorian Multicultural Commission — Report 2011–12

Victorian Small Business Commissioner, Office of — Report 2011–12

VITS LanguageLink — Report 2011–12

Wannon Region Water Corporation — Report 2011–12

Westernport Region Water Corporation — Report 2011–12

Western Region Water Corporation — Report 2011–12

Yarra Valley Water Ltd — Report 2011–12.

- 9 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 9 October 2012 (*Mr McIntosh*) — put and agreed to.

- 10 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 11 **DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT BILL 2012** — 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 Hodgett*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 12 **FIRE SERVICES PROPERTY LEVY BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Holding announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Business having been interrupted at 2.00 pm under standing orders.

- 13 **QUESTIONS** — (Under SO 55).

- 14 **FIRE SERVICES PROPERTY LEVY BILL 2012** — 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 under the resolution of the House on Tuesday 11 September 2012 had expired.

Question — That this Bill be now read a second time — put and agreed to.

Bill read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Bill sent to the Legislative Council and their agreement requested.

- 15 **PLANNING AND ENVIRONMENT AMENDMENT (VICSMART PLANNING ASSESSMENT) BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Message sent to the Legislative Council informing them that the Bill has been agreed to without amendment.

- 16 **CIVIL PROCEDURE AMENDMENT BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrantdyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 40

Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Mr Carroll; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Ms Hutchins; Ms Kairouz; Ms Kanis; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Wynne.

Question agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 17 **PRIMARY INDUSTRIES AND FOOD LEGISLATION AMENDMENT BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 18 **FREE PRESBYTERIAN CHURCH PROPERTY AMENDMENT BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time — *and on the amendment* — That all the words after 'That' be omitted with the view of inserting in their place the words 'this bill be deferred indefinitely'.

Question — That the words proposed to be omitted stand part of the question — put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrantdyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 40

Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Mr Carroll; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Ms Hutchins; Ms Kairouz; Ms Kanis; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Wynne.

Question agreed to.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 19 **DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

Business having been interrupted at 4.14 pm under 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 5.08 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS
Nos 95, 96 and 97

No 95 — Tuesday 9 October 2012

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **ACTING OMBUDSMAN** — The Speaker advised that, on 4 October 2012, he administered to John Taylor, the Acting Ombudsman, the oath required by s 10 of the *Ombudsman Act 1973*.
- 4 **JUSTICE LEGISLATION AMENDMENT (MISCELLANEOUS) BILL 2012** — Mr Clark obtained leave to bring in a Bill '*for an Act to repeal section 134AE of the Accident Compensation Act 1985, to amend the Judicial Remuneration Tribunal Act 1995 regarding reporting periods, to amend rule making powers in the Supreme Court Act 1986, to amend the County Court Act 1958 in relation to recognition of service for pension entitlements, to amend the Terrorism (Community Protection) Act 2003 to extend the date for tabling a report on the operation of that Act and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **OFFSHORE PETROLEUM AND GREENHOUSE GAS STORAGE AMENDMENT (NOPSEMA) BILL 2012** — Mr O'Brien obtained leave to bring in a Bill '*for an Act to amend the Offshore Petroleum and Greenhouse Gas Storage Act 2010 in relation to the National Offshore Petroleum Safety and Environmental Management Authority and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **MINERAL RESOURCES (SUSTAINABLE DEVELOPMENT) AMENDMENT BILL 2012** — Mr O'Brien obtained leave to bring in a Bill '*for an Act to amend the enforcement provisions of the Mineral Resources (Sustainable Development) Act 1990 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **TOBACCO AMENDMENT (SHOPPER LOYALTY SCHEMES) BILL 2012** — Dr Napthine obtained leave to bring in a Bill '*for an Act to amend the Tobacco Act 1987 to limit further the operation of shopper loyalty schemes in relation to the sale of tobacco products and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **ROAD MANAGEMENT AMENDMENT (PENINSULA LINK) BILL 2012** — Mr Mulder obtained leave to bring in a Bill '*for an Act to amend the Road Management Act 2004 in relation to the Peninsula Link Freeway and to amend the Accident Towing Services Act 2007 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 9 **CLIMATE CHANGE AND ENVIRONMENT PROTECTION AMENDMENT BILL 2012** — Mr Smith (*Warrandyte*) obtained leave to bring in a Bill '*for an Act to amend the Climate Change Act 2010 and the Environment Protection Act 1970 to implement changes arising from a review of the Climate Change Act 2010, to make other amendments to the Environment Protection Act 1970, to amend the Transfer of Land Act 1958 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

10 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

'VicSmart' Legislation — Requesting that the Legislative Assembly urges the Baillieu Government to withdraw the radical reshaping of the Planning Act that will remove community consultation from the development approval process and to rethink, consult with the community and ensure that any proposal protects and improves rather than destroys the neighbourhood, bearing 28 signatures (*Mr Brooks*)

Cuts to TAFE Funding — Requesting that the Legislative Assembly urges the Government to abandon the planned TAFE funding cuts and ensure that no further cuts will be made, bearing 343 and 289 signatures (*Mr Brooks and Mr Nardella respectively*).

Petitions ordered to be tabled.

11 **PETITION — CUTS TO TAFE FUNDING** — Motion made and question — That the petition presented by the Member for Bundoora be taken into consideration tomorrow (*Mr Brooks*) — put and agreed to.

12 **PETITION — 'VICSMART' LEGISLATION** — Motion made and question — That the petition presented by the Member for Bundoora be taken into consideration tomorrow (*Mr Brooks*) — put and agreed to.

13 **PETITION — CUTS TO TAFE FUNDING** — Motion made and question — That the petition presented by the Member for Melton be taken into consideration tomorrow (*Mr Nardella*) — put and agreed to.

14 **DOCUMENTS**

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms Campbell, Deputy Chair, presented the Alert Digest No 14 of 2012 from the Scrutiny of Acts and Regulations Committee on the:

Local Government Legislation Amendment (Miscellaneous) Bill 2012

Primary Industries and Food Legislation Amendment Bill 2012

Retail Leases Amendment Bill 2012

Road Safety and Sentencing Acts Amendment Bill 2012

Serious Sex Offenders (Detention and Supervision) Amendment Bill 2012

Traditional Owner Settlement Amendment Bill 2012

Transport Legislation Amendment (Marine Drug and Alcohol Standards Modernisation and Other Matters) Bill 2012

together with appendices.

Ordered to be tabled and printed.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Accident Compensation Conciliation Service — Report 2011–12

Australian Centre for the Moving Image — Report 2011–12

Australian Grand Prix Corporation — Report 2011–12

Bairnsdale Regional Health Service — Report 2011–12

Beaufort and Skipton Health Service — Report 2011–12

Beechworth Health Service — Report 2011–12

Benalla Health — Report 2011–12

Calvary Health Care Bethlehem Ltd — Report 2011–12 (two documents)

Central Gippsland Health Service — Report 2011–12

Cobram District Health — Report 2011–12

Country Fire Authority — Report 2011–12

Duties Act 2000 — Reports 2011–12 of exemptions and refunds under ss 250B and 250DD (two documents)

East Grampians Health Service — Report 2011–12

East Wimmera Health Service — Report 2011–12

Education and Early Childhood Development, Department of — Report 2011–12

Emergency Services Superannuation Scheme — Report 2011–12

Emergency Services Telecommunications Authority — Report 2011–12

Financial Management Act 1994:

Reports from the Minister for Environment and Climate Change that he had received the reports 2011–12 of:

Central Murray Regional Waste Management Group

Highlands Regional Waste Management Group

South West Regional Waste Management Group

Reports from the Minister for Health that he had received the reports 2011–12 of:

Ballaarat General Cemeteries Trust

Bendigo Cemeteries Trust

Tweddle Child and Family Health Service

Report from the Minister for Higher Education and Skills that he had received the Report for the period July–December 2011 of the TAFE Development Centre

Geelong Performing Arts Centre Trust — Report 2011–12

Gippsland Southern Health Service — Report 2011–12

Hepburn Health Service — Report 2011–12

Interpretation of Legislation Act 1984 — Notices under s 32(3)(a)(iii) in relation to Statutory Rules 80 (*Gazette G35, 30 August 2012*), 99 (*Gazette S320, 19 September 2012*)

Kilmore and District Hospital — Report 2011–12

Legal Services Board — Report 2011–12

Library Board of Victoria — Report 2011–12

Lorne Community Hospital — Report 2011–12

Mallee Track Health and Community Service — Report 2011–12

Mansfield District Hospital — Report 2011–12

Melbourne Recital Centre Ltd — Report 2011–12 (two documents)

Members of Parliament (Register of Interests) Act 1978 — Summary of Returns June 2012 and Summary of a variation notified between 21 June 2012 and 5 October 2012 and Summary of Primary Return September 2012 — Ordered to be printed

Metropolitan Fire and Emergency Services Board — Report 2011–12

Museums Board of Victoria — Report 2011–12

Nathalia District Hospital — Report 2011–12

National Gallery of Victoria, Council of Trustees — Report 2011–12

Ombudsman — Investigation into an alleged corrupt association — Ordered to be printed

Omeo District Health — Report 2011–12 (two documents)

Orbost Regional Health — Report 2011–12

Parliamentary Contributory Superannuation Fund — Report 2011–12

Planning and Community Development, Department of — Report 2011–12

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Alpine — C31

Bass Coast — C64 Part 1

Boroondara — C91

Cardinia — C104, C190

Casey — C152, C170

Glenelg — C93

Greater Bendigo — C135

Hume — C166, C172

Macedon Ranges — C67 Part 1

Maribyrnong — C113, C116

Melbourne — C161, C193

Melton — C128

Mitchell — C100

Mount Alexander — C52

Moyne — C56

Nillumbik — C67

Stonnington — C135, C162

Strathbogie — C58

Whittlesea — C137, C167

Wyndham — C180, C200

Yarra — C151

Queen Elizabeth Centre — Report 2011–12

Rural Northwest Health — Report 2011–12

Seymour Health — Report 2011–12

South Gippsland Hospital — Report 2011–12

Statutory Rules under the following Acts:

County Court Act 1958 — SR 104

Firearms Act 1996 — SR 101

Infringements Act 2006 — SR 107

Juries Act 2000 — SR 106

Local Government Act 1989 — SR 100

Magistrates' Court Act 1989 — SRs 105, 109, 110

Racing Act 1958 — SR 102

Road Safety Act 1986 — SR 103

Subordinate Legislation Act 1994 — SR 108

Transport (Compliance and Miscellaneous) Act 1983 — SR 111

Wildlife Act 1975 — SR 99

Subordinate Legislation Act 1994:

Documents under s 15 in relation to Statutory Rules 99, 100, 102, 103, 104, 105, 106, 107, 108, 109, 110

Documents under s 16B in relation to:

Accident Towing Services Act 2007 — Declaration of the Self-Management Area of Geelong

Livestock Disease Control Act 1994 — Order determining the circumstances in which compensation is payable and the maximum amounts of compensation payable for queen bees and hives

Meat Industry Act 1993 — Notice of Exemption

Road Safety Act 1986 — Order in Council declaring certain motor vehicles not to be motor vehicles

Tallangatta Health Service — Report 2011–12

Terang and Mortlake Health Service — Report 2011–12

Timboon and District Healthcare Service — Report 2011–12

Treasury and Finance, Department of — Report 2011–12

Upper Murray Health and Community Services — Report 2011–12

Victoria Grants Commission — Report year ended 31 August 2012

Victoria Law Foundation — Report 2011–12

Victoria State Emergency Service Authority — Report 2011–12

Victorian Arts Centre Trust — Report 2011–12

Victorian Curriculum and Assessment Authority — Report 2011–12

Victorian Law Reform Commission — Report 2011–12 — Ordered to be printed

V/Line Corporation — Report 2011–12

V/Line Pty Ltd — Report 2011–12

West Gippsland Healthcare Group — Report 2011–12

Western District Health Service — Report 2011–12

Wimmera Health Care Group — Report 2011–12

Yarram and District Health Service — Report 2011–12

Yarrawonga Health — Report 2011–12

Yea and District Memorial Hospital — Report 2011–12.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 8 February 2011:

Energy Legislation Amendment Act 2012 — Whole Act — 27 September 2012 (*Gazette S324, 26 September 2012*)

Health (Commonwealth State Funding Arrangements) Act 2012 — Whole Act except ss 31 and 32 — 1 October 2012 (*Gazette S324, 26 September 2012*)

Public Interest Monitor Act 2011 — Parts 1 and 2, Part 3 (except s 14), Part 4 and Part 9 (except s 54) — 18 September 2012 (*Gazette S316, 18 September 2012*)

Racing Legislation Amendment Act 2012 — Whole Act — 26 September 2012 (*Gazette S324, 26 September 2012*)

Residential Tenancies Amendment Act 2012 — Part 2, ss 9 and 21 and the remaining provisions of Part 4 — 1 October 2012 (*Gazette S324, 26 September 2012*)

Road Safety Amendment Act 2012 — Whole Act (except ss 3, 4, 5 and 28) — 1 October 2012; ss 3, 4 and 28 — 1 November 2012 (*Gazette S324, 26 September 2012*).

- 15 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Port Management Further Amendment Bill 2012

Residential Tenancies and Other Consumer Acts Amendment Bill 2012.

- 16 **MESSAGE FROM THE LIEUTENANT-GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that she had, on 18 September 2012, given the royal assent to the following bills, presented to her by the Clerk of the Parliaments:

Energy Legislation Amendment Bill 2012

Evidence Amendment (Journalist Privilege) Bill 2012

Planning and Environment Amendment (VicSmart Planning Assessment) Bill 2012

Port Management Further Amendment Bill 2012

Racing Legislation Amendment Bill 2012

Residential Tenancies and Other Consumer Acts Amendment Bill 2012.

- 17 **MESSAGE FROM THE LIEUTENANT-GOVERNOR** — Recommending an appropriation for the purposes of the Transport Legislation Amendment (Marine Drug and Alcohol Standards Modernisation and Other Matters) Bill 2012.

- 18 **SUSPENSION OF STANDING ORDERS** — Motion made, by leave, and question — That so much of standing orders be suspended on Thursday 11 October 2012 to allow:

- (1) immediately after the Prayer, members to make statements to acknowledge the 10th anniversary of the Bali bombings and those killed or injured in that event, for an overall time of up to 30 minutes; and
- (2) formal business to proceed immediately after the statements —

(*Mr McIntosh*) — put and agreed to.

- 19 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 11 October 2012:

Resources Legislation Amendment (General) Bill 2012

Retail Leases Amendment Bill 2012

Serious Sex Offenders (Detention and Supervision) Amendment Bill 2012

Transport Legislation Amendment (Marine Drug and Alcohol Standards Modernisation and Other Matters) Bill 2012

Working with Children Amendment Bill 2012 — Amendments of the Legislative Council

(*Mr McIntosh*) — after debate, put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 43

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrantdyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 40

Mr Andrews; Ms Barker; Mr Brooks; Ms Campbell; Mr Carbines; Mr Carroll; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Ms Hutchins; Ms Kairouz; Ms Kanis; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

- 20 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 21 **WORKING WITH CHILDREN AMENDMENT BILL 2012** — Order read for the consideration of the amendments made by the Legislative Council.

Motion made and question proposed — That the amendments be agreed to (*Mr Clark*) — and, after debate —

Motion made and question — That the debate be now adjourned (*Mr Tilley*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 22 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 2 be postponed until later this day.

- 23 **SERIOUS SEX OFFENDERS (DETENTION AND SUPERVISION) AMENDMENT BILL 2012** — 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.

24 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Drugs, Poisons and Controlled Substances Amendment Bill 2012 without amendment.

25 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Returning the Fire Services Property Levy Bill 2012 and suggesting amendments.

Ordered — That the suggested amendments be taken into consideration immediately.

26 **FIRE SERVICES PROPERTY LEVY BILL 2012** — Order read for the consideration of the amendments suggested by the Legislative Council.

Motion made and question proposed — That this House makes the suggested amendments (*Mr Wells*) — and, after debate —

Business having been interrupted at 10.00 pm under sessional orders.

27 **ADJOURNMENT** — The Speaker announced that the time for the adjournment of the House had arrived and, after debate, the Deputy Speaker left the Chair at 10.54 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

No 96 — Wednesday 10 October 2012

1 The Speaker took the Chair and read the Prayer.

2 **CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) AMENDMENT BILL 2012** — Mr Clark obtained leave to bring in a Bill '*for an Act to amend the Classification (Publications, Films and Computer Games) (Enforcement) Act 1995 to provide for the regulation of computer games with an R 18+ classification, to provide for an exemption from certain offences under that Act and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.

3 **TOBACCO AMENDMENT (SMOKING AT PATROLLED BEACHES) BILL 2012** — Dr Napthine obtained leave to bring in a Bill '*for an Act to amend the Tobacco Act 1987 to ban smoking between the flags at patrolled beaches and within a 50 metre radius of each of those flags and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

4 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Bus Route 509 Hope Street, Brunswick/West Brunswick — Requesting that the Legislative Assembly urges the Baillieu Government to reverse any plans for the removal of bus route 509 and take appropriate action for its continued service, bearing 159 signatures (*Ms Garrett*)

Cuts to TAFE Funding — Requesting that the Legislative Assembly urges the Government to abandon the planned TAFE funding cuts and ensure that no further cuts will be made, bearing 64 signatures (*Ms Garrett*).

Petitions ordered to be tabled.

5 **PETITION — BUS ROUTE 509 HOPE STREET, BRUNSWICK/WEST BRUNSWICK** — Motion made and question — That the petition presented by the Member for Brunswick be taken into consideration tomorrow (*Ms Garrett*) — put and agreed to.

6 **PETITION — CUTS TO TAFE FUNDING** — Motion made and question — That the petition presented by the Member for Brunswick be taken into consideration tomorrow (*Ms Garrett*) — put and agreed to.

7 **DOCUMENTS**

OFFICE OF THE PUBLIC ADVOCATE — Report 2011–12 tabled by leave (*Mr Clark*).

Ordered to be printed.

CONSUMER UTILITIES ADVOCACY CENTRE — Report 2011–12 tabled by leave (*Mr O'Brien*).

VICTORIAN COMPETITION AND EFFICIENCY COMMISSION — Report 2011–12 tabled by leave (*Mr Wells*).

FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE — Mr McGuire, Deputy Chair, presented a report from the Family and Community Development Committee on the Inquiry into Workforce Participation by People with a Mental Illness, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Adult, Community and Further Education Board — Report 2011–12

Alexandra District Hospital — Report 2011–12

Alpine Health — Report 2011–12

Auditor-General:

Consumer Participation in the Health System — Ordered to be printed

Managing Major Projects — Ordered to be printed

Bass Coast Regional Health — Report 2011–12

Boort District Health — Report 2011–12

Casterton Memorial Hospital — Report 2011–12

Castlemaine Health — Report 2011–12

Cohuna District Hospital — Report 2011–12

Colac Area Health — Report 2011–12

Confiscation Act 1997 — Asset Confiscation Operations Report 2011–12

Consumer Affairs Victoria — Report 2011–12 — Ordered to be printed

Djerriwarrh Health Services — Report 2011–12

Docklands Studios Melbourne Pty Ltd — Report 2011–12

Dunmunkle Health Services — Report 2011–12

Echuca Regional Health — Report 2011–12

Edenhope and District Memorial Hospital — Report 2011–12

Emerald Tourist Railway Board — Report 2011–12

Film Victoria — Report 2011–12

Financial Management Act 1994:

Report from the Minister for Agriculture and Food Security that he had received the Report 2011–12 of the Northern Victorian Fresh Tomato Industry Development Committee

Reports from the Minister for Environment and Climate Change that he had received the reports 2011–12 of the:

Alpine Resorts Co-ordinating Council

Barwon Regional Waste Management Group

Calder Regional Waste Management Group

Commissioner for Environmental Sustainability

Desert Fringe Regional Waste Management Group

Gippsland Regional Waste Management Group

Goulburn Valley Regional Waste Management Group

Grampians Regional Waste Management Group

Mildura Regional Waste Management Group

Mornington Peninsula Regional Waste Management Group

North East Victorian Regional Waste Management Group

Surveyors Registration Board of Victoria

Victorian Environmental Water Holder

Reports from the Minister for Health that he had received the reports 2011–12 of the:

Chinese Medicine Registration Board of Victoria

Maldon Hospital

Mildura Cemetery Trust

Forensic Leave Panel — Report 2011

Geelong Cemeteries Trust — Report 2011–12

Greyhound Racing Victoria — Report 2011–12

Growth Areas Authority — Report 2011–12

Heathcote Health — Report 2011–12

Hesse Rural Health Service — Report 2011–12

Heywood Rural Health — Report 2011–12

Inglewood and Districts Health Service — Report 2011–12

Judicial College of Victoria — Report 2011–12

Kerang District Health — Report 2011–12

Kooweerup Regional Health Service — Report 2011–12 (two documents)

Kyabram and District Health Services — Report 2011–12

Kyneton District Health Service — Report 2011–12

Legal Practitioners' Liability Fund — Report 2011–12

Legal Services Commissioner — Report 2011–12 — Ordered to be printed

Maryborough District Health Service — Report 2011–12

Melbourne Market Authority — Report 2011–12

Metropolitan Waste Management Group — Report 2011–12

Moyne Health Services — Report 2011–12

National Parks Act 1975 — Report 2011–12 on the working of the Act

National Parks Advisory Council — Report 2011–12

Northeast Health Wangaratta — Report 2011–12

Numurkah District Health Service — Report 2011–12

Ombudsman — Investigation into the temporary closure of Alfred Health's adult lung transplant program — Ordered to be printed

Otway Health and Community Services — Report 2011–12

Parks Victoria — Report 2011–12

Phillip Island Nature Parks — Report 2011–12

Portland District Health — Report 2011–12

Professional Standards Council — Report 2011–12 (two documents)

Public Prosecutions — Director, Committee and Office — Report 2011–12

Residential Tenancies Bond Authority — Report 2011–12

Roads Corporation (VicRoads) — Report 2011–12

Robinvale District Health Services — Report 2011–12

Rochester and Elmore District Health Service — Report 2011–12

Royal Botanic Gardens Board — Report 2011–12

South West Healthcare — Report 2011–12

Southern Metropolitan Cemeteries Trust — Report 2011–12

State Electricity Commission of Victoria — Report 2011–12

Stawell Regional Health — Report 2011–12

Swan Hill District Health — Report 2011–12

Trust for Nature (Victoria) — Report 2011–12

Victorian Coastal Council — Report 2011–12

Victorian Commission for Gambling and Liquor Regulation — Report 2011–12

Victorian Electoral Commission — Report 2011–12

Victorian Electoral Commission — Report on the Melbourne District by-election held on 21 July 2012

Victorian Environmental Assessment Council — Report 2011–12

Victorian Equal Opportunity and Human Rights Commission — Report 2011–12 — Ordered to be printed

Victorian Government Purchasing Board — Report 2011–12

Victorian Institute of Forensic Medicine — Report 2011–12

Victorian Institute of Teaching — Report 2011–12

Victorian Privacy Commissioner, Office of — Report 2011–12 — Ordered to be printed

Victorian Regional Channels Authority — Report 2011–12

Victorian Registration and Qualifications Authority — Report 2011–12

Victorian Skills Commission — Report 2011–12

West Wimmera Health Service — Report 2011–12

Zoological Parks and Gardens Board — Report 2011–12 (two documents).

8 **SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE** — The Speaker announced that he had received the resignation of Mr O'Brien, MLC, from the Scrutiny of Acts and Regulations Committee, and Mrs Bauer from the Family and Community Development Committee, effective from 9 October 2012.

9 **SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Motion made, by leave, and question — That Dr Sykes be appointed a member of the Scrutiny of Acts and Regulations Committee (*Mr McIntosh*) — put and agreed to.

10 **ENVIRONMENT AND NATURAL RESOURCES COMMITTEE** — Motion made, by leave, and question — That, under s 33 of the *Parliamentary Committees Act 2003*, an inquiry into matters relating to rural drainage in Victoria (but not including irrigation drainage or regional urban and metropolitan drainage) be referred to the Environment and Natural Resources Committee for consideration and report, no later than 30 June 2013, with particular reference to:

- (1) the historical basis for the establishment and operation of former drainage schemes including management arrangements;

- (2) the status of rural drainage across Victoria, including effectiveness, regulation, ownership, responsibility and maintenance on both public and private land;
- (3) the benefits of rural drainage for both productive land and environment together with community expectations for rural drainage programs;
- (4) the impacts of rural drainage, including on other land holders and the environment including waterways, wetlands, flora, fauna and water quality;
- (5) options for improved rural drainage management across Victoria, including regulation, institutional and funding arrangements, operation, responsibility and maintenance on both public and private land; and
- (6) the Committee's report on the inquiry into flood mitigation infrastructure in Victoria —

(Mr McIntosh) — put and agreed to.

11 **SUSPENSION OF STANDING ORDERS** — Motion made, by leave, and question — That so much of standing orders be suspended on Thursday 25 October 2012 so as to allow:

- (1) That the sitting of the House be suspended at 11.15 am.
- (2) The Speaker to take the chair at 11.30 am, interrupt business, and the House proceed in accordance with paragraphs (3) to (7).
- (3) Legislative Council members to be admitted onto the floor of the House and to remain until the motion for a parliamentary apology for past forced adoptions is resolved.
- (4) The Premier to move a motion for a parliamentary apology for past forced adoptions and the Leader of the Opposition; the Leader of the Nationals; Mr Greg Barber MLC, Member for Northern Metropolitan Region; the Member for Pascoe Vale; and the Minister for Community Services to speak on the motion.
- (5) The Speaker to put the question on the motion at the conclusion of the contributions referred to in paragraph (4).
- (6) After the question has been resolved, the sitting of the House be suspended until 2.00 pm.
- (7) Any business under discussion at the 11.15 am suspension to be resumed immediately after question time and any member speaking at the time of interruption to then continue his or her speech —

(Mr McIntosh) — put and agreed to.

12 **INVITATION TO COUNCIL MEMBERS — APOLOGY FOR PAST FORCED ADOPTION PRACTICES** — Motion made, by leave, and question — That:

- (1) The Legislative Assembly invites members of the Legislative Council to attend a sitting of the Assembly in the Legislative Assembly Chamber on Thursday 25 October 2012 at 11.30 am for the consideration of the motion for a parliamentary apology for past forced adoptions.
- (2) The lower public gallery on the Opposition side of the House be deemed part of the Legislative Assembly Chamber and the Assembly standing orders be applied for the time that Council members are invited onto the floor of the House.
- (3) That a message be sent to the Legislative Council informing them accordingly —

(Mr McIntosh) — put and agreed to.

- 13 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That the government business program agreed to by this House on 9 October 2012 be amended by adding the Order of the Day, Government Business, relating to the Fire Services Property Levy Bill 2012 — Suggested amendments of the Legislative Council, to be considered and completed by 4.00 pm today *(Mr McIntosh)* — put, after debate, and agreed to.

- 14 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 15 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.

- 16 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Family and Community Development Committee's Report on the Inquiry into Workforce Participation by People with a Mental Illness

Public Accounts and Estimates Committee's Report on the 2012–13 Budget Estimates — Part Two

Rural and Regional Committee's Report on the Inquiry into the Capacity of the Farming Sector to Attract and Retain Young Farmers and Respond to an Ageing Workforce

Environment and Natural Resources Committee's Report on the Inquiry into flood mitigation infrastructure in Victoria

Public Accounts and Estimates Committee's Report on the 2012–13 Budget Estimates — Part One.

- 17 **TRANSPORT LEGISLATION AMENDMENT (MARINE DRUG AND ALCOHOL STANDARDS MODERNISATION AND OTHER MATTERS) BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

- 18 **QUESTIONS** — (Under SO 55).

- 19 **TRANSPORT LEGISLATION AMENDMENT (MARINE DRUG AND ALCOHOL STANDARDS MODERNISATION AND OTHER MATTERS) BILL 2012** — Debate continued on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned *(Mr Bull)* — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 20 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 2 to 14 inclusive, be postponed until later this day.

- 21 **FIRE SERVICES PROPERTY LEVY BILL 2012** — Order read for the further consideration of the amendments suggested by the Legislative Council; debate resumed.

Question — That this House makes the suggested amendments — put and agreed to.

Bill returned to the Legislative Council with a message informing them accordingly.

- 22 **TRANSPORT LEGISLATION AMENDMENT (MARINE DRUG AND ALCOHOL STANDARDS MODERNISATION AND OTHER MATTERS) BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Motion made and question — That the debate be now adjourned (*Mr Weller*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 23 **JUSTICE LEGISLATION AMENDMENT (MISCELLANEOUS) BILL 2012** — *Mr Clark tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Clark*).
- Motion made and question — That the debate be now adjourned (*Mr Pallas*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 24 October 2012.
- 24 **OFFSHORE PETROLEUM AND GREENHOUSE GAS STORAGE AMENDMENT (NOPSEMA) BILL 2012** — *Mr O'Brien tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr O'Brien*).
- Motion made and question — That the debate be now adjourned (*Mr Pallas*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 24 October 2012.
- 25 **MINERAL RESOURCES (SUSTAINABLE DEVELOPMENT) AMENDMENT BILL 2012** — *Mr O'Brien tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr O'Brien*).
- Motion made and question — That the debate be now adjourned (*Mr Pallas*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 24 October 2012.
- 26 **TOBACCO AMENDMENT (SHOPPER LOYALTY SCHEMES) BILL 2012** — *Dr Naphthine tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Dr Naphthine*).
- Motion made and question — That the debate be now adjourned (*Mr Pallas*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 24 October 2012.
- 27 **ROAD MANAGEMENT AMENDMENT (PENINSULA LINK) BILL 2012** — *Mr Mulder tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Mulder*).
- Motion made and question — That the debate be now adjourned (*Mr Pallas*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 24 October 2012.

- 28 **CLIMATE CHANGE AND ENVIRONMENT PROTECTION AMENDMENT BILL 2012** — *Mr Smith (Warrandyte) tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Smith, Warrandyte*).

Motion made and question — That the debate be now adjourned (*Mr Pallas*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 24 October 2012.

- 29 **TRANSPORT LEGISLATION AMENDMENT (MARINE DRUG AND ALCOHOL STANDARDS MODERNISATION AND OTHER MATTERS) BILL 2012** — 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 Katos*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 30 **RETAIL LEASES AMENDMENT BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under sessional orders.

- 31 **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 10.43 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

No 97 — Thursday 11 October 2012

- 1 The Speaker took the Chair and read the Prayer.

- 2 **TENTH ANNIVERSARY OF THE BALI BOMBINGS** — In accordance with the resolution of the House on 9 October 2012, members made statements to acknowledge the 10th anniversary of the Bali bombings and those killed or injured in that event.

Members stood in silence as a mark of respect.

- 3 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:

Cuts to TAFE Funding — Requesting that the Legislative Assembly urges the Government to abandon the planned TAFE funding cuts and ensure that no further cuts will be made, bearing 37 signatures (*Ms Hennessy*).

Ordered to be tabled.

4 DOCUMENTS

PRIVILEGES COMMITTEE — Dr Napthine, Chair, presented a report from the Privileges Committee on the right of reply from Mr Emanuele Cicchiello, a person referred to in the Legislative Assembly, together with appendices.

Ordered to be tabled and printed.

PRIVILEGES COMMITTEE — Dr Napthine, Chair, presented a report from the Privileges Committee on the right of reply from Mr Geoff Leigh, a person referred to in the Legislative Assembly, together with an appendix.

Ordered to be tabled and printed.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Albury Wodonga Health — Report 2011–12

Alfred Health — Report 2011–12

Ambulance Victoria — Report 2011–12

Austin Health — Report 2011–12

Ballarat Health Services — Report 2011–12

Barwon Health — Report 2011–12

Bendigo Health Care Group — Report 2011–12

Community Visitors — Report 2011–12 under s 35 of the *Disability Act 2006*, s 116A of the *Mental Health Act 1986* and s 195 of the *Supported Residential Services (Private Proprietors) Act 2010* — Ordered to be printed

Confiscation Act 1997 — Report 2011–12 under s 139A

Corangamite Catchment Management Authority — Report 2011–12

Coronial Council of Victoria — Report 2011–12

Dental Health Services Victoria — Report 2011–12

East Gippsland Catchment Management Authority — Report 2011–12

Eastern Health — Report 2011–12

Environment Protection Authority — Report 2011–12

Financial Management Act 1994 — Reports from the Minister for Health that he had received the reports 2011–12 of:

Health Purchasing Victoria

Medical Radiation Practitioners Board

Victorian Assisted Reproductive Treatment Authority

Victorian Pharmacy Authority

Glenelg Hopkins Catchment Management Authority — Report 2011–12

Goulburn Broken Catchment Management Authority — Report 2011–12

Goulburn Valley Health — Report 2011–12

Harness Racing Victoria — Report 2011–12

Health, Department of — Report 2011–12

Health Services Commissioner, Office of — Report 2011–12

Human Services, Department of — Report 2011–12

Justice, Department of — Report 2011–12

Latrobe Regional Hospital — Report 2011–12

Mallee Catchment Management Authority — Report 2011–12

Melbourne Health — Report 2011–12

Mercy Public Hospitals Inc — Report 2011–12

North Central Catchment Management Authority — Report 2011–12

North East Catchment Management Authority — Report 2011–12

Northern Health — Report 2011–12

Ombudsman — *Whistleblowers Protection Act 2001*: Investigation into allegations against Mr Geoff Shaw MP — Ordered to be printed

Parliamentary Committees Act 2003 — Government response to the Law Reform Committee's Report on the Inquiry into access by donor-conceived persons to information about donors

Peninsula Health — Report 2011–12 (two documents)

Peter MacCallum Cancer Centre — Report 2011–12

Port of Melbourne Corporation — Report 2011–12

Port Phillip and Westernport Catchment Management Authority — Report 2011–12

Public Record Office Victoria — Report 2011–12

Radiation Advisory Committee — Report 2011–12

Royal Children's Hospital — Report 2011–12

Royal Victorian Eye and Ear Hospital — Report 2011–12

Royal Women's Hospital — Report 2011–12

Sentencing Advisory Council — Report 2011–12

Southern Health — Report 2011–12

St Vincent's Hospital Melbourne Ltd — Report 2011–12

State Trustees Ltd — Report 2011–12

Sustainability and Environment, Department of — Report 2011–12

Sustainability Victoria — Report 2011–12

Terrorism (Community Protection) Act 2003 — Reports 2011–12 under ss 13, 13ZR and 21M

Transport, Department of and Public Transport Development Authority — Report 2011–12

Victims of Crime Assistance Tribunal — Report 2011–12

Victoria Legal Aid — Report 2011–12

Victorian Funds Management Corporation — Report 2011–12

Victorian Health Promotion Foundation — Report 2011–12

Victorian Industry Participation Policy — Report 2011–12

Victorian WorkCover Authority — Report 2011–12

West Gippsland Catchment Management Authority — Report 2011–12

Western Health — Report 2011–12

Wimmera Catchment Management Authority — Report 2011–12.

5 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 23 October 2012 (*Mr McIntosh*) — put and agreed to.

6 **STATEMENTS BY MEMBERS** — Statements by members were made.

7 **RESOURCES LEGISLATION AMENDMENT (GENERAL) BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Dr Sykes*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

8 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Fire Services Property Levy Bill 2012 including the amendments made by the Legislative Assembly on the suggestion of the Legislative Council, without amendment.

9 **RESOURCES LEGISLATION AMENDMENT (GENERAL) BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

10 **QUESTIONS** — (Under SO 55).

11 **RESOURCES LEGISLATION AMENDMENT (GENERAL) BILL 2012** — 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.

- 12 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Primary Industries and Food Legislation Amendment Bill 2012 without amendment.

- 13 **RESOURCES LEGISLATION AMENDMENT (GENERAL) BILL 2012** — 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 Hodggett*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 14 **CLASIFICACION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) AMENDMENT BILL 2012** — *Mr Clark tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Clark*).

Motion made and question — That the debate be now adjourned (*Mr Madden*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 25 October 2012.

- 15 **TOBACCO AMENDMENT (SMOKING AT PATROLLED BEACHES) BILL 2012** — *Dr Naphthine tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Dr Naphthine*).

Motion made and question — That the debate be now adjourned (*Mr Madden*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 25 October 2012.

- 16 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Community Based Sentences (Transfer) Bill 2012 without amendment.

- 17 **RESOURCES LEGISLATION AMENDMENT (GENERAL) BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Allocation of time — The Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 9 October 2012 and as amended on Wednesday 10 October 2012 had expired.

Question — That this Bill be now read a second time — put and agreed to.

Question — That this Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 18 **TRANSPORT LEGISLATION AMENDMENT (MARINE DRUG AND ALCOHOL STANDARDS MODERNISATION AND OTHER MATTERS) BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 19 **SERIOUS SEX OFFENDERS (DETENTION AND SUPERVISION) AMENDMENT BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 20 **RETAIL LEASES AMENDMENT BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 21 **WORKING WITH CHILDREN AMENDMENT BILL 2012** — Order read for the further consideration of the amendments made by the Legislative Council.

Question — That the amendments be agreed to — put and agreed to.

Message sent to the Legislative Council informing them accordingly.

Business having been interrupted at 4.03 pm under sessional orders.

- 22 **ADJOURNMENT** — The Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 4.54 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS
Nos 98, 99, 100 and 101

No 98 — Tuesday 23 October 2012

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **DEATH OF MR PETER ROSS-EDWARDS, AM** — Motion made and question — That this House expresses its sincere sorrow at the death of Mr Peter Ross-Edwards, AM, and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as Member of the Legislative Assembly for the Electoral District of Shepparton from 1967 to 1991 and Leader of the National Party from 1970 to 1988 (*Mr Baillieu*) — put, after members had addressed the House in support of the motion and, members rising in their places to signify their assent, agreed to unanimously.
- 3 **ADJOURNMENT** — Motion made, by leave, and question — That, as a further mark of respect to the memory of the late Mr Peter Ross-Edwards, AM, the House now adjourns until 5.00 pm today (*Mr Baillieu*) — put and agreed to.

And the House, at 3.21 pm, adjourned until 5.00 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

No 99 — Tuesday 23 October 2012
(5.00 pm)

- 1 The House met according to the adjournment — The Speaker took the Chair.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **POLICE REGULATION AMENDMENT BILL 2012** — Mr Ryan obtained leave to bring in a Bill '*for an Act to amend the **Police Regulation Act 1958** to establish a Police Registration and Services Board, to amend the provisions for appointments, transfers, appeals and reviews and to make miscellaneous amendments and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **STATE TAXATION AND OTHER ACTS AMENDMENT BILL 2012** — Mr Wells obtained leave to bring in a Bill '*for an Act to amend the **Land Tax Act 2005**, the **Road Safety Act 1986**, the **Taxation Administration Act 1997**, the **Trustee Companies Act 1984** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **RETIREMENT VILLAGES AMENDMENT (INFORMATION DISCLOSURE) BILL 2012** — Mr O'Brien obtained leave to bring in a Bill '*for an Act to amend the **Retirement Villages Act 1986** in relation to the information to be provided or made available to prospective residents of retirement*

villages and for other purposes'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

- 6 **ROAD SAFETY AMENDMENT (OPERATOR ONUS) BILL 2012** — Mr Mulder obtained leave to bring in a Bill '*for an Act to amend the Road Safety Act 1986 in relation to the operator onus system and for other purposes'*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **EDUCATION LEGISLATION AMENDMENT (GOVERNANCE) BILL 2012** — Mr Dixon obtained leave to bring in a Bill '*for an Act to amend the Education and Training Reform Act 2006, the Education and Training Reform Amendment (Skills) Act 2010 and various University Acts and for other purposes'*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Proposed Arterial Road Impacts for South Barwon — Requesting that the Legislative Assembly urges the Government to provide funding for — (a) two metre noise walls along the proposed arterial road in South Barwon, to be built on top of the already planned two metre earth mound to lessen the impact on the health and well-being of existing northern side residents; (b) these walls to cover the full 4.5 kilometre northern length of the proposed road; (c) dense-grade asphalt road surface to dampen vehicle noise; and (d) dense vegetation to be planted north of the wall to reduce noise and pollution, bearing 1192 signatures (*Mr Katos*)

Roslyn Primary School — Requesting that the Legislative Assembly urges the Government to approve and fund a whole school rebuild to replace facilities built in 1951 at Roslyn Primary School, Belmont, bearing 901 signatures (*Mr Katos*)

Specialist Schools in Geelong Region — Requesting that the Legislative Assembly urges the Government to commit to both short and long term solutions to — (a) alleviate the problem of overcrowding in the two specialist schools (Barwon Valley and Nelson Park); and (b) provide a special school facility that best meets the needs of the students, bearing 1699 signatures (*Mr Katos*).

Petitions ordered to be tabled.

- 9 **PETITION — PROPOSED ARTERIAL ROAD IMPACTS FOR SOUTH BARWON** — Motion made and question — That the petition presented by the Member for South Barwon be taken into consideration tomorrow (*Mr Katos*) — put and agreed to.
- 10 **PETITION — ROSLYN PRIMARY SCHOOL** — Motion made and question — That the petition presented by the Member for South Barwon be taken into consideration tomorrow (*Mr Katos*) — put and agreed to.
- 11 **PETITION — SPECIALIST SCHOOLS IN GEELONG REGION** — Motion made and question — That the petition presented by the Member for South Barwon be taken into consideration tomorrow (*Mr Katos*) — put and agreed to.

12 DOCUMENTS

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms Campbell, Deputy Chair, presented the Alert Digest No 15 of 2012 from the Scrutiny of Acts and Regulations Committee on the:

Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill 2012
 Climate Change and Environment Protection Amendment Bill 2012
 Justice Legislation Amendment (Miscellaneous) Bill 2012

Mineral Resources (Sustainable Development) Amendment Bill 2012
 Offshore Petroleum and Greenhouse Gas Storage Amendment (NOPSEMA) Bill 2012
 Road Management Amendment (Peninsula Link) Bill 2012
 Tobacco Amendment (Shopper Loyalty Schemes) Bill 2012
 Tobacco Amendment (Smoking at Patrolled Beaches) Bill 2012
 Transport Legislation Amendment (Marine Drug and Alcohol Standards Modernisation and Other Matters) Bill 2012

together with appendices.

Ordered to be tabled and printed.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Financial Management Act 1994:

Financial Report for the State of Victoria 2011–12, incorporating Quarterly Financial Report No 4 — Ordered to be printed

Reports from the Minister for Roads that he had received the reports 2011–12 of:

Rolling Stock Holdings (Victoria – VL1) Pty Ltd

Rolling Stock Holdings (Victoria – VL2) Pty Ltd

Rolling Stock Holdings (Victoria – VL3) Pty Ltd

Members of Parliament (Register of Interests) Act 1978 — Cumulative summary of returns as at 30 September 2012 — Ordered to be printed

Ombudsman — *Whistleblowers Protection Act 2001*: Investigation into allegations of improper conduct involving Victoria Police — Ordered to be printed

Parliamentary Committees Act 2003 — Government response to the Public Accounts and Estimates Committee's Report on the 2009–10 and 2010–11 financial and performance outcomes

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Alpine — C29 Part 1

Greater Bendigo — C194

Greater Dandenong — C147

Melbourne — C201

Murrindindi — C35

South Gippsland — C61

Victoria Planning Provisions — VC96

Police Appeals Board — Report 2011–12

Project Development and Construction Management Act 1994 — Nomination order under s 6, application order under s 8 and a statement under s 9 of reasons for making a nomination order (two documents)

Rolling Stock Holdings (Victoria) Pty Ltd — Report 2011–12

Rolling Stock (Victoria-VL) Pty Ltd — Report 2011–12

Statutory Rule under the *Freedom of Information Act 1982* — SR 112

Subordinate Legislation Act 1994:

Documents under s 15 in relation to Statutory Rules 101, 111, 112

Documents under s 16B in relation to the *Sex Work Act 1994* — Determination of the time period for regular swab testing under ss 19(2)(a)(ii) and 20(2)(a)(ii)

Victorian Rail Track — Report 2011–12

Water Act 1989 — Lower Campaspe Valley Water Supply Protection Area Groundwater Management Plan under s 32A.

The following proclamation fixing an operative date was tabled by the Clerk in accordance with an order of the House dated 8 February 2011:

Leo Cussen Institute (Registration as a Company) Act 2011 — Section 8 — 18 October 2012 (*Gazette S345, 16 October 2012*).

- 13 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Local Government Legislation Amendment (Miscellaneous) Bill 2012 with amendments.

Ordered — That the amendments be taken into consideration tomorrow.

- 14 **MESSAGE FROM THE LIEUTENANT-GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that she had, on 16 October 2012, given the royal assent to the following bills, presented to her by the Clerk of the Parliaments:

Drugs, Poisons and Controlled Substances Amendment Bill 2012
Fire Services Property Levy Bill 2012.

- 15 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had today given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Community Based Sentences (Transfer) Bill 2012
Primary Industries and Food Legislation Amendment Bill 2012
Working with Children Amendment Bill 2012.

- 16 **MESSAGES FROM THE GOVERNOR** — Recommending appropriations for the purposes of the following bills:

Climate Change and Environment Protection Amendment Bill 2012
Justice Legislation Amendment (Miscellaneous) Bill 2012
Mineral Resources (Sustainable Development) Amendment Bill 2012
Tobacco Amendment (Smoking at Patrolled Beaches) Bill 2012.

- 17 **SUSPENSION OF STANDING AND SESSIONAL ORDERS** — Motion made, by leave, and question — That so much of standing and sessional orders be suspended on Thursday 25 October 2012 so as to allow:

- (1) question time to begin at 2.30 pm; and
- (2) the interruption of business for adjournment under Sessional Order 8(1)(b) to occur at 4.30 pm —

(*Mr McIntosh*) — put and agreed to.

18 **ORDERS OF THE HOUSE RESCINDED** — Motion made, by leave, and question — That:

(1) the Orders of the House making the resumption of debate on the second readings of the:

(a) Justice Legislation Amendment (Miscellaneous) Bill 2012; and

(b) Road Management Amendment (Peninsula Link) Bill 2012 —

Orders of the Day for Wednesday 24 October 2012, be read and rescinded;

(2) the Order of the House making the resumption of debate on the second reading of the Tobacco Amendment (Smoking at Patrolled Beaches) Bill 2012 an Order of the Day for Thursday 25 October 2012 be read and rescinded; and

(3) these bills be made Orders of the Day for today —

(*Mr McIntosh*) — put, after debate, and agreed to.

19 **EDUCATION AND TRAINING COMMITTEE** — Motion made, by leave, and question — That, under s 33 of the *Parliamentary Committees Act 2003*, an inquiry into the extent, benefits and potential of music education in Victorian schools be referred to the Education and Training Committee for consideration and report no later than 30 September 2013, including:

Evidence supporting music education in schools

(1) benefits to society and to individual students wanting to pursue music as a career;

(2) general benefits to students as a result of music education;

(3) benefits to student academic performance as a result of music education;

Current provision of music education in Victoria

(4) music education provided through specific funding for music education;

(5) music education provided through non-specific funding, for example, general Student Resource Package funding;

(6) music education provided through parent contribution;

(7) the extent and quality of music education provision in Victorian schools;

Future optimum provision of music education in Victorian schools

(8) optimum governance and oversight arrangements;

(9) optimum use of targeted funding;

(10) optimum balance of central mandates and supports; and

(11) optimum balance of music specific funding, non-music specific funding and parent contribution —

(*Mr McIntosh*) — put and agreed to.

- 20 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.30 pm on Thursday 25 October 2012:

Justice Legislation Amendment (Miscellaneous) Bill 2012

Local Government Legislation Amendment (Miscellaneous) Bill 2012 — Amendments of the Legislative Council

Road Management Amendment (Peninsula Link) Bill 2012

Tobacco Amendment (Smoking at Patrolled Beaches) Bill 2012

(Mr McIntosh) — put, after debate, and agreed to.

- 21 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 22 **JUSTICE LEGISLATION AMENDMENT (MISCELLANEOUS) BILL 2012** — 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 Angus)* — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 23 **ROAD MANAGEMENT AMENDMENT (PENINSULA LINK) BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under sessional orders.

- 24 **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

KEN SMITH
Speaker

No 100 — Wednesday 24 October 2012

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Planning Permit Applications in Open Potable Water Supply Catchment Areas — Requesting that the Legislative Assembly immediately restores fairness in the application of the guidelines for all landowners, regardless of allotment size through — (a) amendment of guideline 1 to place greater weight on a supporting Land Capability Assessment; and (b) amendment to State planning policy to responsibly address the precautionary principle regarding the cumulative risk of the adverse impacts of onsite waste water systems, bearing 120 signatures *(Ms Edwards)*

Guidelines for Planning Permit Applications in Open Potable Water Supply Catchment Areas — Requesting that the Legislative Assembly ensures fairness, consistency and clarity in the application of the planning guidelines for all landowners, regardless of allotment size, through — (a) amendments to the planning guidelines or relevant legislation; (b) the development of a coordinated state-wide water catchment management strategy; and (c) the development of specific

landowner requirements to satisfy a 'common sense' application of the planning guidelines, bearing 126 signatures (*Ms Edwards*)

Cuts to TAFE Funding — Requesting that the Legislative Assembly urges the Government to abandon the planned TAFE funding cuts and ensure that no further cuts will be made, bearing 67 signatures (*Ms Garrett*)

Review of the Abortion Law Reform Act 2008 — Requesting that the Legislative Assembly reviews the *Abortion Law Reform Act 2008*, bearing 21 signatures (*Mr Bull*)

Closure of Swinburne University Campuses at Lilydale and Prahran — Requesting that the Legislative Assembly requires the Government to immediately restore funding to Swinburne University campuses at Lilydale and Prahran and guarantee no further cuts, bearing 47 signatures (*Mr Merlino*).

Petitions ordered to be tabled.

3 **PETITION — PLANNING PERMIT APPLICATIONS IN OPEN POTABLE WATER SUPPLY CATCHMENT AREAS** — Motion made and question — That the petition presented by the Member for Bendigo West be taken into consideration tomorrow (*Ms Edwards*) — put and agreed to.

4 **PETITION — GUIDELINES FOR PLANNING PERMIT APPLICATIONS IN OPEN POTABLE WATER SUPPLY CATCHMENT AREAS** — Motion made and question — That the petition presented by the Member for Bendigo West be taken into consideration tomorrow (*Ms Edwards*) — put and agreed to.

5 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Auditor-General:

Collections Management in Cultural Agencies — Ordered to be printed
Effectiveness of Compliance Activities: Departments of Primary Industries and Sustainability and Environment — Ordered to be printed

CenITex — Report 2011–12

Greater Metropolitan Cemeteries Trust — Report 2011–12

Ombudsman — *Whistleblowers Protection Act 2001*: Investigation into allegations of improper conduct by CenITex officers — Ordered to be printed.

6 **STATEMENTS BY MEMBERS** — Statements by members were made.

7 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — FEDERAL GOVERNMENT'S MINI-BUDGET CUTS** — The House was informed that Mr Wells had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House condemns the Federal Labor Government for attacking Victorian families and this State's economy with mini-budget cuts which are the direct consequence of its poor national economic and financial management.'

Mr Wells addressed the House — Discussion followed.

8 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Environment and Natural Resources Committee's Report on the Inquiry into flood mitigation infrastructure in Victoria

Law Reform Committee's Report on the Inquiry into access by donor-conceived people to information about donors

Public Accounts and Estimates Committee's Report on the Review of the Auditor-General's Reports January–June 2009 and follow-up of PAEC Reports 82, 86 and 91

Family and Community Development Committee's Report on the Inquiry into Workforce Participation by People with a Mental Illness.

- 9 **PRIVILEGES COMMITTEE** — Motion made and question proposed — That, in relation to the Report of the Ombudsman, *Whistleblowers Protection Act 2001: Investigation into allegations against Mr Geoff Shaw MP*, this House refers Recommendation 2 to the Privileges Committee for investigation and report (*Ms Asher*) — and, after debate —

Business having been interrupted at 2.00 pm under standing orders.

- 10 **QUESTIONS** — (Under SO 55).

- 11 **PRIVILEGES COMMITTEE** — Debate continued on question — That, in relation to the Report of the Ombudsman, *Whistleblowers Protection Act 2001: Investigation into allegations against Mr Geoff Shaw MP*, this House refers Recommendation 2 to the Privileges Committee for investigation and report.

Amendment proposed — That after the word 'report' there be inserted the words 'and requires the Committee to take any evidence from the Member for Frankston in public' (*Mr Andrews*) — and, after debate —

Motion made and question — That the question be now put (*Dr Sykes*) — put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrantdyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 43

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Mr Carroll; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Ms Hutchins; Ms Kairouz; Ms Kanis; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

Question — That the amendment be agreed to — accordingly put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 43

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Mr Carroll; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Ms Hutchins; Ms Kairouz; Ms Kanis; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrandyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

Question defeated.

Motion made and question — That the original question be now put (*Dr Sykes*) — put and agreed to.

Original question — accordingly put and agreed to.

12 **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.

13 **TOBACCO AMENDMENT (SMOKING AT PATROLLED BEACHES) BILL 2012** — 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 Hodgett*) — 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 3 be postponed until later this day.

15 **LOCAL GOVERNMENT LEGISLATION AMENDMENT (MISCELLANEOUS) BILL 2012** — Order read for the consideration of the amendments made by the Legislative Council.

After debate, the amendments were agreed to.

Message sent to the Legislative Council informing them accordingly.

16 **POSTPONEMENT OF ORDERS OF THE DAY** — Motion made and question — That the consideration of Government Business, Orders of the Day, Nos 5 to 10 inclusive, be postponed until later this day (*Mr McIntosh*) — put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrandyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 33

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Mr Carroll; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Foley; Ms Green; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Ms Hutchins; Ms Kairouz; Ms Kanis; Ms Knight; Mr Languiller; Mr Lim; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Pallas; Mr Pandazopoulos; Ms Richardson; Mr Scott; Mr Wynne.

Question agreed to.

- 17 **POLICE REGULATION AMENDMENT BILL 2012** — *Mr Ryan tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Ryan*).

Motion made and question — That the debate be now adjourned (*Ms Allan*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 7 November 2012.

- 18 **STATE TAXATION AND OTHER ACTS AMENDMENT BILL 2012** — *Mr Wells tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Wells*).

Motion made and question — That the debate be now adjourned (*Mr Donnellan*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 7 November 2012.

- 19 **RETIREMENT VILLAGES AMENDMENT (INFORMATION DISCLOSURE) BILL 2012** — *Mr O'Brien tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr O'Brien*).

Motion made and question — That the debate be now adjourned (*Mr Donnellan*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 7 November 2012.

- 20 **ROAD SAFETY AMENDMENT (OPERATOR ONUS) BILL 2012** — *Mr Mulder tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Mulder*).

Motion made and question — That the debate be now adjourned (*Mr Donnellan*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 7 November 2012.

- 21 **EDUCATION LEGISLATION AMENDMENT (GOVERNANCE) BILL 2012** — *Mr Dixon tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Dixon*).

Motion made and question — That the debate be now adjourned (*Mr Donnellan*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 7 November 2012.

- 22 **ROAD MANAGEMENT AMENDMENT (PENINSULA LINK) BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under sessional orders.

- 23 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.51 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

No 101 — Thursday 25 October 2012

- 1 The Speaker took the Chair and read the Prayer.
- 2 **COMMISSION FOR CHILDREN AND YOUNG PEOPLE BILL 2012** — Ms Wooldridge obtained leave to bring in a Bill '*for an Act to establish the Commission for Children and Young People and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 3 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
- City of Benalla** — Requesting that the Legislative Assembly carries out a financial audit with the view to appointing an Administrator to determine the true financial position of the Rural City of Benalla and returning responsible decision making, bearing 704 signatures (*Dr Sykes*)
- Abolish Puppy Factories** — Requesting that the Legislative Assembly supports Oscar's Law and abolishes puppy factories and bans the sale of factory farmed companion animals from pet shops and online, bearing 100 signatures (*Mr Delahunty*).
- Petitions ordered to be tabled.
- 4 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:
- Ombudsman — *Whistleblowers Protection Act 2001*: Investigation into allegations concerning rail safety in the Melbourne Underground Rail Loop — Ordered to be printed
- Places Victoria — Report 2011–12
- Special Investigations Monitor, Office of — Report 2011–12 under s 126 of the *Police Integrity Act 2008*, s 105L of the *Whistleblowers Protection Act 2001* and s 61 of the *Major Crime (Investigative Powers) Act 2004*
- Statutory Rules under the following Acts:
- Building Act 1993* — SR 113
Melbourne City Link Act 1995 — SR 114

Subordinate Legislation Act 1994 — Documents under s 15 in relation to Statutory Rules 113, 114

Surveillance Devices Act 1999 — Report 2011–12 under s 30L

Victorian Civil and Administrative Tribunal — Report 2011–12

Victorian Environmental Assessment Council Act 2001 — Request and statement under s 16.

5 **SUSPENSION OF STANDING ORDERS AMENDED** — Motion made, by leave, and question — That the resolution of the House of 10 October 2012 suspending standing orders for the apology for past adoption practices be amended so as to allow the sitting of the House to be suspended until 2.30 pm after the question on the apology has been resolved (*Mr McIntosh*) — put and agreed to.

6 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 13 November 2012 (*Mr McIntosh*) — put and agreed to.

7 **STATEMENTS BY MEMBERS** — Statements by members were made.

8 **TOBACCO AMENDMENT (SMOKING AT PATROLLED BEACHES) BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

In accordance with the resolution of the House on Wednesday 10 October 2012 as amended today, sitting suspended from 11.15 am to 11.30 am and members of the Legislative Council entered the Chamber.

9 **PARLIAMENTARY APOLOGY FOR PAST ADOPTION PRACTICES** — Motion made and question —

That this Parliament expresses our formal and sincere apology to the mothers, fathers, sons and daughters who were profoundly harmed by past adoption practices in Victoria.

We acknowledge that many thousands of Victorian babies were taken from their mothers, without informed consent, and that this loss caused immense grief.

We express our sincere sorrow and regret for the health and welfare policies that condoned the practice of forced separations.

These were misguided, unwarranted, and they caused immeasurable pain.

To the mothers and fathers who were denied the opportunity to love and care for your children, and for the pain and trauma you experienced, we are deeply sorry.

To the sons and daughters for whom adoption meant continual anxiety, uncertainty and the deprivation of a natural family connection — we offer our sincere apology.

Today, with all Members of the Parliament of Victoria gathered in this House, we acknowledge the devastating and ongoing impacts of these practices of the past.

To all those harmed we offer our heartfelt sympathy and apologise unreservedly.

We undertake to never forget what happened and to never repeat these practices —

(*Mr Baillieu*) — put, after members had addressed the House in support of the motion and, members rising in their places to signify their assent, agreed to unanimously.

Sitting suspended from 12.30 pm until 2.30 pm in accordance with the resolution of the House on Wednesday 10 October 2012 as amended today.

Business having been interrupted at 2.30 pm under standing orders as varied by the resolution of the House on Tuesday 23 October 2012.

10 **QUESTIONS** — (Under SO 55).

11 **TOBACCO AMENDMENT (SMOKING AT PATROLLED BEACHES) BILL 2012** — Debate continued on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Ms Kairouz*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

12 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Civil Procedure Amendment Bill 2012
Resources Legislation Amendment (General) Bill 2012.

13 **DOCUMENT**

PARLIAMENTARY APOLOGY FOR PAST ADOPTION PRACTICES — Tabled by leave (*Ms Wooldridge*).

14 **PARLIAMENTARY APOLOGY FOR PAST ADOPTION PRACTICES** — Motion made, by leave, and question proposed — That this House takes note of the Parliamentary Apology for Past Adoption Practices (*Ms Wooldridge*) — and, after debate —

Allocation of time — The Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 23 October 2012 had expired.

15 **TOBACCO AMENDMENT (SMOKING AT PATROLLED BEACHES) BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

16 **JUSTICE LEGISLATION AMENDMENT (MISCELLANEOUS) BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

17 **ROAD MANAGEMENT AMENDMENT (PENINSULA LINK) BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

Business having been interrupted at 4.30 pm under sessional orders as varied by the resolution of the House on Tuesday 23 October 2012.

- 18 **ADJOURNMENT** — The Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 5.14 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 102, 103 and 104

No 102 — Tuesday 13 November 2012

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **DEATH OF CONSUL-GENERAL FOR INDIA** — By leave, members paid tribute to Dr Subhakanta Behera, the Consul-General for India, who died on 9 November 2012; and members rose in their places as a mark of respect to the memory of the deceased.
- 3 **QUESTIONS** — (Under SO 55).
- 4 **FIRE SERVICES LEVY MONITOR BILL 2012** — Mr O'Brien obtained leave to bring in a Bill '*for an Act to provide for the establishment, functions and powers of the Fire Services Levy Monitor, to consequentially amend certain Acts and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **LIQUOR CONTROL REFORM AMENDMENT BILL 2012** — Mr O'Brien obtained leave to bring in a Bill '*for an Act to make various amendments to the **Liquor Control Reform Act 1998** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **ELECTRONIC CONVEYANCING (ADOPTION OF NATIONAL LAW) BILL 2012** — Mr Smith (*Warrantyte*) obtained leave to bring in a Bill '*for an Act to adopt in Victoria a national law relating to electronic conveyancing and to make consequential amendments to the **Transfer of Land Act 1958** and other Acts and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **INTEGRITY AND ACCOUNTABILITY LEGISLATION AMENDMENT BILL 2012** — Mr McIntosh obtained leave to bring in a Bill '*for an Act to amend the **Independent Broad-based Anti-corruption Commission Act 2011** and the **Victorian Inspectorate Act 2011** to provide for matters of a transitional and savings nature and other amendments, to amend the **Telecommunications (Interception) (State Provisions) Act 1988**, the **Ombudsman Act 1973** and the **Audit Act 1994**, to repeal the **Major Crime (Special Investigations Monitor) Act 2004**, to make consequential and other amendments to other Acts and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **PROTECTED DISCLOSURE BILL 2012** — Mr McIntosh obtained leave to bring in a Bill '*for an Act to encourage and facilitate disclosures of improper conduct by public officers, public bodies and other persons or of detrimental action taken in reprisal for a disclosure, to provide protection for persons who make those disclosures and to provide for the confidentiality of the content of those disclosures and the identity of persons who make those disclosures, to make related amendments to other Acts, to repeal the **Whistleblowers Protection Act 2001** and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 9 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:
Secondary College in Doreen and Mernda — Requesting that the Legislative Assembly urges the Baillieu Government to urgently fund the building of a secondary college in Doreen and Mernda, bearing 885 signatures (*Ms Green*).

Ordered to be tabled.

- 10 **PETITION — SECONDARY COLLEGE IN DOREEN AND MERENDA** — Motion made and question — That the petition presented by the Member for Yan Yean be taken into consideration tomorrow (*Ms Green*) — put and agreed to.

11 **DOCUMENTS**

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms Campbell, Deputy Chair, presented the Alert Digest No 16 of 2012 from the Scrutiny of Acts and Regulations Committee on the:

Drugs, Poisons and Controlled Substances Amendment Bill 2012
 Education Legislation Amendment (Governance) Bill 2012
 Offshore Petroleum and Greenhouse Gas Storage Amendment (NOPSEMA) Bill 2012
 Police Regulation Amendment Bill 2012
 Retirement Villages Amendment (Information Disclosure) Bill 2012
 Road Management Amendment (Peninsula Link) Bill 2012
 Road Safety Amendment (Operator Onus) Bill 2012
 State Taxation and Other Acts Amendment Bill 2012

together with appendices.

Ordered to be tabled and printed.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Australian Health Practitioner Regulation Agency — Report 2011–12

Crown Land (Reserves) Act 1978:

Orders under s 17B granting licences over:
 Bannockburn Bushland Reserve
 Edinburgh Gardens Reserve
 Lorne Pier Reserve
 Order under s 17D granting leases over Lakeside Stadium Reserve

Evidence (Miscellaneous Provisions) Act 1958 — Report 2011–12 under s 42BI

Financial Management Act 1994 — Report from the Minister for Planning that he had received the Report 2011–12 of the Architects Registration Board of Victoria

Melbourne City Link Act 1995:

City Link and Extension Projects Integration and Facilitation Agreement Twentieth Amending Deed
 Freeway Management System Coordination Agreement Second Amending Deed
 M1 Corridor Redevelopment Deed Fourth Amending Deed
 Melbourne City Link Thirtieth Amending Deed

Murray-Darling Basin Authority — Report 2010–11

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Alpine — C25

Ararat — C18
 Ballarat — C158
 Boroondara — C121, C152, C165
 Campaspe — C92
 Cardinia — C106
 Frankston — C63
 Greater Geelong — C269
 Greater Shepparton — C164
 Hobsons Bay — C63
 Horsham — C53
 Knox — C124
 Loddon — C32
 Macedon Ranges — C66, C80
 Melbourne — C195
 Mitchell — C89
 Mornington Peninsula — C152, C158, C169
 Stonnington — C145, C157
 Wellington — C62, C67
 Whittlesea — C166 Part 1
 Wyndham — C167
 Yarra — C161

Statutory Rules under the following Acts:

Ambulance Services Act 1986 — SR 116
Corporations (Ancillary Provisions) Act 2001 — SR 121
Criminal Procedure Act 2009 — SR 118
Environment Protection Act 1970 — SR 115
Evidence (Miscellaneous Provisions) Act 1958 — SR 122
Local Government Act 1989 — SR 117
Magistrates' Court Act 1989 — SRs 118, 119, 123
Supreme Court Act 1986 — SRs 120, 121

Subordinate Legislation Act 1994:

Documents under s 15 in relation to Statutory Rules 115, 116, 117, 118, 119, 120, 121, 123

Documents under s 16B in relation to:

Australian Consumer Law and Fair Trading Act 2012 — Extension to interim ban order: small, separable or loose permanent magnetic objects
Road Safety Road Rules 2009 — Consent for tow trucks to use emergency stopping lanes on freeways
Transport (Ticketing) Regulations 2006 — Specification of Railway Stations for the Purposes of the Definition of 'Designated Area'
Victorian Energy Efficiency Target Act 2007 — Declaration of discount factor under s 19

Surveillance Devices Act 1999 — Reports 2011–12 under s 30L (two documents).

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 8 February 2011:

Freedom of Information Amendment (Freedom of Information Commissioner) Act 2012 — Part 1, ss 4, 6, 8 and 33 and Divisions 4 and 5 of Part 3 — 7 November 2012 (*Gazette S373, 7 November 2012*)
Land (Revocation of Reservations) Act 2012 — Whole Act — 31 October 2012 (*Gazette S366, 30 October 2012*)
Leo Cussen Institute (Registration as a Company) Act 2011 — Section 8 — 18 October 2012 (*Gazette S345, 16 October 2012*)

Port Management Further Amendment Act 2012 — Whole Act — 14 November 2012 (*Gazette S373, 7 November 2012*)

Transport Legislation Amendment (Marine Drug and Alcohol Standards Modernisation and Other Matters) Act 2012 — Part 1 and ss 26, 27, 29 and 30 — 8 November 2012; remaining provisions — 1 December 2012 (*Gazette S373, 7 November 2012*).

- 12 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Serious Sex Offenders (Detention and Supervision) Amendment Bill 2012
Transport Legislation Amendment (Marine Drug and Alcohol Standards Modernisation and Other Matters) Bill 2012.

- 13 **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 October 2012
Civil Procedure Amendment Bill 2012
Local Government Legislation Amendment (Miscellaneous) Bill 2012
Resources Legislation Amendment (General) Bill 2012

On 7 November 2012
Serious Sex Offenders (Detention and Supervision) Amendment Bill 2012
Transport Legislation Amendment (Marine Drug and Alcohol Standards Modernisation and Other Matters) Bill 2012.

- 14 **MESSAGES FROM THE GOVERNOR** — Recommending appropriations for the purposes of the following bills:

Education Legislation Amendment (Governance) Bill 2012
Police Regulation Amendment Bill 2012
State Taxation and Other Acts Amendment Bill 2012.

- 15 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 15 November 2012:

Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill 2012
Education Legislation Amendment (Governance) Bill 2012
Offshore Petroleum and Greenhouse Gas Storage Amendment (NOPSEMA) Bill 2012
Police Regulation Amendment Bill 2012
Road Safety Amendment (Operator Onus) Bill 2012
State Taxation and Other Acts Amendment Bill 2012

(*Mr McIntosh*) — after debate, put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrantye*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 43

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Mr Carroll; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Ms Hutchins; Ms Kairouz; Ms Kanis; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

16 **STATEMENTS BY MEMBERS** — Statements by members were made.

17 **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.

18 **OFFSHORE PETROLEUM AND GREENHOUSE GAS STORAGE AMENDMENT (NOPSEMA) BILL 2012** — 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 Katos*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

19 **CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) (AMENDMENT) BILL 2012** — 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 Edwards*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

20 **POLICE REGULATION AMENDMENT BILL 2012** — 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 Smith, Warrandyte*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

21 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Justice Legislation Amendment (Miscellaneous) Bill 2012 without amendment.

22 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 5 to 14 inclusive, be postponed until later this day.

23 **COMMISSION FOR CHILDREN AND YOUNG PEOPLE BILL 2012** — *Ms Wooldridge tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Ms Wooldridge*).

Motion made and question — That the debate be now adjourned (*Ms Green*) — put and agreed to.

Ordered — That the debate be adjourned until Tuesday 27 November 2012.

24 **POLICE REGULATION AMENDMENT BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under sessional orders.

- 25 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.49 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

No 103 — Wednesday 14 November 2012

- 1 The Speaker took the Chair and read the Prayer.
- 2 **CRIMINAL ORGANISATIONS CONTROL BILL 2012** — Mr Clark obtained leave to bring in a Bill '*for an Act to provide for the making of declarations and control orders for the purpose of preventing and disrupting the activities of organisations involved in serious criminal activity, and of their members, former members, prospective members and associates, to provide for the recognition and application of declarations and control orders made under corresponding laws and to make related amendments to other Acts and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 3 **JUSTICE LEGISLATION AMENDMENT (FAMILY VIOLENCE AND OTHER MATTERS) BILL 2012** — Mr Clark obtained leave to bring in a Bill '*for an Act to amend the *Family Violence Protection Act 2008*, the *Crimes Act 1958*, the *Crimes (Assumed Identities) Act 2004*, the *Coroners Act 2008*, the *Human Tissue Act 1982* and the *Victorian Civil and Administrative Tribunal Act 1998* and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
- MFB and CFA Funding Cuts** — Requesting that the Legislative Assembly urges the Baillieu Government to abandon its planned funding cuts and guarantee no further cuts to the Metropolitan Fire Brigade and Country Fire Authority will be made, bearing 162 signatures (*Ms Knight*)
- Regional Growth Fund Ballarat** — Requesting that the Legislative Assembly urges the Baillieu Government to provide a fair share in funding from the Regional Growth Fund to Ballarat, bearing 8 signatures (*Ms Knight*)
- Midland Highway Speed Limit** — Requesting that the Legislative Assembly urges the Government to reduce the current speed limit to 80km/h on the Midland Highway between Castlemaine and the Harcourt interchange, Calder Highway, bearing 211 signatures (*Ms Edwards*)
- Cuts to TAFE Funding** — Requesting that the Legislative Assembly urges the Government to abandon the planned TAFE funding cuts and ensure that no further cuts will be made, bearing 106 signatures (*Ms Hutchins*)
- Sydenham Train Line** — Requesting that the Legislative Assembly — (a) condemns the Baillieu Government for punishing Sydenham Line commuters by closing the train line for over two weeks and for failing to stand up for public transport users in Melbourne's West; and (b) calls on the Premier to rule out future closures of the Sydenham train line, bearing 9 signatures (*Ms Hutchins*)

VCAL Program Funding Cuts — Requesting that the Legislative Assembly urges the Baillieu Government to immediately reverse its decision and restore funding to the Victorian Certificate of Applied Learning Program as a matter of urgency, bearing 31 signatures (*Ms Hutchins*)

Cost of Living Pressures — Requesting that the Legislative Assembly urges the Baillieu Government to take immediate steps to cut the cost of living for families as promised, bearing 229 signatures (*Ms Hutchins*)

Train Noise in Lara — Requesting that the Legislative Assembly urges the Government to investigate and rectify the noise that the trains in Lara create at all times of the day and night, bearing 83 signatures (*Mr Eren*)

Gonski Review — Requesting that the Legislative Assembly urges the Government to support the changes recommended by the Gonski Review in particular to increase funding for schools per student, decrease class size, have additional specialist teachers and more funding for training of teachers and increase the funding for students with disabilities, bearing 106 signatures (*Mr Eren*)

Multi-Storey Complex Rejected by Hobsons Bay City Council — Requesting that the Legislative Assembly urges the Government to support the Hobsons Bay City Council's decision to reject a proposal to build more than 40 new multi-storey apartments on the old Newport Timberyard site, bearing 32 signatures (*Mr Noonan*).

Petitions ordered to be tabled.

- 5 **PETITION — MFB AND CFA FUNDING CUTS** — Motion made and question — That the petition presented by the Member for Ballarat West be taken into consideration tomorrow (*Ms Knight*) — put and agreed to.
- 6 **PETITION — REGIONAL GROWTH FUND BALLARAT** — Motion made and question — That the petition presented by the Member for Ballarat West be taken into consideration tomorrow (*Ms Knight*) — put and agreed to.
- 7 **PETITION — MIDLAND HIGHWAY SPEED LIMIT** — Motion made and question — That the petition presented by the Member for Bendigo West be taken into consideration tomorrow (*Ms Edwards*) — put and agreed to.
- 8 **PETITION — CUTS TO TAFE FUNDING** — Motion made and question — That the petition presented by the Member for Keilor be taken into consideration tomorrow (*Ms Hutchins*) — put and agreed to.
- 9 **PETITION — SYDENHAM TRAIN LINE** — Motion made and question — That the petition presented by the Member for Keilor be taken into consideration tomorrow (*Ms Hutchins*) — put and agreed to.
- 10 **PETITION — VCAL PROGRAM FUNDING CUTS** — Motion made and question — That the petition presented by the Member for Keilor be taken into consideration tomorrow (*Ms Hutchins*) — put and agreed to.
- 11 **PETITION — COST OF LIVING PRESSURES** — Motion made and question — That the petition presented by the Member for Keilor be taken into consideration tomorrow (*Ms Hutchins*) — put and agreed to.
- 12 **PETITION — TRAIN NOISE IN LARA** — Motion made and question — That the petition presented by the Member for Lara be taken into consideration tomorrow (*Mr Eren*) — put and agreed to.

13 **PETITION — GONSKI REVIEW** — Motion made and question — That the petition presented by the Member for Lara be taken into consideration tomorrow (*Mr Eren*) — put and agreed to.

14 **PETITION — MULTI-STOREY COMPLEX REJECTED BY HOBSONS BAY CITY COUNCIL** — Motion made and question — That the petition presented by the Member for Williamstown be taken into consideration tomorrow (*Mr Noonan*) — put and agreed to.

15 **DOCUMENTS**

EDUCATION AND TRAINING COMMITTEE — Mr Southwick, Chair, presented a report from the Education and Training Committee on the Inquiry into Agricultural Education and Training in Victoria, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

ENVIRONMENT AND NATURAL RESOURCES COMMITTEE — Mr Pandazopoulos, Deputy Chair, presented a report from the Environment and Natural Resources Committee on the Inquiry into the establishment and effectiveness of Registered Aboriginal Parties, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Auditor-General:

Port of Melbourne Channel Deepening Project: Achievement of Objectives — Ordered to be printed

Public Hospitals: Results of the 2011–12 Audits — Ordered to be printed

Report on the Annual Financial Report of the State of Victoria, 2011–12 — Ordered to be printed

Water Entities: Results of the 2011–12 Audits — Ordered to be printed

Gambling Regulation Act 2003 — Review of the Wagering Tax Rate post 16 August 2012 under s 4.6.3A

Statutory Rules under the following Acts:

Port Management Act 1995 — SRs 124, 125

Subordinate Legislation Act 1994 — SR 126

Subordinate Legislation Act 1994 — Documents under s 15 in relation to Statutory Rules 124, 125.

16 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Road Management Amendment (Peninsula Link) Bill 2012 without amendment.

17 **STATEMENTS BY MEMBERS** — Statements by members were made.

18 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — CONDEMNATION OF GOVERNMENT FAILURES** — The House was informed that Mr Andrews had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

"That this House:

(1) Notes that two years after being elected the Baillieu Ryan Government has failed Victoria;

- (2) Condemns the Premier for dithering whilst jobs are lost, increasing hospital waiting lists, cutting funding for schools and TAFE;
- (3) Calls on the Premier to step up and lead, stop blaming others and start working for Victorians.'

Mr Andrews addressed the House — Discussion followed.

- 19 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Electoral Matters Committee's Report on the Inquiry into the conduct of the 2010 Victorian state election and matters related thereto

Education and Training Committee's Report on the Inquiry into Agricultural Education and Training in Victoria

Family and Community Development Committee's Report on the Inquiry into Opportunities for Participation of Victorian Seniors

Rural and Regional Committee's Report on the Inquiry into the Capacity of the Farming Sector to Attract and Retain Young Farmers and respond to an Ageing Workforce.

- 20 **STATE TAXATION AND OTHER ACTS AMENDMENT BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

- 21 **QUESTIONS** — (Under SO 55).

- 22 **STATE TAXATION AND OTHER ACTS AMENDMENT BILL 2012** — Debate continued on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Ms Kairouz*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 23 **ROAD SAFETY AMENDMENT (OPERATOR ONUS) BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Weller*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 24 **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.

- 25 **FIRE SERVICES LEVY MONITOR BILL 2012** — *Mr O'Brien tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr O'Brien*).

Motion made and question — That the debate be now adjourned (*Mr Madden*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 28 November 2012.

- 26 **LIQUOR CONTROL REFORM AMENDMENT BILL 2012** — *Mr O'Brien tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr O'Brien*).

Motion made and question — That the debate be now adjourned (*Mr Madden*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 28 November 2012.

- 27 **ELECTRONIC CONVEYANCING (ADOPTION OF NATIONAL LAW) BILL 2012** — *Mr Smith (Warrandyte) tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Smith, Warrandyte*).

Motion made and question — That the debate be now adjourned (*Mr Madden*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 28 November 2012.

- 28 **INTEGRITY AND ACCOUNTABILITY LEGISLATION AMENDMENT BILL 2012** — *Mr McIntosh tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr McIntosh*).

Motion made and question — That the debate be now adjourned (*Ms Neville*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 28 November 2012.

- 29 **PROTECTED DISCLOSURE BILL 2012** — *Mr McIntosh tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr McIntosh*).

Motion made and question — That the debate be now adjourned (*Ms Neville*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 28 November 2012.

- 30 **ROAD SAFETY AMENDMENT (OPERATOR ONUS) BILL 2012** — 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 Hodgett*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 31 **EDUCATION LEGISLATION AMENDMENT (GOVERNANCE) BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this Bill be withdrawn and redrafted to require the Secretary to provide sufficient VET funding for the continuation of existing campuses, in particular the Lilydale and Prahran campuses of the Swinburne University of Technology' (*Mr Merlino*) — and, after debate —

Business having been interrupted at 10.00 pm under 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 10.56 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

No 104 — Thursday 15 November 2012

- 1 The Speaker took the Chair and read the Prayer.

- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

MFB and CFA Funding Cuts — Requesting that the Legislative Assembly urges the Baillieu Government to abandon its planned funding cuts and guarantee no further cuts to the Metropolitan Fire Brigade and Country Fire Authority will be made, bearing 98 signatures (*Ms Knight*)

Cuts to TAFE Funding — Requesting that the Legislative Assembly urges the Government to abandon the planned TAFE funding cuts and ensure that no further cuts will be made, bearing 118 and 803 signatures (*Ms Edwards and Ms Green respectively*)

Coliban Rural Water — Requesting that the Legislative Assembly urges the Government to — (a) review the system operations and overall pricing structure of Coliban rural water use to be in line with a fairer user pays system; (b) provide a compensation package for those who want to relinquish their water entitlements; (c) develop a leasing back arrangement with Coliban for rural water users who wish to retain their licences; (d) establish an open trading system, unbundle the Coliban rural water to allow trading with other state water systems; and (e) upgrade and maintain the channel system and provide consistent water deliveries to Coliban rural water customers, bearing 81 signatures (*Ms Edwards*)

City of Benalla — Requesting that the Legislative Assembly carries out a financial audit with the view to appointing an Administrator to determine the true financial position of the Rural City of Benalla and return responsible decision making, bearing 28 signatures (*Dr Sykes*)

Ambulance Station in Wallan — Requesting that the Legislative Assembly urges the Government to stop stalling and commence the promised \$2 million Ambulance Station in Wallan, bearing 107 signatures (*Ms Green*)

Cuts to Bus Services — Requesting that the Legislative Assembly urges the Government to — (a) reverse recent cuts to bus services and reinstate these services to deliver better public transport for Melbourne's North; and (b) increase the number of bus services and commitment to upgrading our public transport infrastructure, bearing 116 signatures (*Ms Green*)

Melbourne's Green Wedge — Requesting that the Legislative Assembly urges the Government to immediately stop the current planning review and agree to work with the community to enhance and improve Melbourne's green wedges, bearing 41 signatures (*Ms Green*).

Petitions ordered to be tabled.

- 3 **PETITION — MFB AND CFA FUNDING CUTS** — Motion made and question — That the petition presented by the Member for Ballarat West be taken into consideration tomorrow (*Ms Knight*) — put and agreed to.

- 4 **PETITION — CUTS TO TAFE FUNDING** — Motion made and question — That the petition presented by the Member for Bendigo West be taken into consideration tomorrow (*Ms Edwards*) — put and agreed to.
- 5 **PETITION — COLIBAN RURAL WATER** — Motion made and question — That the petition presented by the Member for Bendigo West be taken into consideration tomorrow (*Ms Edwards*) — put and agreed to.
- 6 **PETITION — CUTS TO TAFE FUNDING** — Motion made and question — That the petition presented by the Member for Yan Yean be taken into consideration tomorrow (*Mr Noonan*) — put and agreed to.
- 7 **PETITION — AMBULANCE STATION IN WALLAN** — Motion made and question — That the petition presented by the Member for Yan Yean be taken into consideration tomorrow (*Mr Noonan*) — put and agreed to.
- 8 **PETITION — CUTS TO BUS SERVICES** — Motion made and question — That the petition presented by the Member for Yan Yean be taken into consideration tomorrow (*Mr Noonan*) — put and agreed to.
- 9 **PETITION — MELBOURNE'S GREEN WEDGE** — Motion made and question — That the petition presented by the Member for Yan Yean be taken into consideration tomorrow (*Mr Noonan*) — put and agreed to.
- 10 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:
- Financial Management Act 1994* — 2012–13 Quarterly Financial Report for the State of Victoria for the period ended 30 September 2012
- Parliamentary Committees Act 2003* — Government response to the Electoral Matters Committee's Report on the Inquiry into the conduct of the 2010 Victorian state election and matters related thereto
- Police Integrity, Office of — Policing people who appear to be mentally ill — Ordered to be printed
- Professional Standards Act 2003* — Association of Taxation and Management Accountants Scheme under s 14 (*Gazette S361, 29 October 2012*).
- 11 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 27 November 2012 (*Mr McIntosh*) — put and agreed to.
- 12 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 13 **CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) AMENDMENT BILL 2012** — 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 Katos*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 14 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 2 and 3, be postponed until later this day.
- 15 **POLICE REGULATION AMENDMENT BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Delahunty*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 16 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 5 and 6, be postponed until later this day.

- 17 **EDUCATION LEGISLATION AMENDMENT (GOVERNANCE) BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time — *and on the amendment* — That all the words after 'That' be omitted with the view of inserting in their place the words 'this Bill be withdrawn and redrafted to require the Secretary to provide sufficient VET funding for the continuation of existing campuses, in particular the Lilydale and Prahran campuses of the Swinburne University of Technology'; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

- 18 **QUESTIONS** — (Under SO 55).

- 19 **EDUCATION LEGISLATION AMENDMENT (GOVERNANCE) BILL 2012** — Debate continued on question — That this Bill be now read a second time — and on the amendment.

Motion made and question — That the debate be now adjourned (*Mr Battin*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 20 **CRIMINAL ORGANISATIONS CONTROL BILL 2012** — *Mr Clark tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Clark*).

Motion made and question — That the debate be now adjourned (*Mr Madden*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 29 November 2012.

- 21 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Free Presbyterian Church Property Amendment Bill 2012

Retail Leases Amendment Bill 2012

Tobacco Amendment (Smoking at Patrolled Beaches) Bill 2012.

- 22 **JUSTICE LEGISLATION AMENDMENT (FAMILY VIOLENCE AND OTHER MATTERS) BILL 2012** — *Mr Clark tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Clark*).

Motion made and question — That the debate be now adjourned (*Mr Madden*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 29 November 2012.

- 23 **EDUCATION LEGISLATION AMENDMENT (GOVERNANCE) BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time — *and on the amendment* — That all the words after 'That' be omitted with the view of inserting in their place the words 'this Bill be withdrawn and redrafted to require the Secretary to provide sufficient VET funding for the

continuation of existing campuses, in particular the Lilydale and Prahran campuses of the Swinburne University of Technology'; debate resumed.

Allocation of time — The Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 13 November 2012 had expired.

Question — That the words proposed to be omitted stand part of the question — put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrantdyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 43

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Mr Carroll; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Ms Hutchins; Ms Kairouz; Ms Kanis; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

Question — That this Bill be now read a second time — put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrantdyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 43

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Mr Carroll; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Ms Hutchins; Ms Kairouz; Ms Kanis; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

Question — That this Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

24 **OFFSHORE PETROLEUM AND GREENHOUSE GAS STORAGE AMENDMENT (NOPSEMA) BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 25 **CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) AMENDMENT BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 26 **POLICE REGULATION AMENDMENT BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 27 **ROAD SAFETY AMENDMENT (OPERATOR ONUS) BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 28 **STATE TAXATION AND OTHER ACTS AMENDMENT BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

Business having been interrupted at 4.09 pm under sessional orders.

- 29 **ADJOURNMENT** — The Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 4.47 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 105, 106, 107 and 108

No 105 — Tuesday 27 November 2012

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **DEATH OF BRUCE JAMES EVANS** — The Speaker announced the death of Bruce James Evans, Member of the Legislative Assembly for the Electoral District of Gippsland East from 1961 to 1992; and members rose in their places as a mark of respect to the memory of the deceased.
- 3 **DEATH OF THE HONOURABLE MURRAY LEWIS BYRNE, CMG** — Motion made and question — That this House expresses its sincere sorrow at the death of the Honourable Murray Lewis Byrne, CMG, and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as Member of the Legislative Council for Ballarat Province from 1958 to 1976 and Minister of the Crown from 1970 to 1976 (*Mr Baillieu*) — put, after members had addressed the House in support of the motion and, members rising in their places to signify their assent, agreed to unanimously.
- 4 **ADJOURNMENT** — Motion made, by leave, and question — That, as a further mark of respect to the memory of the late Bruce James Evans, and the late Honourable Murray Lewis Byrne, CMG, the House now adjourns until 4.00 pm today (*Mr Baillieu*) — put and agreed to.

And the House, at 3.03 pm, adjourned until 4.00 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

No 106 — Tuesday 27 November 2012 (4.00 pm)

- 1 The House met according to the adjournment — The Speaker took the Chair.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **WATER LEGISLATION AMENDMENT BILL 2012** — Mr Walsh obtained leave to bring in a Bill '*for an Act to amend the **Water Act 1989** and the **Water Industry Act 1994** and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **HEALTH SERVICES AMENDMENT (HEALTH PURCHASING VICTORIA) BILL 2012** — Dr Napthine obtained leave to bring in a Bill '*for an Act to amend the **Health Services Act 1988** to expand the range of health or related services in relation to which Health Purchasing Victoria performs functions and exercises powers to include registered community health centres and women's health services and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

5 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

'Code Assess' Process — Requesting that the Legislative Assembly urges the Baillieu Government to withdraw the Code Assess Process that will remove community consultation from the development approval process, to consult with the community and to ensure that any proposal protects and improves rather than destroys our neighbourhoods, bearing 10 signatures (*Mr Brooks*)

Cuts to TAFE funding — Requesting that the Legislative Assembly urges the Government to abandon the planned TAFE funding cuts and ensure that no further cuts will be made, bearing 11 and 260 signatures (*Mr Brooks and Ms Graley respectively*)

Sale Specialist School — Requesting that the Legislative Assembly urges the Government to — (a) remedy the plight of staff and students by expediting the purchase of land, suitable for a new school, in the city of Sale; and (b) allocate funding in the next budget to build a new school, bearing 2775 signatures (*Mr Ryan*).

Petitions ordered to be tabled.

6 **PETITION — 'CODE ASSESS' PROCESS** — Motion made and question — That the petition presented by the Member for Bundoora be taken into consideration tomorrow (*Mr Brooks*) — put and agreed to.

7 **PETITION — CUTS TO TAFE FUNDING** — Motion made and question — That the petition presented by the Member for Bundoora be taken into consideration tomorrow (*Mr Brooks*) — put and agreed to.

8 **PETITION — CUTS TO TAFE FUNDING** — Motion made and question — That the petition presented by the Member for Narre Warren South be taken into consideration tomorrow (*Ms Graley*) — put and agreed to.

9 **DOCUMENTS**

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms Campbell, Deputy Chair, presented the Alert Digest No 17 of 2012 from the Scrutiny of Acts and Regulations Committee on the:

Alcoa (Portland Aluminium Smelter) (Amendment) Act Amendment Bill 2012
 Commission for Children and Young People Bill 2012
 Criminal Organisations Control Bill 2012
 Electronic Conveyancing (Adoption of National Law) Bill 2012
 Fire Services Levy Monitor Bill 2012
 Integrity and Accountability Legislation Amendment Bill 2012
 Justice Legislation Amendment (Family Violence and Other Matters) Bill 2012
 Liquor Control Reform Amendment Bill 2012
 Protected Disclosure Bill 2012

together with appendices.

Ordered to be tabled and printed.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Crown Land (Reserves) Act 1978 — Order under s 17B granting a licence over Sandringham Beach Park Reserve

Planning and Environment Act 1987:

Amendment C165 to the Cardinia Planning Scheme
 Notices of approval of amendments to the following Planning Schemes:

Ballarat — C143, C146
 Brimbank — C116
 Maribyrnong — C93
 Melbourne — C172
 Melton — C81
 Stonnington — C154
 Towong — C24
 Warrnambool — C85
 Whittlesea — C159
 Wyndham — C121, C147, C166

Statutory Rules under the following Acts:

Associations Incorporation Reform Act 2012 — SR 128
Crimes Act 1958 — SR 127

Subordinate Legislation Act 1994:

Documents under s 15 in relation to Statutory Rule 126
 Documents under s 16B in relation to:
City of Greater Geelong Act 1993 — Greater Geelong City Council — Mayoral and Deputy Mayoral Allowances — Alteration
City of Melbourne Act 2001 — Melbourne City Council — Lord Mayoral, Deputy Lord Mayoral and Councillor Allowances — Alteration
Local Government Act 1989 — Mayoral and Councillor Allowances Adjustment
Racing Act 1958 — Greyhound Racing Victoria — Rule Amendments.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 8 February 2011:

Associations Incorporation Reform Act 2012 — Remaining provisions — 26 November 2012 (*Gazette S384, 20 November 2012*)
Australian Consumer Law and Fair Trading Act 2012 — Remaining provisions — 26 November 2012 (*Gazette S384, 20 November 2012*).

- 10 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 20 November 2012, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Free Presbyterian Church Property Amendment Bill 2012
 Justice Legislation Amendment (Miscellaneous) Bill 2012
 Retail Leases Amendment Bill 2012
 Road Management Amendment (Peninsula Link) Bill 2012
 Tobacco Amendment (Smoking at Patrolled Beaches) Bill 2012.

- 11 **MESSAGES FROM THE GOVERNOR** — Recommending appropriations for the purposes of the following bills:

Commission for Children and Young People Bill 2012
 Criminal Organisations Control Bill 2012
 Fire Services Levy Monitor Bill 2012

Integrity and Accountability Legislation Amendment Bill 2012
 Justice Legislation Amendment (Family Violence and Other Matters) Bill 2012
 Liquor Control Reform Amendment Bill 2012
 Protected Disclosure Bill 2012.

- 12 **ORDER OF THE DAY DISCHARGED** — Motion made, by leave, and question — That the following Order of the Day, Government Business, be read and discharged:

National Energy Retail Law (Victoria) Bill 2012 — Second reading — Resumption of debate

and that the Bill be withdrawn (*Mr O'Brien*) — put, after debate, and agreed to.

- 13 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 29 November 2012:

Commission for Children and Young People Bill 2012
 Criminal Organisations Control Bill 2012
 Fire Services Levy Monitor Bill 2012
 Integrity and Accountability Legislation Amendment Bill 2012
 Justice Legislation Amendment (Family Violence and Other Matters) Bill 2012
 Mineral Resources (Sustainable Development) Amendment Bill 2012
 Planning and Environment Amendment (General) Bill 2012
 Protected Disclosure Bill 2012

(*Mr McIntosh*) — after debate, put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrantdyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 43

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Mr Carroll; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Ms Hutchins; Ms Kairouz; Ms Kanis; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

- 14 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 15 **COMMISSION FOR CHILDREN AND YOUNG PEOPLE BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Ms Green announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mrs Victoria*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 16 **PLANNING AND ENVIRONMENT AMENDMENT (GENERAL) BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Weller*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 17 **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.

- 18 **MINERAL RESOURCES (SUSTAINABLE DEVELOPMENT) AMENDMENT BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under 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 10.49 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

No 107 — Wednesday 28 November 2012

- 1 The Speaker took the Chair and read the Prayer.

- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Cuts to TAFE Funding — Requesting that the Legislative Assembly urges the Government to abandon the planned TAFE funding cuts and ensure that no further cuts will be made, bearing 43, 20 and 6 signatures (*Ms Thomson (Footscray), Mr Nardella and Mr Andrews respectively*).

Petitions ordered to be tabled.

- 3 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Auditor-General:

Local Government: Results of the 2011–12 Audits — Ordered to be printed

Portfolio Departments and Associated Entities: Results of the 2011–12 Audits — Ordered to be printed

Prison Capacity Planning — Ordered to be printed

Student Completion Rates — Ordered to be printed

Crimes (Controlled Operations) Act 2004 — Reports 2011–12 of the Special Investigations Monitor under s 39 (two documents)

Crown Land (Reserves) Act 1978 — Order under s 17B granting a licence over Mornington Public Park Reserve

Fisheries Act 1995 — Report 2011–12 of the Special Investigations Monitor under s 131T

Parliamentary Committees Act 2003 — Government response to the Rural and Regional Committee's Report on the Inquiry into the capacity of the farming sector to attract and retain young farmers and respond to an ageing workforce

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Brimbank — C53 Part 1, C141
 Corangamite — C30
 Darebin — C105
 Gannawarra — C26
 Greater Dandenong — C133
 Greater Shepparton — C163
 Hobsons Bay — C91
 Hume — C174
 Latrobe — C80
 Macedon Ranges — C81
 Moonee Valley — C123
 Nillumbik — C79
 Swan Hill — C45
 Yarra — C158

Subordinate Legislation Act 1994 — Documents under s 15 in relation to Statutory Rule 122

Surveillance Devices Act 1999 — Report of the Special Investigations Monitor under s 30Q

Water Act 1989 — Loddon Highlands Water Supply Protection Area Groundwater Management Plan under s 32A

Wildlife Act 1975 — Report 2011–12 of the Special Investigations Monitor under s 74P

Wrongs Act 1958 — Notice under s 28LXA (*Gazette G47, 22 November 2012*).

- 4 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill 2012
 Education Legislation Amendment (Governance) Bill 2012.

- 5 **STANDING ORDERS COMMITTEE** — Motion made, by leave, and question — That Ms Green be discharged from attendance on the Standing Orders Committee and that Ms Allan be appointed in her place (*Mr McIntosh*) — put and agreed to.

- 6 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 7 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.

- 8 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Family and Community Development Committee's Report on the Inquiry into Workforce Participation by People with a Mental Illness

Environment and Natural Resources Committee's Report on the Inquiry into the establishment and effectiveness of Registered Aboriginal Parties

Education and Training Committee's Report on the Inquiry into Agricultural Education and Training in Victoria

Public Accounts and Estimates Committee's Report on the 2012–13 Budget Estimates — Part 1.

- 9 **MINERAL RESOURCES (SUSTAINABLE DEVELOPMENT) AMENDMENT BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

- 10 **QUESTIONS** — (Under SO 55).

- 11 **MINERAL RESOURCES (SUSTAINABLE DEVELOPMENT) AMENDMENT BILL 2012** — Debate continued on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Ms Kairouz*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 12 **FIRE SERVICES LEVY MONITOR BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Dr Naphine announced an amendment to be proposed when the House considers the Bill in detail and requested that it be circulated. Amendment circulated.

Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Dr Sykes*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 13 **PROTECTED DISCLOSURE BILL 2012** — 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.

- 14 **INTEGRITY AND ACCOUNTABILITY LEGISLATION AMENDMENT BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Ms Hennessy announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Business having been interrupted at 10.00 pm under 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 10.47 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

No 108 — Thursday 29 November 2012

- 1 The Speaker took the Chair and read the Prayer.

- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

CCTV Cameras Taylors Lakes — Requesting that the Legislative Assembly urges the Government to take action to improve neighbourhood safety by installing CCTV cameras at the intersection of Hanslow Way and Australia Drive and another CCTV camera at the intersection of Hanslow Way and Lady Nelson Way, Taylors Lakes, bearing 188 signatures (*Ms Hutchins*)

MFB and CFA Funding Cuts — Requesting that the Legislative Assembly urges the Baillieu Government to abandon its planned funding cuts and guarantee no further cuts to the Metropolitan Fire Brigade and Country Fire Authority will be made, bearing 2101 signatures (*Ms Duncan*)

Cuts to TAFE Funding — Requesting that the Legislative Assembly urges the Government to abandon the planned TAFE funding cuts and ensure that no further cuts will be made, bearing 44 signatures (*Mr Noonan*).

Petitions ordered to be tabled.

- 3 **PETITION — MFB AND CFA FUNDING CUTS** — Motion made and question — That the petition presented by the Member for Macedon be taken into consideration tomorrow (*Ms Duncan*) — put and agreed to.

- 4 **PETITION — CCTV CAMERAS TAYLORS LAKES** — Motion made and question — That the petition presented by the Member for Keilor be taken into consideration tomorrow (*Ms Hutchins*) — put and agreed to.

- 5 **PETITION — CUTS TO TAFE FUNDING** — Motion made and question — That the petition presented by the Member for Williamstown be taken into consideration tomorrow (*Mr Noonan*) — put and agreed to.

- 6 **DOCUMENTS BY COMMAND OF THE GOVERNOR**

Mr Clark presented by Command of the Governor:

Magistrates' Court of Victoria — Report 2011–12

Ordered to be tabled.

Supreme Court of Victoria — Report 2011–12

Ordered to be tabled.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT

The Clerk tabled the following documents in accordance with Acts of Parliament:

Interpretation of Legislation Act 1984 — Notice under s 32(3)(a)(iii) in relation to Statutory Rule 115 (*Gazette G47, 22 November 2012*)

Parliamentary Committees Act 2003 — Government response to the Public Accounts and Estimates Committee's Report on the 2012–13 Budget Estimates — Part One

Subordinate Legislation Act 1994 — Documents under s 15 in relation to Statutory Rule 127.

7 **PARLIAMENTARY COMMITTEE REFERENCES** — Motion made, by leave, and question — That under s 33 of the *Parliamentary Committees Act 2003* the following matters be referred to the joint investigatory committees specified:

- (1) To the **Road Safety Committee** — for inquiry, consideration and report no later than 12 December 2013 on the nature and extent of serious injury in motor vehicle accidents in Victoria and the Committee should:
 - (a) determine the appropriate methodology to identify the cost of a serious injury to the Victorian community and economy;
 - (b) identify processes, including the exchange of data and information between agencies, that will facilitate accurate, consistent and timely reporting of road related serious injuries;
 - (c) consider best practice definitions and measures of road related serious injury and injury severity, and recommend how road related serious injuries and their severity should be identified and reported in Victoria;
 - (d) determine the correlation between reductions in fatalities and serious injuries (including for different levels of severity) resulting from different road safety countermeasures;
 - (e) identify cost effective countermeasures to reduce serious injury occurrence and severity; and
 - (f) identify best practice in managing long term reductions in serious injury including raising the profile of the serious injury burden.

- (2) To the **Rural and Regional Committee** — for inquiry, consideration and report no later than 31 December 2013 on the opportunities for people to use telecommuting and e-business to work remotely in rural and regional Victoria, with particular reference to:
 - (a) identifying the potential benefits for rural and regional Victoria if more people were able to work remotely;
 - (b) examining best practice in e-business and remote working policy in other jurisdictions;
 - (c) identifying any legislative impediments at a state, federal or local government level;
 - (d) determining potential workplace relations, or occupational health and safety issues that would need to be addressed; and
 - (e) establishing potential productivity, infrastructure or other savings associated with fewer employers and employees needing travel to and from work each day —

(Mr McIntosh) — put and agreed to.

8 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 11 December 2012 *(Mr McIntosh)* — put and agreed to.

9 **STATEMENTS BY MEMBERS** — Statements by members were made.

10 **CARDINIA PLANNING SCHEME** — Motion made and question — That under s 46AH of the *Planning and Environment Act 1987*, Cardinia Planning Scheme Amendment C165 be ratified *(Mr Clark)* — put, after debate, and agreed to.

11 **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.

12 **CRIMINAL ORGANISATIONS CONTROL BILL 2012** — 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 Hodgett)* — put and agreed to.

Ordered — That the debate be adjourned until later this day.

13 **JUSTICE LEGISLATION AMENDMENT (FAMILY VIOLENCE AND OTHER MATTERS) BILL 2012** — 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 Hodgett)* — put and agreed to.

Ordered — That the debate be adjourned until later this day.

14 **PROTECTED DISCLOSURE BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr McIntosh announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Motion made and question — That the debate be now adjourned *(Mr Hodgett)* — put and agreed to.

Ordered — That the debate be adjourned until later this day.

15 **INTEGRITY AND ACCOUNTABILITY LEGISLATION AMENDMENT BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr McIntosh announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Motion made and question — That the debate be now adjourned *(Mr Hodgett)* — put and agreed to.

Ordered — That the debate be adjourned until later this day.

16 **JUSTICE LEGISLATION AMENDMENT (FAMILY VIOLENCE AND OTHER MATTERS) BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

17 **QUESTIONS** — (Under SO 55).

- 18 **JUSTICE LEGISLATION AMENDMENT (FAMILY VIOLENCE AND OTHER MATTERS) BILL 2012** — Debate continued on question — That this Bill be now read a second time.
- Motion made and question — That the debate be now adjourned (*Mr Hodgett*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 19 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:
- Offshore Petroleum and Greenhouse Gas Storage Amendment (NOPSEMA) Bill 2012
State Taxation and Other Acts Amendment Bill 2012.
- 20 **CONCURRENT DEBATE — INTEGRITY AND ACCOUNTABILITY LEGISLATION AMENDMENT BILL 2012 AND PROTECTED DISCLOSURE BILL 2012** — Motion made, by leave, and question — That so much of standing orders be suspended so as to allow the Member for Altona to speak for an additional 20 minutes on the Integrity and Accountability Legislation Amendment Bill 2012 and the Protected Disclosure Bill 2012 and, for the purpose of her contribution, the bills to be debated concurrently (*Mr McIntosh*) — put and agreed to.
- 21 **INTEGRITY AND ACCOUNTABILITY LEGISLATION AMENDMENT BILL 2012 AND PROTECTED DISCLOSURE BILL 2012** — Order read for resuming debate on question — That these Bills be now read a second time; debate resumed.
- Motion made and question — That the debate be now adjourned (*Mr Hodgett*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 22 **JUSTICE LEGISLATION AMENDMENT (FAMILY VIOLENCE AND OTHER MATTERS) BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Allocation of time — The Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 27 November 2012 had expired.*
- Question — That this Bill be now read a second time — put and agreed to.
- Question — That this Bill be now read a third time — put and agreed to.
- Bill sent to the Legislative Council and their agreement requested.
- 23 **FIRE SERVICES LEVY MONITOR BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time.
- Question — That this Bill be now read a second time, the Government amendment be agreed to and the Bill be now read a third time — put and agreed to.
- Bill sent to the Legislative Council and their agreement requested.
- 24 **PLANNING AND ENVIRONMENT AMENDMENT (GENERAL) BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time.
- Question — That this Bill be now read a second time and a third time — put and agreed to.
- Bill sent to the Legislative Council and their agreement requested.

25 **COMMISSION FOR CHILDREN AND YOUNG PEOPLE BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

26 **MINERAL RESOURCES (SUSTAINABLE DEVELOPMENT) AMENDMENT BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

27 **INTEGRITY AND ACCOUNTABILITY LEGISLATION AMENDMENT BILL 2012** — 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 135 inclusive be agreed to and the Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

28 **PROTECTED DISCLOSURE BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time, Government amendment Nos 1 to 4 inclusive be agreed to and the Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

29 **CRIMINAL ORGANISATIONS CONTROL BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

Business having been interrupted at 4.03 pm under sessional orders.

Motion made and question — That the sitting be continued (*Mr McIntosh*) — put and agreed to.

30 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Road Safety Amendment (Operator Onus) Bill 2012 without amendment.

31 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 9 to 15 inclusive, be postponed until later this day.

32 **WATER LEGISLATION AMENDMENT BILL 2012** — *Mr Walsh tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Walsh*).

Motion made and question — That the debate be now adjourned (*Mr Holding*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 13 December 2012.

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- 33 **HEALTH SERVICES AMENDMENT (HEALTH PURCHASING VICTORIA) BILL 2012** — *Dr Naphine tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Dr Naphine*).
- Motion made and question — That the debate be now adjourned (*Mr Holding*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 13 December 2012.
- 34 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr McIntosh*) — put and agreed to.
- 35 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 5.03 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS
Nos 109, 110, 111 and 112

No 109 — Tuesday 11 December 2012

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **DEATH OF THE HONOURABLE RICHARD STRACHAN DE FEGELY** — The Speaker announced the death of the Honourable Richard Strachan de Fegely, Member of the Legislative Council for Ballarat Province from 1985 to 1999; and members rose in their places as a mark of respect to the memory of the deceased.
- 3 **DEATH OF DAME ELISABETH JOY MURDOCH, AC, DBE** — Motion made and question — That this House expresses its sincere sorrow at the death, on 5 December 2012, of Dame Elisabeth Joy Murdoch, AC, DBE, and places on record its acknowledgement of the valuable services rendered by Dame Elisabeth to the people of Victoria (*Mr Baillieu*) — put, after members had addressed the House in support of the motion and, members rising in their places to signify their assent, agreed to unanimously.
- 4 **ADJOURNMENT** — Motion made, by leave, and question — That, as a further mark of respect to the memory of the late Honourable Richard Strachan de Fegely, and the late Dame Elisabeth Joy Murdoch, AC, DBE, the House now adjourns until 4.15 pm today (*Mr Baillieu*) — put and agreed to.

And the House, at 3.42 pm, adjourned until 4.15 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

No 110 — Tuesday 11 December 2012
(4.15 pm)

- 1 The House met according to the adjournment — The Speaker took the Chair.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **ASSISTED REPRODUCTIVE TREATMENT AMENDMENT BILL 2012** — Dr Naphthine obtained leave to bring in a Bill '*for an Act to amend the Assisted Reproductive Treatment Act 2008 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **ENERGY LEGISLATION AMENDMENT (FLEXIBLE PRICING AND OTHER MATTERS) BILL 2012** — Mr O'Brien obtained leave to bring in a Bill '*for an Act to amend the Electricity Industry Act 2000, the Gas Industry Act 2001, the National Electricity (Victoria) Act 2005 and the National Gas (Victoria) Act 2008 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

5 **STATUTE LAW AMENDMENT (DIRECTORS' LIABILITY) BILL 2012** — Mr Clark obtained leave to bring in a Bill *'for an Act to revise the statute law of Victoria in relation to the criminal liability of officers of bodies corporate and for other purposes'*; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

6 **CORRECTIONS AMENDMENT BILL 2012** — Mr McIntosh obtained leave to bring in a Bill *'for an Act to make miscellaneous amendments to the Corrections Act 1986 and the Parole Orders (Transfer) Act 1983 and for other purposes'*; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

7 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Capital City Powers — Requesting that the Legislative Assembly urges the Government to reverse its decision to give the Minister for Planning 'Capital City Powers' for Fisherman's Bend and instead reinstate the City of Port Phillip's and the local community's right to be heard on the development of this major precinct, bearing 234 signatures (*Mr Foley*)

Cuts to TAFE Funding — Requesting that the Legislative Assembly urges the Government to abandon the planned TAFE funding cuts and ensure that no further cuts will be made, bearing 648 and 649 signatures (*Mr Foley and Mr Donnellan respectively*)

Fisheries Research Branch — Requesting that the Legislative Assembly urges the Government to make a commitment to the future of fisheries and marine science in Victoria, bearing 120 signatures (*Ms Neville*)

Sale Specialist School — Requesting that the Legislative Assembly urges the Government to — (a) remedy the plight of staff and students by expediting the purchase of land, suitable for a new school, in the city of Sale; and (b) allocate funding in the next budget to build a new school, bearing 11 signatures (*Mr Ryan*)

Fast Food Chains — Requesting that the Legislative Assembly urges the Government to do everything in its power to provide legislation that will prevent further fast food chains being built in the Dandenong Ranges, bearing 3775 signatures (*Mr Merlino*).

Petitions ordered to be tabled.

8 **PETITION — CAPITAL CITY POWERS** — Motion made and question — That the petition presented by the Member for Albert Park be taken into consideration tomorrow (*Mr Foley*) — put and agreed to.

9 **PETITION — CUTS TO TAFE FUNDING** — Motion made and question — That the petition presented by the Member for Albert Park be taken into consideration tomorrow (*Mr Foley*) — put and agreed to.

10 **PETITION — CUTS TO TAFE FUNDING** — Motion made and question — That the petition presented by the Member for Narre Warren North be taken into consideration tomorrow (*Mr Donnellan*) — put and agreed to.

11 **PETITION — FAST FOOD CHAINS** — Motion made and question — That the petition presented by the Member for Monbulk be taken into consideration tomorrow (*Mr Merlino*) — put and agreed to.

12 **PETITION — FISHERIES RESEARCH BRANCH** — Motion made and question — That the petition presented by the Member for Bellarine be taken into consideration tomorrow (*Ms Neville*) — put and agreed to.

13 **DOCUMENTS**

MINISTERIAL INTERVENTION IN PLANNING MATTERS — Statement for the period 1 December 2010 to 31 December 2011 tabled by leave (*Mr Clark*).

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms Campbell, Deputy Chair, presented the Alert Digest No 18 of 2012 from the Scrutiny of Acts and Regulations Committee on the:

Criminal Organisations Control Bill 2012
 Fire Services Levy Monitor Bill 2012
 Health Services Amendment (Health Purchasing) Bill 2012
 Integrity and Accountability Legislation Amendment Bill 2012
 Protected Disclosure Bill 2012
 Tobacco Amendment (Smoking in Outdoor Areas) Bill 2012
 Water Legislation Amendment Bill 2012

together with appendices.

Ordered to be tabled and printed.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Australian Children's Education and Care Quality Authority — Report 2011–12

Crimes (Assumed Identities) Act 2004 — Reports 2011–12 under s 31 (two documents)

Gambling Regulation Act 2003 — Fixed term ban order under s 2.5A.9 (*Gazette S415, 3 December 2012*)

Liquor Control Reform Act 1998 — Report 2011–12 under s 148R

Melbourne City Link Act 1995 — Deed of Lease of Customer Service Site

Ombudsman — A section 25(2) report to the Parliament on the proposed integrity system and its impact on the functions of the Ombudsman — Ordered to be printed

Parliamentary Committees Act 2003:

Government response to the Drugs and Crime Prevention Committee's Report on the Inquiry into locally based approaches to community safety and crime prevention

Government response to the Education and Training Committee's Report on the Inquiry into the education of gifted and talented students

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Ballarat — C135, C149
 Boroondara — C99, C148, C168
 Glenelg — C67
 Greater Geelong — C273
 Greater Shepparton — C151
 Indigo — C63
 Knox — C98
 Melton — C125

Moreland — C141
 Wyndham — C163
 Yarra — C162
 Yarra Ranges — C103 Part 1

Statutory Rules under the following Acts:

Dangerous Goods Act 1985 — SR 132
Drugs, Poisons and Controlled Substances Act 1981 — SR 136
Freedom of Information Act 1982 — SR 131
Gambling Regulation Act 2003 — SR 134
Livestock Disease Control Act 1994 — SRs 129, 130
Marine (Drug, Alcohol and Pollution Control) Act 1988 — SR 138
Offshore Petroleum and Greenhouse Gas Storage Act 2010 — SR 133
Residential Tenancies Act 1997 — SR 137
Supreme Court Act 1986 — SRs 140, 141, 142
Tobacco Act 1987 — SR 135
Transport (Compliance and Miscellaneous) Act 1983 — SR 139
Working with Children Act 2005 — SR 143

Subordinate Legislation Act 1994:

Documents under s 15 in relation to Statutory Rules 129, 130, 132, 133, 134, 137, 138, 139, 140, 141, 142, 143

Documents under s 16B in relation to:

Food Act 1984:

Order exempting persons from primary production and processing requirements of the food standards code

Exemption for retail and catering

Livestock Disease Control Act 1994 — Order in Council exempting persons from the requirements of s 8A

Local Government Act 1989 — Revocation of tow away areas

Victorian Catchment Management Council:

Catchment Condition and Management Report 2012
 Report 2011–12.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 8 February 2011:

Primary Industries and Food Legislation Amendment Act 2012 — Remaining provisions — 1 December 2012 (*Gazette S399, 27 November 2012*)

Resources Legislation Amendment (General) Act 2012 — Remaining provisions — 1 December 2012 (*Gazette S399, 27 November 2012*)

Road Management Amendment (Peninsula Link) Act 2012 — Whole Act — 5 December 2012 (*Gazette S419, 4 December 2012*)

Serious Sex Offenders (Detention and Supervision) Amendment Act 2012 — Whole Act — 1 December 2012 (*Gazette S399, 27 November 2012*).

14 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Fire Services Levy Monitor Bill 2012
 Police Regulation Amendment Bill 2012.

- 15 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 4 December 2012, given the royal assent to the following bills, presented to him by the Clerk of the Legislative Council for and in the absence of the Clerk of the Parliaments:

Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill 2012
 Education Legislation Amendment (Governance) Bill 2012
 Offshore Petroleum and Greenhouse Gas Storage Amendment (NOPSEMA) Bill 2012
 Road Safety Amendment (Operator Onus) Bill 2012
 State Taxation and Other Acts Amendment Bill 2012.

- 16 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILL** — Informing the Legislative Assembly that he had today given the royal assent to the Police Regulation Amendment Bill 2012, presented to him by the Clerk of the Parliaments.

- 17 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2) —

- (1) the Orders of the Day, Government Business, relating to the following bills be considered and completed by 9.00 pm on Tuesday 11 December 2012:

Climate Change and Environment Protection Amendment Bill 2012
 Tobacco Amendment (Shopper Loyalty Schemes) Bill 2012

- (2) the Orders of the Day, Government Business, relating to the following items be considered and completed by 4.00 pm on Thursday 13 December 2012:

Liquor Control Reform Amendment Bill 2012
 Parliamentary Apology for Past Adoption Practices
 Retirement Villages Amendment (Information Disclosure) Bill 2012
 Traditional Owner Settlement Amendment Bill 2012

(*Mr McIntosh*) — after debate, put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrantdyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 43

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Mr Carroll; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Ms Hutchins; Ms Kairouz; Ms Kanis; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

- 18 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 19 **TOBACCO AMENDMENT (SHOPPER LOYALTY SCHEMES) BILL 2012** — 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 Bull*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

20 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Justice Legislation Amendment (Family Violence and Other Matters) Bill 2012 without amendment.

21 **CLIMATE CHANGE AND ENVIRONMENT PROTECTION AMENDMENT BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until the Minister has tabled a Climate Change Adaptation Plan in accordance with s 16 of the existing *Climate Change Act 2010*' (*Ms Neville*) — and, after debate —

Allocation of time — *The Speaker advised that the time allocated for consideration of specified bills under the resolution of the House today had expired.*

Question — That the words proposed to be omitted stand part of the question — put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrantyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 43

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Mr Carroll; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Ms Hutchins; Ms Kairouz; Ms Kanis; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

Question — That this Bill be now read a second time — put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrantyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 43

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Mr Carroll; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Ms Hutchins; Ms Kairouz; Ms Kanis; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

Question — That this Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 22 **TOBACCO AMENDMENT (SHOPPER LOYALTY SCHEMES) BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 23 **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.

- 24 **TRADITIONAL OWNER SETTLEMENT AMENDMENT BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Clark announced an amendment to be proposed when the House considers the Bill in detail and requested that it be circulated. Amendment circulated.

Debate resumed on question — That this Bill be now read a second time.

Business having been interrupted at 10.00 pm under sessional orders.

- 25 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.47 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

No 111 — Wednesday 12 December 2012

- 1 The Speaker took the Chair and read the Prayer.

- 2 **CRIMES AMENDMENT (GROSS VIOLENCE OFFENCES) BILL 2012** — Mr Clark obtained leave to bring in a Bill *for an Act to amend the Crimes Act 1958 and the Sentencing Act 1991 to insert new offences of causing serious injury intentionally or recklessly in circumstances of gross violence, to provide for a minimum non-parole period in certain circumstances for those offences, to amend certain definitions of injury and serious injury and for other purposes*; and the Bill was read a first time and ordered to be read a second time tomorrow.

3 **COURTS LEGISLATION AMENDMENT (RESERVE JUDICIAL OFFICERS) BILL 2012** — Mr Clark obtained leave to bring in a Bill '*for an Act to amend the **Constitution Act 1975**, the **Supreme Court Act 1986** and the **County Court Act 1958** to provide for the office of reserve judge, to amend the **Magistrates' Court Act 1989** to provide for the office of reserve magistrate, to repeal the offices of acting judge and acting magistrate and to consequentially amend the **Judicial Salaries Act 2004** and other Acts and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

4 **JURY DIRECTIONS BILL 2012** — Mr Clark obtained leave to bring in a Bill '*for an Act to simplify and clarify the law on jury directions in criminal trials and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.

5 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Uniting Church of Australia TAFE Funding Cuts — Requesting that the Legislative Assembly urges the Government to review the reduction in TAFE funding in light of the constant need to enhance the skills of our society and the consequent need to develop rather than curtail the TAFE sector, bearing 425 signatures (*Mrs Fyffe*)

Public and Social Housing — Requesting that the Legislative Assembly urges the Government to guarantee that it will protect affordable and secure public housing for those who need it as a fundamental human right to shelter and categorically rule out the options of — (a) an increase in rent; (b) the introduction of limited tenure; and (c) the potential loss of public housing stock, bearing 19 signatures (*Mr Wynne*)

Community Water Supply Access — Requesting that the Legislative Assembly urges the Government to discontinue the shrinkage of the irrigation system and the decommissioning of irrigation infrastructure in Northern Victoria until such time as a full public inquiry has been conducted into the need for shrinking of the irrigation system and to establish the best means of providing irrigation services, bearing 854 signatures (*Mr Weller*)

Construction of Bypass — Requesting that the Legislative Assembly urges the Government to — (a) rescind the decision by the Minister for Planning to not allow the truck bypass in Bacchus Marsh; (b) direct the issuing of a permit to enable immediate construction of the bypass; and (c) allow the planting of an additional commemorative avenue, bearing 1801 signatures (*Mr Katos*).

Petitions ordered to be tabled.

6 **PETITION — UNITING CHURCH OF AUSTRALIA TAFE FUNDING CUTS** — Motion made and question — That the petition presented by the Member for Evelyn be taken into consideration tomorrow (*Mr Andrews*) — put and agreed to.

7 **PETITION — PUBLIC AND SOCIAL HOUSING** — Motion made and question — That the petition presented by the Member for Richmond be taken into consideration tomorrow (*Mr Wynne*) — put and agreed to.

8 **DOCUMENTS**

STANDING ORDERS COMMITTEE — Mrs Fyffe presented a report from the Standing Orders Committee into use of social media in the Legislative Assembly and reflections on the Office of Speaker, together with an appendix.

Ordered to be tabled and printed.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — Mr Angus presented a report from the Public Accounts and Estimates Committee on the Inquiry into Effective Decision Making for the

Successful Delivery of Significant Infrastructure Projects, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

ROAD SAFETY COMMITTEE — Mr Thompson (*Sandringham*), Chair, presented a report from the Road Safety Committee on the Inquiry into Motorcycle Safety, together with appendices, an extract from the proceedings and transcripts of evidence.

Ordered to be tabled and the report, appendices and extract from the proceedings printed.

OUTER SUBURBAN/INTERFACE SERVICES AND DEVELOPMENT COMMITTEE — Ms McLeish presented a report from the Outer Suburban/Interface Services and Development Committee on the Inquiry into Liveability Options in Outer Suburban Melbourne, together with appendices, extracts from the proceedings, a minority report and transcripts of evidence.

Ordered to be tabled and the report, appendices, extracts from the proceedings and minority report printed.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Auditor-General:

Learning Technologies in Government Schools — Ordered to be printed
 Management of the Provincial Victoria Growth Fund — Ordered to be printed

Ombudsman — Own motion investigation into the governance and administration of the Victorian Building Commission — Ordered to be printed

Transport (Compliance and Miscellaneous) Act 1983 — Taxi Industry Inquiry Final Report, Customers First: Service, Safety, Choice, under s 191ZD.

9 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Integrity and Accountability Legislation Amendment Bill 2012
 Protected Disclosure Bill 2012.

10 **LAW REFORM COMMITTEE — OUTER SUBURBAN/INTERFACE SERVICES AND DEVELOPMENT COMMITTEE — EXTENSION TO REPORTING DATES** — Motion made, by leave, and question — That:

- (1) The resolution of the House of 28 March 2012 relating to the Law Reform Committee be amended to extend the reporting dates for:
 - (a) the inquiry into access to and interaction with the justice system by people with an intellectual disability and their families and carers, to no later than 5 March 2013; and
 - (b) the inquiry into the creating, sharing, sending or posting of sexually explicit messages or images via the internet, mobile phones or other electronic devices by people, especially young people, (known as 'sexting'), to no later than 18 April 2013; and
- (2) The resolution of the House of 8 December 2011 be amended to extend the reporting date for the Outer Suburban/Interface Services and Development Committee's inquiry into growing the

suburbs: infrastructure and business development in outer suburban Melbourne, to no later than 29 May 2013 —

(*Mr McIntosh*) — put and agreed to.

11 **STATEMENTS BY MEMBERS** — Statements by members were made.

12 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — FEDERAL CUTS TO HEALTH SYSTEM** — The House was informed that Mr Wakeling had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House condemns the Federal Labor Government for their recent funding cuts to Victoria's health system which will have a detrimental impact on Victorian hospitals and hurt Victorian families.'

Mr Wakeling addressed the House — Discussion followed.

13 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Outer Suburban/Interface Services and Development Committee's Report on the Inquiry into Liveability Options in Outer Suburban Melbourne

Family and Community Development Committee's Report on the Inquiry into Workforce Participation by People with a Mental Illness

Road Safety Committee's Report on the Inquiry into Motorcycle Safety

Rural and Regional Committee's Report on the Inquiry into the Capacity of the Farming Sector to Attract and Retain Young Farmers and Respond to an Ageing Workforce.

14 **TRADITIONAL OWNER SETTLEMENT AMENDMENT BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

15 **QUESTIONS** — (Under SO 55).

16 **TRADITIONAL OWNER SETTLEMENT AMENDMENT BILL 2012** — Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Crisp*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

17 **LIQUOR CONTROL REFORM AMENDMENT BILL 2012** — 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 Wreford*) — put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrantdyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 43

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Mr Carroll; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Ms Hutchins; Ms Kairouz; Ms Kanis; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

Ordered — That the debate be adjourned until later this day.

- 18 **POSTPONEMENT OF ORDERS OF THE DAY** — Motion made and question — That the consideration of Government Business, Orders of the Day, Nos 3 and 4, be postponed until later this day (*Dr Napthine*) — put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrantdyte*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 43

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Mr Carroll; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Ms Hutchins; Ms Kairouz; Ms Kanis; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

- 19 **ASSISTED REPRODUCTIVE TREATMENT AMENDMENT BILL 2012** — *Dr Napthine tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Dr Napthine*).

Motion made and question — That the debate be now adjourned (*Ms D'Ambrosio*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 26 December 2012.

- 20 **ENERGY LEGISLATION AMENDMENT (FLEXIBLE PRICING AND OTHER MATTERS) BILL 2012** — *Mr O'Brien tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr O'Brien*).

Motion made and question — That the debate be now adjourned (*Ms D'Ambrosio*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 26 December 2012.

- 21 **STATUTE LAW AMENDMENT (DIRECTORS' LIABILITY) BILL 2012** — *Mr Clark tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Clark*).

Motion made and question — That the debate be now adjourned (*Ms D'Ambrosio*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 26 December 2012.

- 22 **LIQUOR CONTROL REFORM AMENDMENT BILL 2012** — 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 Angus*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 23 **RETIREMENT VILLAGES AMENDMENT (INFORMATION DISCLOSURE) BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under sessional orders.

- 24 **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 10.30 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker

No 112 — Thursday 13 December 2012

- 1 The Speaker took the Chair and read the Prayer.

- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Taxi Licences — Requesting that the Legislative Assembly urges the Government to act decisively to reject any proposed unlimited release of taxi licences and calls on the Government to provide the industry with the fare increase it needs, bearing 687, 1219, 1091 and 1053 signatures (*Mrs Bauer, Mr Shaw, Ms Wreford and Ms McLeish respectively*)

Healesville Freeway Reservation — Requesting that the Legislative Assembly urges the Government to — (a) maintain the Healesville Freeway Reserve as Open Space for use by the community; and (b) protect the endangered vegetation on the site, bearing 4308 signatures (*Mr Angus*)

Springvale Rise Primary School — Requesting that the Legislative Assembly urges the Government to — (a) urgently fix hazards as listed on the state department register at Springvale Rise Primary School; and (b) urgently rebuild a basketball court at the Springvale Heights campus, bearing 71 signatures (*Mr Holding*)

Wireless Smart Meters — Requesting that the Legislative Assembly immediately — (a) issues a halt to the mandated installation of smart meters; (b) directs all power companies to offer a permanent 'opt out' for all customers; (c) requires letters to be sent to all customers informing them that radiofrequency radiation is classified by the World Health Organisation as a 2B carcinogen and that smart meters emit radiofrequency radiation; and (d) makes provisions to customers who have had smart meters installed and would like them removed, to reinstall dial or non-wireless interval meters at the option of the customer at no cost, bearing 247 signatures (*Ms D'Ambrosio*)

Hillsmeade Primary School — Requesting that the Legislative Assembly reverses its decision to withdraw funding of the subsidised education program Metlink Adventures, needed to ensure the affordability of an annual urban camp for year 6 students of Hillsmeade Primary School, Narre Warren South, bearing 137 signatures (*Ms Graley*)

Growth Areas Authority's Greenvale Central Proposal — Requesting the Legislative Assembly to — (a) not proceed with the rezoning from rural to medium density living in Greenvale Central; (b) reconsider an optional proposal of low density living; and (c) allow private property owners to appeal for exemption to the zoning of their private land and not be forced to accept the high density residential rezoning, bearing 79 signatures (*Ms Campbell*)

Cuts to TAFE Funding — Requesting that the Legislative Assembly urges the Government to abandon the planned TAFE funding cuts and ensure that no further cuts will be made, bearing 14 signatures (*Ms Green*)

Upgrade of Greensborough College — Requesting that the Legislative Assembly urges the Baillieu Government to urgently fund the much needed upgrade of Greensborough College, bearing 4 signatures (*Ms Green*)

Secondary College in Doreen and Mernda — Requesting that the Legislative Assembly urges the Baillieu Government to urgently fund the building of a secondary college in Doreen and Mernda, bearing 139 signatures (*Ms Green*)

Scientific Study of Cattle Grazing — Requesting that the Legislative Assembly urges the Baillieu Government, in relation to cattle grazing in the high country, to immediately provide answers and details on — (a) the scientific and departmental procedures used when authorising the study and the specific scientific justification for the study; (b) the arrangement made with graziers taking part in the study; and (c) anecdotal evidence which suggests the study has damaged the environment and threatened endangered species, bearing 2 signatures (*Ms Green*)

New CFA Stations — Requesting that the Legislative Assembly urges the Baillieu-Ryan Government to build new CFA stations for Eden Park, Eltham, Kangaroo Ground, Plenty and Wattle Glen, bearing 19 signatures (*Ms Green*)

Green Wedges in Melbourne — Requesting that the Legislative Assembly urges the Government to immediately stop the current planning review and agree to work with the community to enhance and improve Melbourne's green wedges, bearing 82 signatures (*Ms Green*)

Cuts to Bus Services — Requesting that the Legislative Assembly urges the Government to — (a) reverse recent cuts to bus services and reinstate these services to deliver better public transport for Melbourne's north; and (b) increase the number of bus services and commitment to upgrading our public transport infrastructure, bearing 8 signatures (*Ms Green*)

Epping Road Project — Requesting that the Legislative Assembly urges the Government to fund and commence work on the Epping Road project as a matter of urgency, bearing 39 signatures (*Ms Green*)

O'Herns Road and Hume Freeway Interchange — Requesting that the Legislative Assembly urges the Government to immediately fund — (a) the design and construction of the northern and southern ramps connecting O'Herns Road with the Hume Freeway; (b) the duplication of the remaining section of the single carriageway of O'Herns Road between the Hume Freeway and Redding Rise; and (c) the four lane carriageway of Edgar's Road between Cooper Street and O'Herns Road, bearing 491 signatures (*Ms Green*).

Petitions ordered to be tabled.

- 3 **PETITION — HILLSMEADE PRIMARY SCHOOL** — Motion made and question — That the petition presented by the Member for Narre Warren South be taken into consideration tomorrow (*Ms Graley*) — put and agreed to.
- 4 **PETITION — CUTS TO TAFE FUNDING** — Motion made and question — That the petition presented by the Member for Yan Yean be taken into consideration tomorrow (*Ms Green*) — put and agreed to.
- 5 **PETITION — UPGRADE OF GREENSBOROUGH COLLEGE** — Motion made and question — That the petition presented by the Member for Yan Yean be taken into consideration tomorrow (*Ms Green*) — put and agreed to.
- 6 **PETITION — SECONDARY COLLEGE IN DOREEN AND MERENDA** — Motion made and question — That the petition presented by the Member for Yan Yean be taken into consideration tomorrow (*Ms Green*) — put and agreed to.
- 7 **PETITION — SCIENTIFIC STUDY OF CATTLE GRAZING** — Motion made and question — That the petition presented by the Member for Yan Yean be taken into consideration tomorrow (*Ms Green*) — put and agreed to.
- 8 **PETITION — NEW CFA STATIONS** — Motion made and question — That the petition presented by the Member for Yan Yean be taken into consideration tomorrow (*Ms Green*) — put and agreed to.
- 9 **PETITION — GREEN WEDGES IN MELBOURNE** — Motion made and question — That the petition presented by the Member for Yan Yean be taken into consideration tomorrow (*Ms Green*) — put and agreed to.
- 10 **PETITION — CUTS TO BUS SERVICES** — Motion made and question — That the petition presented by the Member for Yan Yean be taken into consideration tomorrow (*Ms Green*) — put and agreed to.
- 11 **PETITION — EPPING ROAD PROJECT** — Motion made and question — That the petition presented by the Member for Yan Yean be taken into consideration tomorrow (*Ms Green*) — put and agreed to.
- 12 **PETITION — O'HERNS ROAD AND HUME FREEWAY INTERCHANGE** — Motion made and question — That the petition presented by the Member for Yan Yean be taken into consideration tomorrow (*Ms Green*) — put and agreed to.

- 13 **PETITION — TAXI LICENCES** — Motion made and question — That the petition presented by the Member for Mordialloc be taken into consideration tomorrow (*Ms Wreford*) — put and agreed to.
- 14 **PETITION — SPRINGVALE RISE PRIMARY SCHOOL** — Motion made and question — That the petition presented by the Member for Lyndhurst be taken into consideration tomorrow (*Mr Holding*) — put and agreed to.
- 15 **PETITION — TAXI LICENCES** — Motion made and question — That the petition presented by the Member for Seymour be taken into consideration tomorrow (*Ms McLeish*) — put and agreed to.
- 16 **PETITION — TAXI LICENCES** — Motion made and question — That the petition presented by the Member for Carrum be taken into consideration tomorrow (*Mrs Bauer*) — put and agreed to.
- 17 **PETITION — TAXI LICENCES** — Motion made and question — That the petition presented by the Member for Frankston be taken into consideration tomorrow (*Mr Shaw*) — put and agreed to.

18 **DOCUMENTS**

INDEPENDENT ASSESSMENT: CURRENT AND FUTURE FINANCIAL HEALTH OF BULOKE SHIRE COUNCIL — Report tabled by leave (*Mrs Powell*).

Ordered to be printed.

ROAD SAFETY IN VICTORIA — Report on Progress 2012 tabled by leave (*Mr Ryan*).

DOCUMENT BY COMMAND OF THE GOVERNOR

Mr Clark presented by Command of the Governor:

County Court of Victoria — Report 2011–12

Ordered to be tabled.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Alpine Resorts (Management) Act 1997 — Alpine Resorts Strategic Plan 2012 under s 33E

Freedom of Information Act 1982 — Report 2011–12 of the Minister Responsible for the Establishment of an Anti-corruption Commission on the operation of the Act

Major Sporting Events Act 2009 — Major sporting event order under s 22

Subordinate Legislation Act 1994 — Documents under s 15 in relation to Statutory Rule 131.

- 19 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 5 February 2013 (*Mr McIntosh*) — put and agreed to.
- 20 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 21 **LIQUOR CONTROL REFORM AMENDMENT BILL 2012** — 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 Hodggett*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

22 **APPOINTMENTS TO INTEGRITY BODIES** — The Speaker announced that today he administered:

- (1) to Stephen O'Bryan, the Commissioner, Independent Broad-based Anti-corruption Commission, the oath required by s 25 of the *Independent Broad-based Anti-corruption Commission Act 2011*; and
- (2) to Robin Brett, the Inspector, Victorian Inspectorate, the affirmation required by s 22 of the *Victorian Inspectorate Act 2011*.

23 **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.

24 **CRIMES AMENDMENT (GROSS VIOLENCE OFFENCES) BILL 2012** — *Mr Clark tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Clark*).

Motion made and question — That the debate be now adjourned (*Mr Donnellan*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 27 December 2012.

25 **COURTS LEGISLATION AMENDMENT (RESERVE JUDICIAL OFFICERS) BILL 2012** — *Mr Clark tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Clark*).

Motion made and question — That the debate be now adjourned (*Mr Donnellan*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 27 December 2012.

26 **JURY DIRECTIONS BILL 2012** — *Mr Clark tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Clark*).

Motion made and question — That the debate be now adjourned (*Mr Donnellan*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 27 December 2012.

27 **CORRECTIONS AMENDMENT BILL 2012** — *Mr McIntosh tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr McIntosh*).

Motion made and question — That the debate be now adjourned (*Mr Herbert*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 27 December 2012.

28 **RETIREMENT VILLAGES AMENDMENT (INFORMATION DISCLOSURE) BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

29 **QUESTIONS** — (Under SO 55).

Member named and suspended — The Member for Yan Yean (*Ms Green*) having been named by the Speaker for disregarding the authority of the Chair —

Motion made and question — That the Member for Yan Yean (*Ms Green*) be suspended from the service of the House during the remainder of the day's sitting (*Mr McIntosh*) — put.

The House divided (the Speaker, Mr Smith, in the Chair) —

AYES 44

Mr Angus; Ms Asher; Mr Baillieu; Mr Battin; Mrs Bauer; Mr Blackwood; Mr Bull; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Gidley; Mr Hodgett; Mr Katos; Mr Kotsiras; Mr McCurdy; Mr McIntosh; Ms McLeish; Ms Miller; Mr Morris; Mr Mulder; Dr Napthine; Mr Newton-Brown; Mr Northe; Mr O'Brien; Mrs Powell; Ms Ryall; Mr Ryan; Mr Shaw; Mr Smith (*Warrantye*); Mr Southwick; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Watt; Mr Weller; Mr Wells; Ms Wooldridge; Ms Wreford.

NOES 43

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carbines; Mr Carroll; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Edwards; Mr Eren; Mr Foley; Ms Garrett; Ms Graley; Ms Green; Ms Halfpenny; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Ms Hutchins; Ms Kairouz; Ms Kanis; Ms Knight; Mr Languiller; Mr Lim; Mr McGuire; Mr Madden; Mr Merlino; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Richardson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question agreed to.

Ms Green accordingly withdrew from the Chamber.

30 **RETIREMENT VILLAGES AMENDMENT (INFORMATION DISCLOSURE) BILL 2012** — Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Ms Kairouz*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

31 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Commission for Children and Young People Bill 2012
Mineral Resources (Sustainable Development) Amendment Bill 2012.

32 **PARLIAMENTARY APOLOGY FOR PAST ADOPTION PRACTICES** — Order read for resuming debate on question — That this House takes note of the Parliamentary Apology for Past Adoption Practices; debate resumed.

Allocation of time — *The Speaker advised that the time allocated for consideration of specified items under the resolution of the House on Tuesday 11 December 2012 had expired.*

Question — That the motion be agreed to — put and agreed to.

33 **LIQUOR CONTROL REFORM AMENDMENT BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 34 **RETIREMENT VILLAGES AMENDMENT (INFORMATION DISCLOSURE) BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 35 **TRADITIONAL OWNER SETTLEMENT AMENDMENT BILL 2012** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time, the Government amendment be agreed to and the Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

Business having been interrupted at 4.01 pm under sessional orders.

- 36 **ADJOURNMENT** — The Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 4.50 pm.

R W PURDEY
Clerk of the Legislative Assembly

KEN SMITH
Speaker